

# CEC Working Paper

## Report On Bonded Labour in Rajasthan

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

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2007

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## CONTENTS

<b>PREFACE</b> .....	4
<b>INTRODUCTION</b> .....	5
<b>Posing the Question</b> .....	7
<b>Chittore: Geography and Historical Background</b> .....	7
<b>CHITTORE DISTRICT, RAJASTHAN: A CONTEMPORARY STATISTICAL PROFILE</b> .....	9
<b>Opium Farming in Chittore</b> .....	17
<b>Mineral Wealth of the District</b> .....	18
<b>SHORT HISTORY OF DEBT BONDAGE LEGISLATION IN INDIA <i>and</i> RAJASTHAN</b> .....	19
<b>a. The Anti-Slavery Act of 1843</b> .....	19
<b>b. State Level Debt Bondage Abolition Measures after Independence</b> .....	19
<b>c. The Bonded Labour System Abolition Act, 1976</b> .....	20
<b>d. The Current Situation</b> .....	21
<b>The Problem of Data</b> .....	21
<b>The Methodology</b> .....	27
<b>PRAYAS</b> .....	27
<b>Opium Cultivation in Chittore</b> .....	40
<b>CONCLUSION</b> .....	73
<b>Recommendations</b> .....	75

## 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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November 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 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 practised 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 poor labourers and bring them dignity and citizenship rights.

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## AREA STUDY

# **BONDED LABOUR IN CHITTORE DISTRICT OF RAJASTHAN**

## **A Report by Anjali Deshpande**

### **Posing the Question**

From the viewpoint of human rights and dignity it is a matter of grave concern that even after sixty years of independence from colonial rule, debt bondage is still found in many parts of India<sup>1</sup>. Indeed the eradication of bonded labour features prominently in Government of India's 10<sup>th</sup> Five Year Plan (2002-07). The fact that this ancient and medieval practice of exploiting the socio-economically vulnerable sections of Indian society continues till date, despite the existence of legislation outlawing it, is a telling commentary on the largest democracy of the world.

This study analyses the prevalence of debt bondage in one district of Rajasthan, an economically backward district of one of the well known "BIMARU" states of India. (Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh, are collectively known by the acronym, BIMARU, which in Hindi means 'sick'.) Rajasthan is now the largest state of India. The aim of this study, which must also be seen in the larger context of India and Rajasthan, comprises the following.

- i. Identify the practice and form of bonded labour system in Chittore district,
- ii. Examine the causes of debt bondage,
- iii. Study the history of the anti-bonded labour legislation, and
- iv. Evaluate the success of measures to liberate bonded labourers.

### **Chittore: Geography and Historical Background**

The district of Chittore, part of the Rajputana known as Mewar, lies between the fertile central Indian Malwa plateau to its south east, hot, dusty and dry Gujarat in the south west and the rocky Aravalli Range to its north and north-west. The area falls in the semi-arid to arid category with low annual rainfall. Although not as dusty as the Thar Desert areas of Rajasthan, Chittore is characterised by the prevalence of tropical scrub vegetation and is dotted with *keekar* forests, a biological peculiarity of the old, residual and denuded Aravalli Mountains. The region is not known for its agricultural prosperity. On account of low rainfall, poor quality of soil and the structure of rural society Chittore can be described as a backward and poor district of modern India. However, the rocky terrain given to Chittore by its proximity to the Aravalli range contains valuable mineral wealth.

Chittore district is renowned the world over for the fortress town of Chittoregarh, which is carved out of a large plateau and dominated the countryside around it during the medieval period of Indian history. Chittore, the capital of the medieval Rajput Kingdom of Mewar, generally evokes memories of chivalry and romance in the minds of Indians brought up on highly romanticised and elitist history textbooks.

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<sup>1</sup> L. Mishra, *Annotated Bibliography on Forced / Bonded Labour in India*, Regional Office for Asia and the Pacific, ILO Report, 2002.

Strategically located between Malwa and Gujarat on the highway, which runs from Ajmer to Ahmedabad, the kingdom of Mewar played an important role in India's medieval history from the 13<sup>th</sup> century till the late 16<sup>th</sup> century. Chittore is not far from the lake city of Udaipur, also known as the Venice of the East, which is a major tourist destination in southern Rajasthan. During the medieval period the intensely contested principality of Chittore rose to prominence in Indian history under the rule of the Sisodia Rajputs of whom Rana Kumbha, Maharana Sangram Singh (Rana Sanga), Rana Pratap and Udai Singh are the most well known.

There is enough evidence to prove that it was an important Rajput kingdom during the times of the Delhi Sultanate and was actually conquered by Allaudin Khilji's forces in the late 13<sup>th</sup> century. The fort attracted Mughal attention during Akbar's reign and was stormed by the Mughal army after an epic struggle lasting many months in the latter half of the 16<sup>th</sup> century. Thereafter, for a long time the area remained part of the Mughal Empire ruled by the Rajput feudatories of the Mughals till the emergence of the princely states during the colonial period. After Indian independence from British rule all the major princely states of Rajputana were united to form the state of Rajasthan and Chittore became a district of the new state.

The dominant castes of the region comprise the various small and large Rajput clans who, along with other upper castes such as the Brahmans and Banias, have constituted the traditional ruling class in the district since the Medieval Age. Chittore is located in Bhilwara and has a substantial *adivasi* or indigenous population of people who are now termed the Scheduled Tribes (STs). The name Bhilwara, meaning the house or region of the *Bhils*, comes from the word *Bhil* which denotes a collection of forest dwelling tribes who were the original inhabitants of the Aravalli dominated regions. *Bhil* rajas, with their retinue of armed followers, were associated with the Rajputs in various ways and according to history and legend they played a conspicuous role in helping Rana Pratap during his struggle against the Mughals in the 16<sup>th</sup> century.

Research also indicates that the *Bhil* areas were conquered by the Rajput invaders in the early medieval era, the *Bhils* were pushed into the hills and forests and finally subjected to a process of social assimilation and acculturation. Land and resource alienation among the indigenous communities increased during the medieval period contributing to the growth of long term debt bondage in the area<sup>2</sup>. It has been asserted that upon undergoing *sanskritisation* the *Bhils* began spending more on marriages and other ceremonies and this pushed them into the cycle of debt and landlessness. Debt has led to the gradual alienation of land, which has aggravated poverty. Landlessness has led to more debt and eventually debt bondage for a sizeable section of the *Bhil* population<sup>3</sup>.

These trends persisted during the colonial and post-colonial periods of Indian history making the lower strata of society vulnerable to many abuses like debt bondage and making a mockery of Indian democracy. Most area studies of bonded labour conclude that distressing poverty leading to rural indebtedness affecting the rural poor comprising men, women and children of scheduled castes, scheduled tribes, landless agricultural labourers and marginal peasants of other lower castes is a major cause of debt bondage

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<sup>2</sup> N. N. Vyas, *Bondage and Exploitation in Tribal India*, Rawat Publications, Jaipur, 1980.

<sup>3</sup> *Ibid.*



in India<sup>4</sup>. One exhaustive state wise survey of bonded labour in 1981, including Rajasthan, found that 86 percent of bonded labourers belonged to the Scheduled Castes and Tribes<sup>5</sup> (SCs & STs). It is clear that the resource deprived rural poor of India have no choice, but to approach the ubiquitous moneylenders for small and large debts, in an attempt to defray their daily consumption expenditure and occasional festival or ceremony related spending. This gives the moneylenders, the rural rich and contractors the opportunity to appropriate labour at the cheapest price possible and thus maximise their profits over a fairly long period of time. In sum, the conditions informing bonded servitude in contemporary India do not make the practice very different from slavery. Bonded labourers are generally illiterate, have low life expectancy, are landless and asset-less and belong to the marginal sections of rural society<sup>6</sup>.

The indigenous people or tribals and the so called lower castes of the Chittore district constitute the marginal sections of its rural society and economy and are the largest suppliers of bonded labourers to the workforce in the *sagri or hali system* of forced servitude. Chittore society in the medieval period was feudal in which the bulk of lower caste peasantry and forest dwelling tribals were subordinated to the surplus collecting military elite, i.e., the Rajputs. Trade, commerce and manufacturing was in the hands of trading groups like the Banias and Jains who either came from the Marwar region in the north or Gujarat in the south. These socio-economic conditions did not change much during the colonial period when the area was part of the Udaipur princely state. Most of the princely states supported by the British in colonial India, including those of the Rajputana, were left in charge of their traditional feudal ruling elite and consequently remained more backward than the parts of the sub-continent ruled directly by the British. While princely towns like Jaipur, Bikaner and Udaipur prospered to some extent during the colonial period the countryside of Rajasthan remained economically underdeveloped and socially oppressed. The vertical and horizontal network of feudal ruling families protected by the British as they were, ended up converting Rajputana into one of the most backward regions of Asia in 1947 and contributed in no small measure to its "BIMARU" status in the following years. The legacy of irresponsible feudal rule continues to remain strong till this day as the widespread prevalence of debt bondage as late as 2007 proves. In fact studies also establish that after Independence the incidence of bonded labour grew remarkably in non agricultural operations such as construction work, brick kilns, mines and stone quarries<sup>7</sup>.

## **CHITTORE DISTRICT, RAJASTHAN: A CONTEMPORARY STATISTICAL PROFILE**

Rajasthan is divided into seven regions made up of 32 districts. These regions are Jaipur, Bharatpur, Ganganagar, Jodhpur, Kota, Udaipur and Bhilwara. Chittore district is

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<sup>4</sup> L. Mishra, *Annotated Bibliography on Forced / Bonded Labour in India*, Regional Office for Asia and the Pacific, ILO Report, 2002.

<sup>5</sup> Maria Sarma, *Bonded Labour in India*, Biblia Impex Private Ltd., New Delhi, 1981. This study examined the problem of bonded labour in ten states including Rajasthan with reference to the following: 1. Proportion of bonded labourers in the population surveyed, 2. Proportion of bonded labourers in the population of farm labourers, 3. Proportion of bonded labourers in the population of scheduled caste and tribes and 4. Average number of bonded labourers in the villages surveyed in a particular district.

<sup>6</sup> *Ibid.*

<sup>7</sup> See the various area studies in L. Mishra, *Annotated Bibliography on Forced / Bonded Labour in India*, Regional Office for Asia and the Pacific, ILO Report, 2002.

the third largest district of the state with an area of 10,856 square kilometres. It is part of the Bhilwara region. Chittore is made up of two parts. The larger part resembles a caterpillar and comprises Chittore, Kapasan, Nimbahera and Pratapgarh sub-divisions. The smaller part looks like a horse shoe. In the North of Chittore are the districts of Bhilwara and Bundi, in the East is Kota district and the state of Madhya Pradesh and in the West are the districts of Udaipur and Banswara.

The Aravalli range passes through Chittore and the hills are as high as 617 metres. There are plains in the West, South and North of the district. In the middle of the tehsils of Choti Sadhari, Bari Sadhari and Pratapgarh lie the hills. Chittore and Pratapgarh tehsils are partly hilly and partly made up of plains. The highest hill of the district is Palkhera which is 617 meters high. The main rivers of this district are Chambal, Banas, Gambhiri, Gunjali, Bamani, Bacher, Jakham and Vaagon. The main rivulets Shiv, Eraav, Retam and Karmoi emerge from western hills in Pratapgarh and flow through it. Only one rivulet, known as the river of Nimbahera, flows through Nimbahera tehsil into the Gambhiri river. There are three main forest reserves in this district. These are Wildlife Reserves are Sitamata, Bhaisrorgarh and Bassi. The wildlife in these reserves comprises panther, chinkara, nilgai, cheetal, sambhar, wild boar, zarakh, jackal, fox and monkey. The climate of Chittore is mainly dry except during the period of the south-west monsoon, which begins in the third week of June and lasts till mid-September. Winter months are December to February and summer months are March to June. Average rainfall in this district is around 84.15 cm. The south-east to the north-west part of the district receives less than average rainfall. The district receives a major part of the rains (95%) between June and September (Rajasthan, 2004).

The basic information on the district is given below in Table 1.

Table 1

Basic information on Chittore

Headings	District level data	District figure/state figure (%)
Administrative divisions (2003)		
Number of sub-divisions	8	
Number of tehsils	13	
Number of development blocks	14	
Number of villages (inhabited)	2209	
Number of villages (uninhabited)	206	
Number of towns	8	
Number of municipal corporations	8	
Number of panchayat samities (2003-04)	14	
Number of gram panchayats (2003-04)	391	
Population (in numbers) (2001 census)		
Total population of the district (in '000)	1804	3.19
Number of males in the district ('000)	918	3.12
Number of females in the district ('000)	886	3.27
Total population of the state (in '000)		56,507
Urban population of the district (in '000)	290	2.19
Rural population of the district (in '000)	1514	3.50
Number of scheduled castes in the district (in '000)	251	2.59

Number of scheduled tribes in the district (in '000)	388	5.47
Employment (2001)		
Total number of people employed (in '000)	750	4.30
Number of people marginally employed (in '000)	182	2.87
Number of people unemployed (in '000)	871	2.66
Percentage of people employed	41.57%	
Percentage of people marginally employed	10.10%	
Percentage of people unemployed	48.33%	
Density of population (in '000)	166	
Sex ratio (females per 1000 males)	966	
Rural sex ratio (females per 1000 males) (for 1991)	959	
Urban sex ratio (females per 1000 males) (for 1991)	899	
Rate of population growth (1991-2001)	21.52%	
Land use in agriculture (2001-02)		
Total geographical area ('000 hectares)	1036	3.02
Gross cropped area ('000 hectares)	556	2.67
Net sown area ('000 hectares)	404	2.41
Area sown more than once ('000 hectares)	152	3.77
Industry (2000) (number)	232	2.48
Total road length (kilometres)	2957.07	3.85
Education (2001-02)		
Number of educational institutions	2841	3.53
Number of boys and girls in educational institutions ('000)	333	2.65
Boys & girls belonging to SC & ST in educational institutions ('000)	116	3.12
Literacy rate of Chittore district (%)	54.37	
Literacy rate of the state (%)	61.03	
General information		
Annual rainfall ( above (+) / below (-) average), 2001	-36.23	
Livestock (number)	1735217	3.17
Poultry (number)	147168	3.34
Number of wells (2001-02)	103717	7.45
Number of tube wells (2001-02)	11000	6.40
Main forest produce of the district (2001-02)	Wood for fuel	
Secondary produce (grass, tendu leaves) (2001-02)	Value: Rs 507.48 lakhs	
Canal irrigation	nil	

Source: *Statistical Profile of the District – Chittore*, Directorate of Economics and Statistics, Jaipur, Rajasthan, 2003.

Chittore district has eight sub-divisions, which are further sub-divided into 13 tehsils. The details of the tehsils and the villages are given in Table 2.

Table 2  
Administrative details for the year 2000, Chittore

Sub-division	Tehsil	No. of towns	Number of Villages			Population (in '000)
			Inhabited	Uninhabited	Total	

Kapasan	Kapasan	1	193	6	199	176
	Rushmi		79	10	89	75
Chittore	Chittoregarh	1	224	11	235	264
Ganganagar	Ganganagar		128	1	129	89
Nimbahera	Choti sadri	1	141	10	151	117
	Nimbahera	1	153	20	173	189
	Bhadesar		161	7	168	107
Bari sadri	Bari sadri	1	146	8	154	104
	Dungla		102	6	108	9
Pratapgarh	Pratapgarh	1	329	33	362	237
	Amod		176	3	179	120
Begun	Begun	1	241		241	119
Ravatbhata	Ravatbhata	1	136	91	227	117
total	13	8	2209	206	2415	1804

Source: same as above.

Table 3

Percentage share of scheduled castes and tribes in total population of the district, 1991 & 2001

Year	Scheduled caste			Scheduled tribe		
	rural	urban	total	rural	urban	total
1991	14.82	13.60	14.63	23.47	3.03	20.28
2001	14.07	13.02	13.90	24.94	3.68	21.53

Source: same as above.

Table 3 shows that the proportionate share of SCs and STs in the total population of the district has actually fallen over the ten year period between 1991-2001, implying that the rate of growth of their population is lower than the non-SC / ST population.

Table 4

Occupational structure, Chittore district, 2001 (% of the division)

Area	<i>Peasant</i>		Agricultural labourer		Family enterprise		Other occupations	
	male	female	male	female	male	female	male	female
Rural	69.61	77.72	7.91	15.32	1.73	1.33	20.75	5.63
Urban	5.57	18.27	1.6	13.00	3.14	9.64	89.53	59.09
Total	60.28	75.03	7.01	15.21	1.93	1.71	30.78	8.05

Source: same as above.

Table 4 shows the main occupation of the people in rural areas is cultivation, whereas in urban areas other occupations are the most important source of employment. In rural areas most of the agricultural labourers are women. This category may comprise landless labourers or even small and marginal farmers who have very small land holdings and therefore have to work as labourers to supplement their income.

Table 5

Chittore - area under principal crops in hectares

<b>Food grains</b>
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<b>Cereals</b>								
	Bajra	Jowar	Wheat	Maize	Barley	Small Rice	Rice	Total
1997/98	57	16413	110145	146552	4558	13	1031	278769
2001/02	53	17452	79380	162354	3258	3	732	263232
Percentage shares								
1997/98	0.0204	5.88760	39.5112	52.5711	1.63504	0.00466	0.36984	
2001/02	0.0201	6.62989	30.1559	61.6771	1.23769	0.00113	0.27808	
Pulses								
	Chana	Arhar	Other Kharif	Other Rabi	Total			
1997/98	46959	503	33826	2216	83504			
2001/02	21678	416	20721	2566	45381			
Percentage shares								
1997/98	56.2356	0.602366	40.5082	2.65376				
2001/02	47.7688	0.916683	45.6600	5.65434				
Total area under food grains								
1997/98	362273							
2001/02	308613							
Total area under cultivation						Per cent share of FGs		
1997/98	635281					57.0256		
2001/02	556446					55.4614		
Non food grains								
Oilseeds								
	Til	Mustard	Alsi	Ground nut	Castor and Soya	Total		
1997/98	3596	65403	1508	45304	97740	213551		
2001/02	6675	27709	807	32325	114165	181681		
Percentage shares								
1997/98	1.68390	30.6264	0.70615	21.2146	45.7689			
2001/02	3.67402	15.2514	0.44418	17.7921	62.8381			
Other non food grains								
	Cotton	Sugar cane	Tobacco	Red chillies	Potato	Others	Total	
1997/98	937	2579	11	732	26	55172	59457	
2001/02	1090	659	13	733	42	63615	66152	
Percentage shares								
1997/98	1.57592	4.33758	0.01850	1.231141	0.04372	92.7931		
2001/02	1.64772	0.99619	0.01965	1.108054	0.06349	96.1648		

Source: same as above.

All crops in the district can be categorised into food grains and non-food grains. Food grains are further made up of cereals and pulses. Non food grains are made up of oilseeds and other cash crops. Table 5 gives a configuration of the area under different crops in Chittore district. The main cereals are wheat, jowar and maize. Chana and arhar are the main pulses. The main oilseeds are castor oil, ground nut oil, soybean oil and mustard oil. Other non food grains comprise sugarcane, tobacco, chillies and potato.

Comparing the two years, 1997/98 and 2001/02 we find that in Chittore area the total area under cultivation has declined over this period. The area under food grains has also declined in absolute terms and in terms of percentage share in the total area under cultivation. This decline in food grains is seen for both cereals and pulses. However, within cereals, maize and jowar have displaced wheat and other cereals. The share of chana dal in total pulses has declined over this period. Within the category of non-food grains, oilseeds have been displaced by other cash crops. The area under mustard, groundnut and alsi oils has fallen while the area under til and castor and soya bean oils has increased. Cotton has emerged as an important cash crop.

Table 6

Land use pattern of Chittore district, 1997/98 & 2001/02 (% figures)

S.no	Land use	1997/98	2001/02
1.	Forested area	17.67	18.7
2.	Land unfit for cultivation		
	Land used for purpose other than cultivation	8.47	4.66
	Land that cannot be used for cultivation	6.35	9.60
	Total	14.82	14.26
3.	Area not sown (except fallow land)		
	Permanent pastures	7.36	7.33
	Forest cluster & gardens	0.01	0.02
	Barren land but fit for cultivation	17.33	16.10
	Total	24.70	23.45
4.	Fallow land		
	Other fallow land	2.34	2.68
	Land left fallow currently (for one year)	1.83	1.87
	Total	4.17	4.55
5.	Net sown area (less land used more than once)	38.64	39.04
	Total	100.0	100.0
6.	Gross cropped area @	61.34	53.73
7.	Area sown more than once*	58.76	37.63

Note: @ percentage of total geographical area

\*percentage of net sown area

Source: same as above.

Over the five year period we find that the land use pattern has not changed drastically. One worrying change evident in Table 6 is the decline in gross cropped area from 61.34 per cent to 53.73 per cent, which is also reflected in the decline in area sown more than once. This has implications for food availability, food security and the overall incidence of poverty and employment conditions in the district. These are well known factors, which could promote debt bondage.

Table 7

Harvest prices of food grains, Chittore district, 1997/98 and 2001/02 (rupees per quintal)

Year	Wheat	Barley	Gram	Jowar	Bajra	Maize
1997/98	540	469	1124	427	388	452*
2001/02	651	502	1294	412	387*	428
State price (2001/02)**	620	500	1200	485	485	485

Note: \* Figure for 1998/99

\*\* Minimum support price (MSP) fixed by Government of India.

Source: same as above.

Harvest prices for wheat, barley and gram have gone up over the five year period, but harvest prices of maize, bajra and jowar have declined (Table 7). This has happened especially when the area under maize has proportionately gone up (Table 5). ***This implies that overall agricultural incomes have declined. This might drive marginal and small farmers into debt and poverty.*** Harvest prices of maize, bajra and jowar are also less than the minimum support price (MSP) announced by the Government of India (GoI) for the year 2001/02. Moreover the area under high yield variety of seeds has increased for all crops between 1997/98 and 2000/01, but declined (jowar, maize, wheat, gram and barley) in 2001/02.

Table 8

Gross irrigated area (source wise), Chittore, 2002/03

	Chittore		State of Rajasthan	
	GIA	NIA	GIA	NIA
In hectares	72793	66486	5272191	4371598
<b>Canals</b> (figures in percentage)				
IGNP	0	0	10.49	8.98
Chambal	0	0	0.03	0.03
Ganganagar	0	0	4.99	5.51
Bhakra	0	0	8.92	6.07
Other	0.08	0.09	1.15	1.37
Total	0.08	0.09	25.57	21.96
<b>Tanks</b>	0.31	0.34	0.15	0.18
<b>Wells</b>				
Tube wells	44.79	45.22	28.86	21.45
Other wells	51.64	51.73	45.58	46.48
Total	96.43	96.95	65.23	67.93
<b>Other sources</b>	1.28	2.62	0.74	0.62

Note: GIA – gross irrigated area, NIA – net irrigated area.

Source: *Vital Agricultural Statistics, (Statistical Cell), 2003/04*, Directorate of Agriculture, Jaipur, Rajasthan.

*From Table 8 we can see that major irrigation works like big canals have virtually no role to play in the agriculture of the district. More than 95 per cent of irrigation is done using minor irrigation works, which are generally privately owned and their maintenance therefore depends on the family's cash position. Given the fact that the district has been receiving less than normal rainfall there has been little recharging of wells and ground water, which has created drought like conditions and affected productivity and production (Tables 9a, 9b, 9c 9d and 9e below).*

Crop wise we find that the area under irrigation has fallen for all cereals and for wheat and barley over 1997/98-2001/02, while it has increased for maize and rice. Overall it has increased for pulses, but chana dal has suffered a decline. Thus for all food grains taken together the area under irrigation has increased only marginally between the five year period. It has fallen for all oilseeds with a decline for mustard and an increase for

castor, soya bean and ground nut. For other non food grains the irrigated area has declined for cotton and sugarcane, while it has risen for red chillies, potatoes and onions. The number of wells has increased from 98,632 to 1,03,717 between the five year period out of which the number of wells fallen out of use has increased from 5,748 to 9,941 over the same period. The number of ponds has actually fallen from 378 to 374. The number of tube wells over this period has increased from 3,698 to 11,000 and the number of pump sets has gone up from 63,057 to 72,888.

Table 9a

Production of main food grains (cereals), Chittore 1997/98 to 2001/02 (in metric tonnes)

Yr	Cereals							
	Bajra	Jowar	Wheat	Maize	Barley	Small Rice	Rice	Total
97/8	47	8208	272156	162336	6837	-	569	405153
98/9	23	19381	208347	233558	5083	4	3055	469451
99/0	8	3855	266726	129113	4714	-	1133	405549
00/1	12	3358	102806	58612	4253	1	306	169348
01/2	46	16574	229293	220931	7150	3	408	474405

Table 9b

Production of main food grains (pulses), Chittore 1997/98 to 2001/02 (in metric tonnes)

year	Pulses					Total of cereals and pulses
	Chana	Arhar	Other Kharif pulses	Other Rabi pulses	Total	
97/8	31498	252	16834	2216	50800	500953
98/9	54709	166	3811	3865	62551	532002
99/0	32461	42	6689	4281	43473	449022
00/1	5783	158	2837	1537	9715	179603
01/2	15205	291	13568	1941	31005	505410

Table 9c

Production of oilseeds, Chittore 1997/98 to 2001/02 (in metric tonnes)

Year	Til	Mustard	Alsi	Groundnut	Castor, Soybean	Total
97/8	1425	30121	830	43045	25412	100833
98/9	604	19045	860	9856	32315	62680
99/0	1105	35510	736	19756	97294	154401
00/1	967	8636	261	6158	32347	48369
01/2	4005	40754	1226	33391	114249	193625

Table 9d

Production of other non-food grains, Chittore 1997/98 to 2001/02 (in metric tonnes)

Year	Cotton	Sugar cane	Tobacco	Red chillies	Potato	Total
97/8	1772	116015	9	351	35	718942



98/9	900	70335	14	775	360	666537
99/0	600	57870	8	1456	88	669198
00/1	849	29680	7	789	34	262460
01/2	1461	13180	3	1027	201	717368

Table 9e  
Average productivity of main crops, Chittore, 1997/98, 2001/02 (kg/hectare)

Crop	1997/98	2001/02
Bajra	824	867
Jowar	700	950
Wheat	2000	2888
Maize	1400	1360
Barley	450	2194
Gram	1000	701
Til	400	659
Cotton (in bushels)	2	1034
Sugarcane	45000	20000

Source for Tables 9a-9e: *Statistical Profile of the District – Chittore*, Directorate of Economics and Statistics, Jaipur, Rajasthan, 2003.

Table 10  
Area and holdings according to size of holding, Chittore, 1995/96

Size of holding	Number of holdings	Individual /total holding	Total area (area in hectares)	Individual area/total area
1-0.5	35762	15.24	10079.53	1.86
0.5-1	44317	18.89	32302.38	5.96
1-2	63982	27.27	91251.98	16.85
2-3	33957	14.47	82605.35	15.25
3-4	19312	8.23	66696.19	12.31
4-5	12149	5.18	54211.8	10.01
5-7.5	14734	6.28	88858.97	16.41
7.5-10	5824	2.48	49666.09	9.17
10-20	4149	1.77	52880.46	9.76
More than 20	406	0.17	13093.86	2.42
Sum	234592	100.0	541646.6	100.0

Source: *Statistical Profile of the District – Chittore*, Directorate of Economics and Statistics, Jaipur, Rajasthan, 2003.

Table 10 shows 61.41 per cent of holdings are less than two hectares covering only 24.67 per cent of the total area under cultivation. Of the total area 37.57 per cent of the area makes for 89.3 per cent of holdings which is less than five hectares.

### Opium Farming in Chittore

*In addition Chittore is today the largest opium cultivating district of India. After the bifurcation of the neighbouring Mandsaur district in Madhya Pradesh, Chittore has emerged as the largest producer of licensed opium in the country. Though under a*

revised policy the number of licenses granted for cultivation of opium is being cut down drastically.

This year, 2006-2007, approximately 18,000 cultivators were granted licenses to cultivate opium, down from the approximately 26,000 cultivators last year (2005-06). Opium is a major contributor to the state's revenues and can easily be counted as the most lucrative cash crop in the area. The division of the various parts of the crop is very clear. The Centre takes the latex, the state government takes the opium straw and the cultivator gets to keep the seed. The straw is used as a legal intoxicant for restricted use by medically certified addicts. The state government is reported to have earned a revenue of roughly Rs 30 crores as purchase tax from the sale of opium, in the financial year 2005-06. (Source: District Opium Office, Chittoregarh)

### Mineral wealth of the district

There are twenty one assorted mines in the Chittore district. The main minerals found in this district are limestone, *chikni mitti*, *gaurik* and soap stone. Limestone is the most important mineral from the viewpoint of employment generation, economics and wealth creation. Most of it is found in the southern part of the district and is spread over an area of around 48 sq kilometres. Major *chikni mitti* deposits are located in the south of the famous Chittore fort and this clay is used by the pottery industry. *Gaurik* in two colours, red and yellow, is found in some areas of the district and is used to colour or whitewash houses in the region.

Table 11  
Production and value of sales of main minerals in Chittore, 2001-02

Minerals	Production('000 mt)	Value of sales (Rs.lakhs)	Average employment per person per day (nos.)
<b>Major Minerals</b>			
Lime stone	7221.579	4016.20	415
Red ochre	563.591	304.44	237
China clay	136.188	139.67	261
Soap Stone	-	-	-
Pyrophillite	-	-	-
Silica sand	8.670	69.36	30
<b>Minor Minerals</b>			
Brick earth	72.010	32.57	288
Chips powder	1.632	1.14	7
Granite	-	-	-
Kankar bajri	563.312	248.58	750
Limestone burning	7.253	6.21	29
Limestone building	316.830	672.79	6101
Marble	10.456	125.47	83
Masonry stone	971.710	340.57	3888
Murram	57.934	16.17	21
Sandstone	41.134	102.83	658
Shale	0.600	0.45	3

Source: *Statistical Profile of the District – Chittore*, Directorate of Economics and Statistics, Jaipur, Rajasthan, 2003.

## **SHORT HISTORY OF DEBT BONDAGE LEGISLATION IN INDIA *and* RAJASTHAN**

Slavery and debt bondage are old institutions of labour exploitation in India. Both of them were well known in ancient and medieval India. Almost all prescriptive texts regulating social relations in ancient Hindu and medieval Islamic literature, not only refer to slavery and debt bondage, but also lay down the regulations governing them. None of them, for obvious reasons, even remotely mention doing away with this inhuman treatment of working people in Indian society. The thought of mitigating and eventually abolishing slavery and debt bondage in India emerged during the colonial period of Indian history – mainly in the 19<sup>th</sup> century<sup>8</sup>. From the late 18<sup>th</sup> century till about the 1830s the British followed a policy of non-interference in the practice of slavery and debt bondage in India as it existed according to local customs and regulations laid down by the Hindu and Muslim laws of slavery. As the influence of free trade policies grew upon the colonial state and the Indian economy was subordinated to the needs of British industry the gradual evolution of anti-slavery legislation occurred in India. The stage was set by the Charter Act of 1833, which abolished the monopoly of the East India Company in India altogether and the Abolition Act of 1833, which made slavery illegal in the British Empire. After the abolition of slavery the GoI deliberated upon the issue in India and came up with the Anti-Slavery Report of 1841 and this finally led to the passing of the following Act in 1843.

### **a. The Anti-Slavery Act of 1843**

Following the submission of the Anti-Slavery Report of 1841 the Act of 1843 was passed, but not before the government received a strong petition against its draft by about 580 *zamindars*, *mirasdars* and *talukdars* of Bengal. Slavery constituted a ready supply of cheap labour to the *zamindars* of east India where the Permanent Settlement had been applied by Cornwallis in 1793. Not only did these *zamindars* cite the *shastras* in support of their claims, but also alluded to local custom and the judicial powers vested in them by the late Cornwallis. The GoI ignored the protesting landowners in the interest of imperial concerns and the Lancashire mill owners both of whom desired the free mobility of labour to other parts of the British Empire. This was achieved in the following decades by the system of indentured labour, another form of debt bondage. The impact of the Anti-Slavery Act of 1843 upon the conditions of labour in India should not be exaggerated, because it covered only slavery and ignored the numerous categories of bondsmen and contract labour prevalent in India at the time. Moreover, to ensure the compliance of labour in the absence of slavery, an Act called the Workmen's Breach of Contract Act of 1859 was passed. This was followed by the Civil Procedure Code of 1859 which "made provision for the execution of decree by attachment of property, or by imprisonment of the party against whom the decree was made." Although these two Acts were repealed by 1925 their enactment demonstrated the support the GoI was willing to extend to the beneficiaries of bonded labour<sup>9</sup>.

### **b. State Level Debt Bondage Abolition Measures after Independence**

Prior to the 1976 Act abolishing debt bondage in India, all Acts pertinent to debt bondage had limited jurisdiction. Following the emergence of mass nationalism in India after the

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<sup>8</sup> Utsa Patnaik & Manjari Dingwaney (eds.), *Chains of Servitude: bondage and slavery in India*, Sangam Books (date and place?)

<sup>9</sup> *Ibid.*, p.313.

First World War (1914-18) and rising peasant and working class militancy the government began to contend with the problem of debt bondage more seriously. However the colonial measures left a lot to be desired. The Bihar Orissa Kamiauti Act of 1920, for instance, was passed not to abolish the *kamiauti* agreements of debt bondage, but to “regulate them by proposing minor concessions to the advantage of the *kamiautees*.”<sup>10</sup> Following this other provincial governments also began to pay attention to debt bondage. The Madras Agency Debt Bondage Abolition Regulation, 1940 and The Orissa Debt Bondage Abolition Regulation, 1948 were almost identical measures and improvements upon the Kamiauti Act of 1920, but these too were designed not to abolish bonded labour, but primarily to regulate *gothi* agreements between labourers and their masters. Government bonded labour survey reports of 1961-62, 1965-66, 1971-73 came to the conclusion that despite such legislations being in place the practice of debt bondage continued to flourish, because all these measures were ill-construed and left “loopholes” through which the *gothi* system continued. The Rajasthan Sagri System Abolition Act of 1961 was passed to abolish the *sagri* system of debt bondage in the state of Rajasthan with similar consequences. A survey conducted by the Tribal Research Institute, Udaipur, to examine the *sagri* system in Rajasthan with reference to this Act found that only “14 per cent of the *sagris* interviewed knew about the legislation but none of them went to Court to get rid of their bond.” Following such failures of the 1961 Act the Rajasthan Sagri System Abolition (Amendment) Ordinance, 1975 was promulgated, which makes keeping bonded labour cognisable, non-bailable and summarily triable. However, this revised Act was struck off the statute books upon the advent of the Presidential Ordinance of 1975. “Thus the Sagri System Abolition Act of 1961 died a natural death without fulfilling the measures it intended.”<sup>11</sup>

### **c. The Bonded Labour System Abolition Act, 1976.**

The fourth point in Indira Gandhi’s Twenty Point Programme of 1975 declared that “bonded labour, wherever it exists, will be declared illegal.” Following this declaration the Bonded Labour System (Abolition) Act, of 1976 was passed. Since then bonded labour in all forms stands abolished, at least on paper. This Act was an improvement over all the earlier enactments on debt bondage and empowered the state governments to confer powers on the District Magistrates or other officers to implement the provisions of the Act at the district level. Although the 1976 Act has many specific provisions dealing with the problems arising from debt bondage, it does not define the hours of work a person must or must not put in. It is a well known fact that debt bondage involves extremely long hours of work varying between twelve to eighteen hours. The main problem with the Act of 1976 was implementation, which was left to the will of the state administrations. Since the approach of the Act was top down it did not address the problem of credit faced by the rural poor as the main cause of debt bondage. As the Report of the Sub-Committee on Bonded Labour, Ministry of Labour, GoI, 1979 stated: “The extreme poverty, complete assetlessness and helplessness of a vast number of people – the toiling masses – and their dependence on the usurious private money lending system that upholds the custom and tradition of division of work on a caste basis had blunted the social conscience and allowed this system to be perpetuated with impunity.”<sup>12</sup> Almost all accounts make it clear that the 1976 Act failed to achieve its objective and in the late 1970s and during the 1980s lakhs of persons working as bonded labourers in various parts of the country were identified by several NGOs

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<sup>10</sup> *Ibid.*, p.325.

<sup>11</sup> *Ibid.*, p.332.

<sup>12</sup> *Ibid.*, p.336.

working in the field. On the whole the implementation of the 1976 Act was described as “apathetic” in 1982, barely six years after it was passed, by the source referred to in this study<sup>13</sup>. For a long time several states and union territories denied the existence of bonded labour in their areas of jurisdiction after the passage of the 1976 Act with the rather obvious aim of not doing anything about a non-existent problem. The 1976 Act is quite comprehensive, but its implementation, like the implementation of most pro-people laws in modern India, has been tardy to say the least. The approach of the Indian state towards debt bondage can be gauged by the fact that whereas the problem was identified in 1951 it took the Central Government almost 25 years to pass a federal law abolishing debt bondage in India.

#### **d. The Current Situation**

Despite various laws and the 1976 Act on statute books to eradicate debt bondage from Indian society, bonded servitude continues to flourish in many parts of India, even at the beginning of the 21<sup>st</sup> century. The Report of the National Commission on Labour (2002) mentions the existence of bonded labour on a substantial scale in the unorganised sector involving activities such as mining, quarrying and construction work. It picks out Rajasthan as an example.

In 2002 the state had two million mine workers of which 15 per cent were children and about 22,000 were in the age group 10-12 years. Of these 60 per cent were bonded labourers. The pathetic conditions of labour in Rajasthan are also explained by the following figures. 37 per cent of the total mineworkers were women and more than 80 per cent of all mineworkers were in the age group 16-40 years – the prime of their life. Only seven per cent of the workers were above 40 because most of the mine workers become unfit for work at that age due to the harsh conditions in which they labour for contractors and capitalists.

Furthermore the working hours in the mines were not determined, there were no weekly holidays and the minimum wage for children was Rs. 20-30 per day, Rs. 30-35 per day for women, Rs. 50 per day for unskilled males, Rs. 75 for semi-skilled and Rs. 100 per day for skilled males<sup>14</sup>.

The Planning Commission of India has also taken special note of the problem of debt bondage in its 10<sup>th</sup> Plan review. The Report of the Steering Committee on Labour and Employment for the 10<sup>th</sup> Five Year Plan (2002-07) unambiguously states that bonded labour cannot be eliminated in India unless poverty is tackled seriously by planners and implementing agencies. According to it bonded labourers “constitute the most vulnerable section of the rural poor.” The Steering Committee has criticised the approach to bonded labour adopted by the Indian state so far and has recommended a set of policies, including the development of micro credit, rural infrastructure, and rapid reduction of rural poverty, to liberate the lakhs of Indian citizens still trapped in debt bondage<sup>15</sup>.

#### **The problem of data**

Finding bonded labour in Rajasthan is easier than finding data about its<sup>16</sup> incidence. This is despite the fact that all states have to file regular reports on the incidence, release and

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<sup>13</sup> *Ibid.*, p.339.

<sup>14</sup> 2<sup>nd</sup> *Labour Commission Report – Report of the National Commission on Labour*, Volume 1, October, 2002. According to law the current minimum wage should be Rs. 73/ head/day.

<sup>15</sup> *Planning Commission Report – Report of the Steering Committee on Labour and Employment for the 10<sup>th</sup> Five Year Plan (2002-07)*, pp. 302-08.

<sup>16</sup> Interview with the DM, Aggarwal

rehabilitation of bonded labour to the NHRC under the Supreme Court's orders. These updates are then filed in the SC. The NHRC has now been given the power to implement the Bonded Labour Act and oversee the release and rehabilitation of bonded labour by the Supreme Court. Rajasthan conducts two annual surveys in all districts.

The survey takes the form of the District Magistrates (DMs) writing to all SDMs to find out if there are any bonded labourers in their area of jurisdiction. The SDMs write to *tehsildars* who in turn pass on the job to *patwaris*, village functionaries. The *patwaris* then report back and usually fail to find bonded labourers, for they still define bonded labour as people kept in bondage for years together. At the time of the field work for this report, an official survey had just been conducted in Chittore district and the DM asserted that there was no bonded labourer in his district. When told that this researcher had just met some bonded labourers the DM asked for names and addresses<sup>16</sup>.

State agencies are reluctant to admit that the problem exists. The tendency to deny its existence has almost become a reflex.

Even though the NHRC has clearly stated that Rajasthan is one of the 13 bonded labour prone states of India, the state government either does not have data or is reluctant to give it.

The official stand is that there is no bonded labour in the state. The Labour Commissioner, S M Meena, says that they have no bonded labour or that they are very rare<sup>17</sup>. He also promised to send any data they may have, but did not do so.

According to the National Human Rights Commission 11 districts of Rajasthan have bonded labour.

Chapter 9 of its Annual Report 2004-05, titled, Scourge of Bonded Labour<sup>18</sup> has this to say about Rajasthan:

"9.4 The Chairperson Dr. Justice A.S. Anand with assistance from the Special Rapporteur reviewed the bonded labour situation in Rajasthan in a meeting held at Jaipur on 7-10-2004. The Special Rapporteur carried out reviews of the bonded labour situation in Uttar Pradesh, Madhya Pradesh, Bihar, Punjab, Jharkhand and Maharashtra during the period of report by visiting the State HQ and holding meetings with the authorities concerned. The salient points emerging from these reviews are given below state wise.

"9.5 Eleven districts of Rajasthan namely Baran, Kota, Barmer, Chittoregarh, Bhilwara, Jhalawar, Ganganagar, Dongarpur, Alwar, Banswara and Jhunjunu have been identified as Bonded Labour Prone Districts. Vigilance Committees have been formed at all the 32 District HQs and 180 out of a total of 188 Sub-Divisional HQs. The State Labour Committee on Bonded Labour has not been meeting regularly. It has held no meeting after 10-09-2001.

"9.6 Special surveys to detect the incidence of bonded labour were conducted in 9 districts using the grant of Rs 18 lakh received from the Ministry of Labour, Government of India. A total of 213 bonded labourers were identified in 7 districts, namely Baran, Dholepur, Jodhpur, Barmer, Alwar, Kota and Jaipur. However, after investigation of the results by the DMs, only 5 cases had been confirmed till the time of review (07-10-2004). (Reports of survey of Banswara and Chittoregarh districts were still awaited). The Chairperson expressed his unhappiness over the utilization of a grant of Rs 14 lakh in 7

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<sup>16</sup>Interview to this researcher

<sup>18</sup> NHRC Annual Report, 2004-05

districts ultimately leading to detection of only 5 bonded labourers. The Chief Secretary, Rajasthan agreed to get the findings of the surveys verified personally by the DMs.

“9.7 The last review made on 4-5 April 2002 had revealed 16 pending cases of rehabilitation of released bonded labourers. All of them have been rehabilitated under the Centrally Sponsored Scheme with benefits under the Indira Awas Yojana (IAY) scheme in the period of report. There has been no detection of bonded labour in the State after the last detection reported on 5.2.2002. This evoked an adverse comment from the Chairperson. 57 prosecutions were pending at the time of the last review. 18 cases were filed under the Bonded Labour Act since then. 16 cases have been decided leaving a final pendency of 59 cases.

“9.8 Rs 2.5 lakh out of a grant of Rs 10 lakh received from the Union Ministry of Labour in 2001 for Awareness Generation Programme on the evils of bonded labour had been spent till the time of review. “

The office of the Director General of Labour Welfare (DGLW) that disburses funds for the rehabilitation of bonded labour is another agency that could have some data. It however has no disaggregated data of how many and in which sectors of the economy bonded labour exists. It however has details of money given out to states to rehabilitate people rescued from bondage. The difficulty here is that there is no way of finding out when these people were rescued so the money claimed does not reflect the number of bonded labourers rescued or released that year. It is possible that the money claimed is for the rehabilitation of bonded labourers rescued several years ago.

The best this data can provide is a glimpse of the tardiness or otherwise of the rehabilitation process, but in the absence of data about the time of rescue of the concerned bonded labourers this too is difficult to ascertain.

According to the report available with the office of the DGLW in Delhi, Rajasthan had identified and released 7,488 bonded labourers in the state up to November 20, 2006, under the centrally sponsored plan to release and rehabilitate bonded labour. This is the total number and it is not clear over how many years these bonded labourers had been rescued. The officer in charge of the section said that the numbers reported are the total number of bonded labourers rescued ever since the Bonded Labour Act came into force. Of the 7,488 released, 6,331 had been rehabilitated and Rs 72.42 lakhs had been claimed on this count from the centre. These are however cumulative data. The period it covers is from 1978 and 2006. There are no details of how many were identified in which year, or in which sector, mines or agriculture, or even how many were men, women or children.

Details of rehabilitation are also not available. Whether these released workers were given cattle or some other income generating assets is not mentioned. The amount sanctioned for the rehabilitation of the released labourers has been revised at least twice since the Act came into force. The data by its nature does not indicate whether the state government showed greater interest in rehabilitation once the sanctioned amount went up and getting more valuable assets became possible.

**Number of Bonded Labourers Identified, Released and Rehabilitated under the Centrally Sponsored Plan Scheme up to 20.11.2006**

Name of the State	Number of Bonded Labourers
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	Identified and released	Rehabilitated	Central assistance (Rs in lakhs)
Andhra Pradesh	37,988	31,534	850.00
Bihar	13,792	12,974	403.38
Karnataka	63,437	57,185	1578.18
Madhya Pradesh	13,125	12,200	164.49
Orissa	50,029	46,901	903.34
Rajasthan	7,488	6,331	72.42
Tamil Nadu	65,573	65,573	1661.94
Maharashtra	1,404	1,325	10.10
Uttar Pradesh	28,443	28,443	599.12
Kerala	823	710	15.56
Haryana	582	80	4.03
Gujarat	64	64	1.01
Arunachal Pradesh	3,526	2,992	568.48
Chhattisgarh	124	124	12.40
Punjab	69	69	6.90
Uttaranchal	5	5	0.50
Jharkhand	196	196	19.60
West Bengal	32	32	3.20
<b>TOTAL</b>	<b>2,86,700*</b>	<b>2,66,738</b>	<b>6874.65</b>

Source: Directorate General of Labour Welfare, Ministry of Labour

## NOTE

\*19,962 bonded labourers are not available for rehabilitation, either they have died or left the place without leaving their addresses.

\* Rehabilitation grants equal to Rs. 6847.65 lakhs have also been provided by the state governments as the state's share for rehabilitation of bonded labour.

\* In the case of Arunachal Pradesh 100 per cent central assistance amounting to Rs. 568.48 lakhs has been provided by the Ministry of Labour and Employment, as in the case of North Eastern regions 100 per cent central grants (without matching states' share) are provided for the rehabilitation of bonded labour.

NGOs who have played an active role in identifying and organising rescue operations have only anecdotal evidence. They do not have any accurate data and their filing and recording skills are so poor they can hardly recall how many bonded labourers they have rescued in the last one year. Ask them to dig further into recesses of memory to get a broader and comparative picture of the incidence of bonded labour in the last five years and you get a disarming smile. "Can't do it. We have so many things to do!"

NGOs active in identifying and pressuring government officials to rescue and rehabilitate them do have some data of the numbers rescued over the years indicating that the problem continues in certain sectors, particularly agriculture and mining, two traditional sectors that have relied heavily on the labour of people in debt bondage.



Some NGOs have, however, conducted some very small scale surveys that indicate the seriousness of the problem.

According to the Mine Labour Protection Campaign (MLPC) quantifying the incidence of bonded labour is difficult, but the practice is widespread in stone quarries and mines.<sup>19</sup> Environmentalists, lawyers, technocrats, activists founded the MLPC, in 1993-94, after realising the deplorable conditions of mineworkers in Rajasthan.

“Over 3 million mineworkers are engaged in 69 kinds of metallic and non-metallic mineral explorations. The ill effect of massive unscientific mining was clearly visible in the form of eroded soil, degraded forests, pastures vis-à-vis biodiversity. Mining had caused extensive water loss in the entire state,” says its official website, [minelabour.org](http://minelabour.org).

“Though not much quantified information is available on the extent of bonded labour in sandstone quarries there are ample indications that the practice is still prevalent in Rajasthan,” note P Madhvan and Dr Sunder Raj, who conducted a study of mining practices in Budhpura, Barmer district, Rajasthan for the India Committee of the Netherlands.<sup>20</sup>

Often the children of indebted workers are forced to take over their parents’ debts and are sucked into the bonded labour system, the authors assert.

They also note that bonded labour remains a major cause of child labour in Budhpura, for when the debt burden increases beyond the repayment capacity of parents, they induct their children into the labour force to supplement their income and to enable them to repay the loan.

In cases of the indebted worker’s death the entire burden of repaying the loan falls on the children who become bonded labour.

The authors noted that despite the rampant practice of bonded labour not a single case was reported at the police station.

Similarly the Bandhua Mukti Morcha, (BMM), another NGO whose primary aim is the release and rehabilitation of bonded labour, is unable to come up with any data to indicate the prevalence of debt bondage in the state. It can only provide figures of the workers it has helped release from bondage. The difficulty here is that the BMM has widened the definition of bonded labour and treats even non-payment of minimum wages as incidence of bonded labour. Therefore it is difficult to judge how many of those rescued by the BMM are in bondage because of debt they or their family members may have taken and how many are cases of violation of the Minimum Wages Act.

The BMM asserts that it has assisted in the rescue and rehabilitation of bonded labour from brick kilns in Alwar and Sikar, mines in Kota, Jaipur and Bharatpur. It claims to

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<sup>19</sup> website: [minelabour.org](http://minelabour.org)

<sup>20</sup> Budhpura ‘Ground Zero’

Sandstone quarrying in India

by P. Madhavan (Mine Labour Protection Campaign)

Dr. Sanjay Raj

December 2005

have rescued 452 bonded labourers between 1995 and 2004<sup>21</sup>. Of these at least 14 were children. This disaggregation is mentioned in only one set of data pertaining to December 1996. The rest of the data is cumulative.

From 1999, it gives gender wise disaggregated data, in two cases of rescue in which we find 16 women bonded labour in a total of 59 rescued in Jaipur and Alwar. They apparently were bonded along with the male members of the family. After this the number of people rescued is given and those of families too, but there are no details about the number of men, women and children.

It is obvious that there are bonded labour in mines and agriculture, though the state government insists that either there are none or at least they are very rare. There is some evidence of bondage in the booming construction industry in which workers from Bihar and Uttar Pradesh are being brought in to work on construction sites in Jaipur, where a large number of residential colonies and shopping complexes are being built by several big construction companies. That demands closer and more detailed investigation.

In Rajasthan Prayas is one of the more important NGOs to have taken up the task of rescue and rehabilitation of bonded labour. It is the oldest NGO in the state and the first to get involved with identification and release of bonded labour in very difficult and politically volatile conditions. It is based in Chittore and it is the reason why this researcher chose Chittore for the field research.

However, since Prayas does not actively look to rescue people in bondage, it does not have any data or does not even want to make a guess at the number of people in bondage.

This leaves us with a very incomplete picture of debt bondage in the state. There may not be as many people in bondage as there were a decade ago or at the time the Bonded Labour Act was passed, but it is a fact that debt bondage exists. With growing iniquities as a result of imperialistic globalisation and the withdrawal of the state from many welfare activities, debt bondage may actually go up in different forms and with different names.

Already debt is being called 'advance' payment against future wages. Officials are already treating it as legitimate contracts entered into by willing workers. "What is wrong with paying a worker some advance and getting him to work for you? He gets money to pay for the treatment of his sick mother or wife. I have been a witness to some such contracts between mine owners and workers. It is all above board, no force is involved," Patanjali Bhoo, the Assistant Labour Commissioner told this researcher.

Whether the worker actually has a free will or is a captive of such conditions that he has no choice, but to borrow and sell himself or herself into slavery, even if it is for a limited period of time is a question officials do not want to ask. Till they address this very important question no reliable data can be collected on the prevalence of debt bondage despite an official survey conducted twice a year in every district.

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<sup>21</sup> Rachnatmak sangharsh ke char kadam, Bandhua Muki Morcha, 2005

## **The Methodology**

This report is based on long open ended interviews with rescued bonded labourers, NGO activists and officials.

There was no formal questionnaire as such and the emphasis in the interviews was on finding out the cause and amount of debt, the period of bondage and the working conditions, and the success or failure of the rehabilitation of released bonded labourers. For detailed study the NGO Prayas was chosen, which was the first to get involved with the rescue of bonded labourers and has continued to do so in both the agriculture and mining sectors.

Prayas started with the aim of alleviating poverty through empowering local communities. For this purpose it initiated an effort to organise agricultural and mine workers into a union, the Khetihar Khan Mazdoor Sangathan (or the agrarian and mine workers' union). In the course of this work its activists encountered debt bondage.

This researcher met with two Deputy Labour Commissioners, one posted in Chittore and one in Jaipur, the capital of the state, the Labour Commissioner in Jaipur, the District Magistrate of Chittore, a retired civil servant, considered a pioneer in the field of rescue and rehabilitation of bonded labourers, a geologist and co-author of a small scale study of a mining area that covered bonded labour as well as child labour among others.

In an effort to find more information this researcher also made a visit to the office of the National Commission for Scheduled Castes in New Delhi since most bonded labourers belong to the Scheduled Castes. The Commission however had no information on the subject.

The NHRC, the nodal agency in the implementation of the Bonded Labour Act was more forthcoming with information on the subject.

We shall begin here with the NGO Prayas and its earliest effort to free people from bondage.

## **PRAYAS**

Prayas literally means effort or endeavour. Set up in 1979, when NGOs were rare in India, it has taken up many issues and adopted many approaches to further the objectives of social change.

The moving spirit behind Prayas is a medical doctor, Narendra Gupta, born in Rajasthan. Dr Gupta himself says that even as a student he felt deeply concerned about the poverty he saw all around him. He consciously chose to use health as an entry point into the community and help organise people to fight poverty. He chose the poorest block of Chittore District, Devgarh Tehsil, to initiate his idea of social change.

To begin with Dr Gupta founded Prayas and started a dispensary in the abandoned palace of the erstwhile ruler in Devgarh town, the Tehsil Headquarter. This Tehsil in southern Rajasthan is primarily a tribal area and according to Dr Gupta, the tribes were the most oppressed and the most neglected in the state. The palace was in bad repair, and more of a ruin than a palace.

Within a year the panchayat allotted land to his NGO to run a dispensary and by 1981 the government had asked Prayas to take charge of its primary health care centre. Soon Prayas moved from intervention in health to education and ventured into adult education and primary education for children.

“Initially we did take some foreign funds from OXFAM,” says Dr Gupta, “but when Rajasthan Government gave us funds, we stopped taking foreign funds. We even returned whatever was left of the OXFAM money.”

Meanwhile Prayas had expanded its area of intervention and set up activities in the Nimbahera Tehsil of the district where stone quarrying is the main industrial activity. Here the NGO did not undertake any service delivery. It was now focussing on organising workers. This is how it came across bonded labour in the mines. In 1997 Prayas made a serious attempt to organise the local peasants and the large mine workers’ population into the Khetihar Khan Mazdoor Sangathan (KKMS). In the process it got involved with the rescue of bonded labour in both agriculture and mines.

It is the oldest NGO in the state to be involved with the rescue of bonded labour. The very first rescue operation, where over a 100 agricultural bonded labour in Rajasthan were freed, materialised because of Prayas’s efforts.

The fact that petrified bonded labour at the farms of highly influential Rajputs talked to Prayas and later on, on the assurance of Prayas volunteers, agreed to talk to officials despite fearing for their lives is a glowing testimonial to the sincerity of Prayas and its early volunteers.

Today Prayas is in the bad books of the district administration. The DM, P L Aggarwal, told this writer that the administration is unhappy with the NGO. “It is not working well, it is indulging in blackmail and it tries to blackmail the administration, giving a bad name to the state. Zilla Parishad has also said that it is not a good NGO.” He said that Prayas may be banned, as even the Zilla Parishad had asked for a ban on this NGO.

The Labour Commissioner however, was full of praise for Prayas and said that NGOs like that helped the administration function better. “Their role is positive”.

“Yes, we are now on the black list,” laughs Dr Gupta.

Meanwhile Prayas has also had many offshoots, one of which is the Lok Shikshan Sansthan (LSS) located in Hattipura village some 40 kilometres from Chittore town. It is trying to spread awareness about vaccinations and other preventive health measures and gets funds from the state government and UN agencies.

The KKMS emerged initially as a strong organisation of mine workers and agricultural labour. It has had its share of problems and shows some decline in its influence, though it is still a force to reckon with. It is well known even in some remote villages and people talk about it with great respect.

The most important leader of the KKMS, whose name is now virtually synonymous with KKMS refused to grant an interview on record or even to be quoted, even though he provided many insights during his interaction with this researcher. He will be identified as U L (For union leader) in this report for convenience.

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**BOX: Interview with Dr Gupta**

**Dr Narendra Gupta, founder secretary of Prayas recounts how he got involved with the rescue of bonded labourers in Rajasthan.**

**Dr Gupta spoke at length about his ideas and experiences. The 51 year old doctor said that though rescuing bonded labour was not the focus of Prayas, yet once this issue came to their notice they went all out to rescue such people. He was on the State Bonded Labour Committee till 1998. The father of a 14 year old son, his only child, Dr Gupta says he has never regretted the fact that he chose to work for the poor instead of making money as a medical practitioner. “This is a far more challenging task, changing society,” he says quietly.**

He recalled how he and Prayas got involved with the first ever rescue operation of bonded labourers in the state.

After the central government passed the Bonded Labour Act the National Labour Institute (NLI) and the Gandhi Peace Foundation (GPF) conducted a survey in Rajasthan and reported that there were 60,000 bonded labour in the state. This, says Dr Gupta, was some time between 1978 and 1980.

The state government then wrote to all Collectors and asked them to ascertain the facts. The collectors wrote to the *patwaris* who reported that there were no bonded labourers in the state. This was surprising, so the Special Schemes Organisation (SSO) entrusted with implementation of the Act decided to call a meeting of voluntary organisations to enlist their support and help.

“Those days we were not called NGOs,” says Dr Gupta. He was one of the voluntary organisation’s representatives who attended that meeting. “A colleague of mine was working to organise workers and he had told me that there are any number of bonded labour in the area and that people from Chittore also go to the neighbouring Mandsaur district in MP to work in bondage.”

At the meeting, Dr Gupta says he asserted that the numbers of bonded labour could exceed the data given in the NLI-GPF report, but that identification would be difficult because people in bondage would not easily talk.

“The Deputy Secretary in the Rural Development Department was then Bhagirath Sharma who appeared to be quite sincere. He told me, prepare a list and we will get them rescued.”

Gupta says after great difficulty they prepared a list of 120 workers in bondage in agriculture in Pratapgarh Tehsil and sent it to the SSO.

“We also laid down a condition. We said send an officer who will be willing to walk several kilometres and meet people at midnight if necessary. That is the only time the bonded labourer would be free to meet anyone. They were a terribly scared lot and we had had a very hard time earning their trust. We did not want anything to go wrong”.

In response to the request Bhagirath Sharma himself arrived in Chittore. He went around without any official retinue, recalls Dr Gupta. He would leave his jeep at the roadside and

walk to the homes of bonded labourers with volunteers of Prayas, whom the bonded labourers had begun to trust, and meet them late in the night. He spoke to them to cross check information passed on by Prayas.

This, remembers Dr Gupta, was sometime in 1982. After about a week Sharma spoke to higher authorities and got orders to launch a rescue operation. "These people on whose farms we had found these bonded labourers were very influential people, and were supporters of the ruling party. These landlords were capable of extreme cruelty. Secrecy was of utmost importance."

"Sharma then issued orders to the collector to rescue all these bonded labours spread out in 20 villages, and to do so at one go as a surprise operation," says Dr Gupta. Realising the problems that Prayas would face as a consequence of the rescue operation, Sharma asked Prayas to stay away from it. The name of Prayas was not to figure in any report by the administration.

The collector got the SP (Superintendent of Police) to send out 200 policemen to surround the 20 villages in Pratapgarh Tehsil and in an early morning swoop rescued about a 100 *halis*. (Neither Dr Gupta, nor Sharma seem to remember the exact numbers of bonded labour rescued in that sensational operation.). There was an uproar in the state. The landlords asserted that these rescued labourers were not *halis* (bonded labour), that they were being paid full wages as required by law. Politicians converged on the area.

"They got to know that we were behind the identification of these labourers. Such things don't remain a secret," says Dr Gupta. There was a campaign to get Prayas banned, asserts Dr Gupta. However press publicity was in favour of Prayas and the issue died a natural death sometime later.

Dr Gupta was then made a member of the State Level Bonded Labour Committee in 1988 and continued to remain a member till 1998. He says soon after the sensational rescue of *halis* a new Collector was posted at Chittore who turned out to be a far more dynamic officer than the earlier Collector. This Collector claimed that the district administration had full powers to rescue and rehabilitate bonded labour and no clearance from higher authorities was required. He then organised several raids and many more *halis* were rescued.

Soon volunteers of Prayas began making forays into the mines around Chittore with a view to form a union of workers. "We then discovered that in Nimbahera in the mines there were many people in bondage." With the help of the district administration they managed to rescue many of these.

Among the rescue operations in the mines, the rescue of 250 odd bonded labourers from Binauta Ring is even today remembered as a massive operation.

The Binauta Ring is an 18-20 square kilometre stretch with some 2,200 small limestone mines. The Khetihar Khan Mazdoor Sangathan had identified some 250 bonded labourers in these mines. In 1991 some 150 were rescued in a major operation. The union wrote down the complaints of these bonded labourers on the union's letterhead and made them sign it. These were then filed with the Sub-Divisional Magistrate's office. He then rescued them in 1991. The rest were rescued subsequently.

“Our focus, however, is not the rescue of bonded labour,” says Dr Gupta. “We don’t actively go looking for them, but when we come across the problem we can’t turn a blind eye to it. And if anyone approaches us we have to take some action.”

Dr Gupta says that in the last one decade the scenario has changed completely. Earlier officials did pay some attention to the problem and made sincere efforts to rescue and rehabilitate people in distress. “Now they simply deny the existence of the problem. They think it will give the administration a bad name.”

“The outlook has also changed now. The economic scene has changed. Now the government says that if you voluntarily enter into an agreement with anyone to work for whatever wages, the contract is valid and if you are not getting fair wages it is your problem. You must honour your contract.” This attitude is a direct result of the free market economy, he asserts, that leaves everything to the market.

“There is not much emphasis on enforcing laws like the Minimum Wages Act. So if a person takes an advance and works even for less than minimum wage, first it is difficult to prove. Then there is this attitude that the person did it voluntarily so there can’t be anything wrong about it.”

Dr Gupta says the attitude in the 1970s and 1980s was different and therefore a law like the Bonded Labour Act could be passed. “It is a good law. It says that those who keep people in bondage should be arrested and punished. That gives the law teeth. It is a strong law and makes the state responsible for rehabilitation too.”

Dr Gupta says that the nature of bondage has also changed now. Earlier there were people who had been in bondage for generations. Those rescued in Pratapgarh belonged to that category. There were many who were bonded because their fathers had once borrowed a measly Rs 100 or Rs 500.

“That kind of bondage does not exist anymore, or is very rare,” he says. “Now they are bonded for limited and well defined periods. Employers are aware of laws and also ensure that there are written agreements. The agreements are all above board. In practice the worker works 12-13 hours a day, makes less than the minimum wage and can’t leave easily when the tenure is over for he is made to work in lieu of leave he may have taken.”

He explains in detail how the system works.

A man is first paid a certain amount in advance. Nowadays generally Rs 10,000 is agreed as wages for a year’s work. The worker is then given Rs 3,000-4,000 as advance. He is entitled to only twenty days of leave. For every extra day of leave Rs 100 are deducted from his wages. If he goes home and is sent for, then the cost of petrol is also deducted from his wages. He is also made to work more than the eight hours allowed by law. He is not paid overtime for the extra work though the law requires that for extra time the rate of wage must be one and a half times that of the minimum wage rate.

At the end of the year when accounts are settled the employer generally manages to deduct Rs 2,000 and fobs off the *hali* with another Rs 3,000-4,000.

This is totally unacceptable.

Dr Gupta refuses to accept the argument that since agriculture is not a lucrative profession farmers can hardly afford to pay minimum wages.

“This argument that peasants can't pay more does not hold good. There are ways of intensifying agriculture and making it more profitable.”

“We have seen what organised protests can do. In 1982 the legal minimum wage was seven rupees a day and people were paid only two or three rupees. After we began forming a union and after the bonded labour were rescued wages rose to five rupees. True, wages remained below the legal minimum wage; still the rates had almost doubled.”

“Just because agriculture does not pay does not mean you pay less to the poor worker. And keeping a *hali* is not acceptable at all. Nobody should be a *hali*.

“Our stand is very clear. We say do not give advance to anyone, even if it is for treatment of an illness. Why give them advance and then rob them of their freedom? If an advance is given then it must be on fair terms, eight hours of work and full minimum wages with overtime rates in place.”

Dr Gupta is very categorical about this.

“There is no dearth of labour in the state. There is always, any number of people looking for work. So why do people pay advance? Not out of kindness of heart. They pay advances to make people slaves.”

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Prayas is possibly best qualified to identify the causes of bondage in the state and still maintains contact with those it has helped rescue and rehabilitate. One such rescued bonded labourer is employed in the office of its offshoot NGO, Lok Shikshan Sansthan based in Amarpura, Bhadesar tehsil or block of the district.

UL puts it very succinctly. “People here are very, very poor. They have to borrow for everything, even to buy grain so they can survive. There are three reasons for bondage,” he says. “One, illness in the family, two, to buy fertilisers and seed or even grain, three, social rituals like marriage and funeral dinners.”  
Case studies illustrate this assessment quite well.

**Getting into debt to pay the bride price!**  
**Case 1 Shyamlal Bhil (now works for Lok Shikshan Sansthan)**  
**Village Bhilon Kheda, Gram Panchayat Dhirji Kheda**  
**Tehsil Bhadesar, District Chittoregarh**

Shyamlal typifies the cases of debt bondage, which due to social rituals. He was married at the age of three. The family has ten bighas of land, in two plots of five bighas each. One has a well with a motor to pump out water and also a river nearby. The other five bighas about two kilometres away are unirrigated. The unirrigated farm lies fallow.



Shyamlal's father worked as a hired farmhand apart from cultivating his land to make ends meet. Shyamlal does not know what the daily wage was such a long time ago.

Shyamlal has a brother and two sisters. One sister from his biological mother and another brother and sister from the woman his father married after his mother died. He was seven when his mother died. The girl Shyamlal was married to in childhood also died when she was five. Shyamlal was then married again.

XX

The *Bhils* have a tradition of child marriage to be followed some years later by a consummation ceremony. The consummation is allowed only after a bride price is paid. The price compulsorily includes a pair of solid silver anklets that must weigh a minimum of 250 grams each. Silver earrings and a pair of *bichuas* or toe-rings are also given to the bride. The toe-rings denote that the woman's husband is alive and are taken off when the woman is widowed. Every *bhil* must shell out the price of half a kilogram of silver for the anklets, and the other jewellery, which comparatively speaking is very little, and a feast with liquor and meat on the menu, before he can take his bride home. This in their language is called '*rakam*' literally 'amount'. The heavy anklets are then almost welded together around the ankles of the young girl and are never taken off even when she is widowed. They have to be literally sawed in two to take them off and this is generally done only when the woman dies.

XX

His father borrowed Rs 8,000 and became a *hali* for two years in Mangrole village nearby where his step mother comes from. Of this amount Rs 4,000 had to be paid to buy half kilogram of silver that Shyamlal's bride had to be given. Shyamlal was married again at the age of 10. His elder sister never went to school. His younger sister is six and brother is a four year old.

Shyamlal himself was made a *hali* at a landlord's house who belonged to the priestly caste.

"I worked as a cowherd; the landlord had five cows and five buffaloes, and their calves, a total of 18 heads of cattle. Early in the morning I would take them out to graze, come back in the late afternoon and then take the ox cart to get fodder for them. Grazing is not enough for them. Occasionally I had to cut grass for them too."

At night after dinner around 10 p.m. I had to cut piles of *jowar* (sorghum) for stall feeding. They really looked after their cattle well! I had only two meals a day, for I refused to carry a packed lunch. I ate *roti subzi* in the morning before I left and *roti subzi* again at night."

The agreement with the landlord was that Shyamlal would work as a *hali* (or bonded agricultural labour) for two years. He worked for one year and nine months. In the meanwhile his wife continued to live with her parents.

"I was paid Rs 4000 for the first year and the second year too I was given that amount. That money I spent on my elder sister's treatment. She had some very bad skin problem, had sores and the skin bled. I took her to Bhilwada for treatment. I spent most of the money on her treatment even though the hospital was a government run hospital. There was travel and food and I had to buy expensive medicines too," he says.

He says he was very unhappy working as a *hali*. As a poor boy from a poor family he was used to a hard life, but the work he did was tough.

"I used to be tired all the time. I slept very little. Went to bed almost at midnight and had to be up at five in the morning. I had to walk a lot to graze the cattle and was tired most of the time. At night I had to fill up drinking water for them too. Every alternate day we had electricity only after 10 at night. And those days I really went to bed late."

He laughs at the kind of untouchability they practiced.

"I filled up the water for them, but if I wanted to drink water they would pour it out for me. It was a secret that I filled up their drinking water. It was done at night anyway. Nobody was supposed to know that a lower caste person filled up their drinking water. I had been told not to tell anyone.

"There were other funny things too. I also set the yoghurt, but I was not allowed to churn butter."

Apart from looking after the cattle he had to help on the farm too.

"When there was too much work to be done in the fields, like at harvesting or planting time, I had to work on the land and the landlord's wife took the cattle out."

"I helped in all the work on the land. I turned the electrically run motor on and off and irrigated the land, directing water in channels for they had flood irrigation. I sowed, weeded, harvested and also threshed corn and soybean."

Then one day, after his father had completed his tenure as a *hali* and he had another three months to spend on the farm, he ran away.

"I walked most of the 37 kilometres to reach my village. I left at six in the morning without a penny. Actually I had five rupees in my coat pocket, but I left the coat behind for they had given me the coat. I thought if I ever had to go back to them they will make me pay for the coat too, or work to pay for it." So he forgot that there was money in the coat and ran away penniless.

Shyamlal says they always deduct money for holidays taken. That means for every day of leave Rs 50 was added to his debt and they would have made him work for some extra days after his tenure to repay the 'extra' debt he had incurred.

After walking some 25 kilometres he arrived at Lasodawan village. Here he came across some people loading a tractor with bricks and helped them in the loading. In return he got a lift for the last 12 kilometres of the journey. They were going his way and that is the deal he had struck with them.

"I had also taken 15 days off. When a *hali* goes off on leave they make you work those many days extra after you complete your tenure."

"They would have made me work those fifteen days too."

"They did not chase me," he says, "They came later though; the son of the landlord came on his motorbike to ask me to go back to work. He kept coming repeatedly, but I did not go back. Last time he came he said everyone misses you so come and meet them once, so I told him I would come later. But I did not go."

This happened about four years ago when drought relief work was being undertaken in the area.

For two months Shyamlal worked there on building a road. He was paid Rs 20 and a total of five kilograms of wheat daily. He worked there for two months.

Meanwhile his father had a sharecropping arrangement with a Rajput landlord for four bighas of land. The arrangement locally known as '*paanti*' seemed comparatively fairer to them. They both had to look after the landowner's five cows and were paid Rs 1000 a month for that. Besides they had to grow crops on the land. They were to pay half the costs of cultivation and were to get half the crop in return.

Shyamlal occasionally went to work on the road construction site to help with the finances while his father stayed behind on the Rajput's land to look after his cows. His grandmother lived at the family home. Shyamlal would take a contract to dig up 100 feet of mud every day. 'Others had family to help them dig it up. I had to do it all alone,' he says. He fell ill. 'My body ached all the time. I just could not get up. And I was given injections to recover'. He does not know which injections nor does he have any prescription or doctor's slip to show for it.

His father then took him away to the land and after a few months he felt better. At the end of the year they had not made much. So his father went into bondage again. This time he borrowed to pay for their share of inputs to be paid to the landowner. The crop did not pay for it. This time his father got bonded to a Rajput landowner and borrowed just about Rs 2000 from him. It was a big farm of 300 bighas in Bhadesar Tehsil,. His main job was to look after cattle. So Shayamlal shifted to a farm known as Karadia Farm' to help his father. They got Rs 1000 a month to work at the farm and look after cattle, over 15 of them, though Shyamlal now does not remember the exact number. His father died as a *hali* on that farm and Shyamlal came back home. 'They did not make me work in his place,' he says.

That was the time when the Lok Shikshan Sansthan was set up, an NGO that was born from Prayas. Activists went around educating people and asking them to raise their voice against exploitation and to join protest rallies.

Shayamlal joined the LSS as an employee. He cooks and cleans and tends the vegetable garden in the small three-room house that doubles as an office and residence for LSS activists and visitors. Everyone chips in with all the chores so Shyamlal's duties are not very well defined. He does whatever is required. He likes being treated as an equal and the easy friendship with people he enjoys here.

He lives in his own house and cycles up and down the roughly five kilometres. His wife, grandmother, brother and sister live with him.

His stepmother left them and went away with another man after his father died. His elder sister is now enrolled in the state government's residential Sarv Shiksha Abhiyaan (education for all) programme and lives in Bhadesar. Shayamlal gets a wage of Rs 2,250 a month from LSS.

'I like this work,' says Shyamlal laconically, but with a grin and a twinkle in his eye.

**The unmentionable cause of debt?**

**Case 2, Omkar Bhil  
Shayamlal's father in law and his wife Kaali**

Omkar Bhil is Shayamlal's father in law and quite proud that his son in law now has a job in an office and has escaped the destiny of a poor *bhil*, that of being a *hali*.

He lives in Champakhedi, not far from the LSS office in Amarpura in the Bhadesar tehsil. The village has about 20 houses of *bhils* and an equal number of Jat households. There is a single Regar and a single Rajput family in the village.

Omkar Bhil, should have been better off than he is with his 14 bighas and 8 biswas of land. He and Kaali, his wife, have six children. The eldest is 35 and is a peasant who works on the family land and also gets daily wage work when it is available. The second child is a girl, Udi. She is married to Shayamlal.

Then there are three more daughters, Prem Bai and Sita Bai and Pratapi Bai. Prem Bai is married, Sita is 12 and has left school after passing out of the sixth standard and Pratapi is only eight and goes to school and is in the second standard now. Their second son is 16 and goes to school in Bhadesar in the eighth standard.

It is not clear why Omkar Bhil became a *hali*. He says he borrowed Rs 8,000 from a Ram Narain Jat who has 150 bighas of land nearby. Repeated questions about the reason for getting into debt meet with some mumbled response of 'I needed it'. We can only speculate about the reason. Was it because he wanted to make the well on his land a little deeper? Or just bought jewellery for his wife or daughters? Or did he need money to finance some addiction? Even LSS activists do not know why he borrowed money. His wife too does not give the reason, but she asserts that the Jat was a very nice employer. Omkar entered into a contract for one year. That works out to a wage rate of less than Rs 700 a month (approximately Rs 660 a month or Rs 22 a day).

Omkar stayed at home and went to work early in the morning. He carried back his dinner for the wife to share.

Ram Narain grew wheat and mustard. Omkar says he began working around 6-7 a.m. in the morning depending on the season and worked till late at night. Irrigation was a major task he had to perform, for they had a well with a motor fitted in and Omkar had to channel the water for flood irrigation.

The employer gave him a set of clothes, hand me downs, and two meals every day. He ate lunch on the farm and brought dinner home. That is Kaali's main reason for heaping praise on the employer.

"They gave vegetables, *rotis* and pickles. And they also gave milk and yoghurt and ghee too! Can you imagine, ghee is Rs 200 a kilogram. Who gives it away?"

The employer gave him small quantities of these delicacies every month or two.

The employer had 10 heads of cattle and Omkar had to look after them too. "One was a Jersey cow," he says. They like stall feeding, so he had to chop up fodder and feed them. The Jersey cow yielded five litres of milk in the morning and the same amount in the evening. Then there were three local cows known as '*hungli*' who gave two to three litres of milk in a day. Two buffaloes and some bulls made up the rest.

The employer did not sell milk, only ghee.

"I did not like it," says Omkar Bhil firmly. "I don't like working on other's land". He quit after his year was over.

He barely makes enough to live on and there is the question of finding money to marry off his younger son who must pay the bride price, but Omkar Bhil is firm that he shall never go into debt again. Half his land is unirrigated and the other half has a well, but no motor to pump out water.

It is tough working this land. They irrigate the land by hand. In the winter, after planting is over, they mostly live in a little shelter made of logs slung across the branches of a karanj tree and covered with the broad leaves of the palash. Temporary shelters like these on the farm are called '*odhi*'.

There is young wheat and barley growing in the fields.

"Get me an electricity connection," says Kaali, "and we shall be better off. We shall never need to be *halis*!"

### **Bonded for survival needs**

**Case 3 Badrilal Rabari (Rabaris are camel keepers)**  
Village Balundi, Tehsil Bhadesar  
District Chittore

Badrilal has a small one room, perhaps ten by six, hut made of mud, and a courtyard some 100 sq feet. His wife is nursing their new born; a son delivered at home some 12 days ago. He is their fifth child and the first son.

They have four daughters; the eldest is 15 who studied up to the fourth standard. The younger is 12 and never went to school. The third daughter is six and has just joined the school in class one. The fourth daughter is two years old, too young to start school, but they intend to educate her till the fifth class at least.

Badrilal has two bighas of land and no irrigation. It grows one crop after the monsoons. With so many mouths to feed, about seven years ago, perhaps in 2000, Badrilal borrowed Rs 7,000 from a Rajput in the nearby village, Badauli, and entered into a contract to work for him for a wage of Rs 800 a month.

Badrilal lived on Takht Singh's land, milking his six cows and grazing them within the boundary of the farm. Badrilal is not sure how much land Takht Singh had, perhaps 100 bighas, but he knows that the cows were Jersey cows and they take a lot of looking after. They had to be bathed and rubbed down.

For this work Badrilal got two meals a day, thick *rotis* and chillies to go with them. Sometimes he got *subzi*. He never got any milk or tea, though he milked the cows.

"The milk was sold. I sold it twice a day," he says. They got about 12 litres in the morning and the same amount in the evening. The Rajput had two *halis*. Badrilal was one and the other was Gautam, from another village. "We both worked very hard, the whole day", he says.

His wife continued to live in Balundi village and Badrilal occasionally visited her. Once his wife delivered a girl and was very unwell and the newborn died, so Badrilal took about a month and a half off.

He worked for one and a half years and when he wanted to leave the landowner, Takht Singh, told him he owed him another Rs 4,000.

How did this come about?

Takht Singh told him that the Rs 4,000 were for the period when he did not come to work. Takht Singh had then had to hire workers on a daily wage basis and this amount, he claimed, was what he had spent on hiring workers! Going by the monthly wage rate of Rs 800, Badrilal was roughly being paid a daily wage rate of Rs 26 but when it came to deducting his wages for leave of absence the landlord was applying the rate of Rs 66 a day!

Badrilal had an option. He had already worked more than a year for the money he had borrowed, so he could work another year or so to repay this 'extra loan'. The other option was to pay the landlord in cash. He took the second option, and agreed to pay Takht Singh in a few months. According to Badrilal, Takht Singh agreed and let him come home.

Husband and wife worked as daily wage workers, saved every penny and paid the loan in six months. "It is pure luck that we got so much work. Can't get this much all the time. We could pay off the debt. Or he would have harassed us no end!"

His freedom did not last long. Soon, in the winter of 2005 he borrowed an odd amount of Rs 6,450 from Prabhulal Dhakad, an OBC, who lived in Badauli village in Nimbahera Tehsil some 12 kilometres from Badrilal's house. "We needed the money," he says without specifying the reason for getting into debt again. It could well be to buy grain. Activists assert that pride prevents them from admitting to such degrading poverty.

Dhakad had about 85 bighas of land. He also had a license to cultivate opium. This was in 2005. Badrilal had become his *hali* around October, just before opium is planted. On this farm he was the only *hali*, and he remembers planting opium by hand.

Dhakad had a single permit, which allows one to cultivate opium on ten acres of land. In such small plots it is planted by hand.

Even though he was a *hali*, Badrilal's eyes light up when he describes the opium crop when it is ready to be harvested. "It is so beautiful, white flowers, blue-green pods and latex like saffron," he says, smiling dreamily. He says he scraped the latex too and felt dizzy all the time in the latex tapping season.

Badrilal asserts that even though opium puts little children to sleep, he could not sleep well all the time he worked on that crop. 'Tense people can't sleep despite the dizziness,' he says. Badrilal says he was tense most of the time he worked on Dhakad's farm.

The family did not expect him to thresh opium though. The seed is an expensive crop and the farmer has full rights to it. The family threshed it themselves and took the crop home.

Besides the opium he had to work on growing many other crops. Mustard, wheat, and vegetables like *methi* (fenugreek). He claims he got no rest at all. They had to be

weeded and irrigated. According to Badrilal since they had a city connection, their land being close to Nimbahera town, they always had electricity at night. He had his dinner between 8 p.m. and 10 p.m. After that he would have to irrigate the land.

From sunup to around midnight he worked with an hour's break for lunch and two hours for dinner.

Dhakad, his wife and son worked on the farm too. So he could not even grab some rest on the sly. Badrilal says he once had pneumonia, and Prabhulal's son took him on his motorcycle to a doctor at Nimbahera and got him medicine and the money and transport costs were added to his debt. "But they allowed me no rest, only let me do some lighter work," he says. "That time they abused me a lot for not working hard enough." So he ran away and came home to rest. Three days later Dhakad's son came to his house and shoved him around and asked him to get back to work. He pleaded with them for just a few more days of rest and got to stay home for another three days. Then it was back to Dhakad and back breaking labour.

Another time an ox hit him and he was badly bruised, but was again allowed no rest. "Once an ox hit me on the thigh and threw me down. Prabhulal's son chased the ox away. I got up and drank some water. I was trembling with fear. My hip hurt very badly, the right one. I got some painkiller tablets from the village grocer. Even then they would not let me go home. They made me work all the time".

Badrilal was getting tired of this life and began thinking of somehow escaping this life of servitude. Every time he asked to settle accounts they would tell him he still had a lot of debt to pay and who would pay for all those days he had not worked enough and those days when he had gone away too? Prabhulal Dhakad then told him that he still owed him Rs 4,000. This after he had worked for over eight months for the amount he had borrowed.

Badrilal was aware of LSS activists roaming around in the area asking people to fight injustice. He had never paid much attention to them, but when he heard that he would have to pay off Rs 4,000 he decided to go to the LSS.

One day in May he ran away and went to the LSS office and filed a complaint with them. "They asked me to go back to work and said that they would organise the rescue, but I must be found at work. So I went back".

The LSS filed the complaint with the Labour Commissioner's office. An inspector then came to Badauli in June. Badrilal, who is a little fuzzy about dates and age and rates, still remembers the date when the inspector arrived, for that is the date of his freedom. June 17, 2005. The inspector made enquiries and affected a compromise. He made the employer pay Badrilal Rs 1,500 for the extra work he had put in after his tenure had ended.

No case was filed against the employer, but Badrilal was given the relief package. He got a goat unit that is ten goats, with two males and eight females. Today he has 13 goats. Their milk he avers is not enough even to feed their own kids for there is very little to feed them on. His second daughter takes them to the forest area, a scrubland, nearby to graze. They breed twice a year and when the kid is about a year old they sell it to the butcher for that is the time kids stop suckling and need lots of good food to grow strong

and fat. "We can't afford to feed them" he says simply. In two years he has sold two or three male goats a year. he keeps the females to breed more goats. Every goat fetches about Rs 800-900 so that gives him a little income.

The land does not yield much. Last winter he had no crop and had to buy wheat and corn. There is barely enough to eat. Daily wage work brings in some cash in season. He gets Rs 50 for a day's work, which is Rs 23 less than the stipulated legal minimum wage, but is enough for him. "Come what may, I shall never be a *hali* again, never," he says. The land he hopes will give him some crop perhaps this year. He has sown wheat, which is as yet just a hint of green on his small plot of land.

"It is good land," he says, "the drainage is good, too good. It needs lots of water" and laughs, his sense of humour surfacing at last.

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### **Opium Cultivation in Chittore**

Opium cultivation is a slightly technical job and the same peasants get licences year after year. It is also a highly paying crop, even when not sold in the black market. A sizeable proportion of licensed opium grown does find its way into the black market.

It is a rabi crop and is sown in October. Farmers who have licenses for opium cultivation, save their own seed, as usually the same farmers are given the licences every year. The Narcotics Commissioner's office keeps a close watch on the cultivation, especially at sowing time to check whether opium is sown on more than the permitted area and at harvest time to ensure that the crop does not find its way into the narcotic drugs market. A minimum of six licences are granted to every village otherwise it is difficult to justify the expense of keeping an eye on the cultivation. Based on previous year's yield the Opium Office lays down a certain minimum yield per license of ten acres. It is called the Minimum Qualifying Yield (MQY). This is another way of preventing the opium from being sold to drug traders. In case a licensee does not meet the MQY the license is cancelled. In case there are only six licenses in the village and one license is cancelled it usually means all the rest lose their licenses too, for less than six licenses are not given out.

In addition a *Numbardar* (watchdog) is appointed in every village whose job it is to check the harvest and record the quantities of latex yielded in a register. The Opium Office pays for his services.

The opium plant comes to flower around January-February and a month later pods appear on the plant. The pods yield latex when slit, which is the most intoxicating part of the plant. This slitting of the opium pod is known as lancing and is done by professional lancers who can make precise cuts with special lances.

The lancing of the opium pod is done very systematically. The plot is divided into several sections and begins with the lancing of every pod in one section at about 10 in the morning. This is the time when the pods are warm enough to let the slit draw maximum latex. The work ends at around 12 noon for after that it gets too warm and is not desirable to lance the pods. The latex is allowed to seep out and collect on the pods.



The next day very early in the morning the latex is scraped away and collected in buckets. This is done from sunup or about 6 a.m. to 10 a.m. After that the lancing of pods in the other section is begun.

The lancers are skilled people and command a good rate. Badrilal thinks they charged Rs 80 for a day's work, but he does not know how much.

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### **BOX: OPIUM USE AND ABUSE**

Opium use is part of Rajasthani folklore. The tender plant is said to be very nutritious and eaten as a vegetable. Even now licensed farmers use it as vegetable, when they thin them out to maintain the proper distance between plants. Workers hired to do the thinning get to take some and treat it as a bonus.

No ritual is complete without opium. It is served at weddings, birth and funerals. Opium is served on all festive occasions and wedding feasts are often remembered by the amount of opium served. Sons-in-law are expected to bring opium as a gift to their fathers-in-law on visits.

Sometimes, little children get a taste of it in the cradle, especially in poor rural families where mothers have to work in the fields. A little opium goes a long way in keeping the infant from seeking too much attention and disturbing her work.

Traditionally it is done under community control and elders do the distributing. Till the 1960s opium was not a licensed crop and people grew it all over the district on small plots to meet their own needs. It was also quite cheap to buy and within reach of even the relatively poor.

However, it does not take much to turn use into abuse. Bhagirath Sharma, former Secretary to the state government says that community control notwithstanding many get addicted. "With a death or a wedding in the village or at relatives' in nearby villages, enough opium is served every week to get some addicted. That also leads to debt."

Once licensing was introduced the price of opium shot up and may now be a cause of getting families into debt and bondage. However, nobody admits to even having tasted the stuff; forget about using it on a regular basis.

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### **Trying sharecropping to pay off debt!**

**Case 4 Lakshman Bhil**  
Hattipura  
Bhadesar Tehsil

(Hattipura is a village of *Bhils* with 200 houses. Most of these houses have a unitary family living in each room. In all 600 odd families inhabit the village. Bricks and stones are only used for the boundary walls of small courtyards, neatly swept and piled with firewood in a corner.

Houses are built of mud and both the courtyard and house demand almost daily attention of the women who have to coat it with a mix of earth and dung.

Almost 25 per cent of the village is either bonded or has a sharecropping arrangement that may lead to bondage, according to the LSS. Most adult men work in other villages as sharecroppers or as bonded labour. Some have jobs as menial labourers in the nearby Aditya Cement factory or work on a contract basis for the factory, something they prefer hugely, to working the dry and reluctant land. There is hardly any irrigation here except where four five families have come together to pool in money and sink in tube wells. For this they borrow money and get into bondage.)

Lakshman is only 25 years or so and totally illiterate. He persistently refuses to become a *hali* again with the employer who has been harassing him to do so. Lakshman is petrified that his former employer will come again this akha teej and harass him and his wife.

Three years ago, Lakshman borrowed Rs 10,000 from a Jat, to build his house. He is too scared of the Jat to even name him.

Of this amount Lakshman had taken Rs 8,000 in cash, and timber worth Rs 2000. After much persuasion he gives the nickname of the Jat, 'Champa', who lives in Kannauj, a few kilometres away from Hattipura. For those Rs 10,000 Lakshman Bhil entered into a sharecropping and *hali* agreement with Champa. Lakshman has only two bighas of land and he agreed to sharecrop on Champa's six bighas of land.

He says he agreed to the *paanti* hoping it would give him enough to return the debt. This sharecropping or '*paanti*' was done according to the traditional terms in the area. Lakshman had to put in one third of all the inputs and had a right to one third of the crop. Lakshman however had no money to buy seed and other inputs so Champa bought all that. Two of the six bighas went under peanuts or groundnuts (mungphali) and he planted wheat on the other four bighas.

Since the land was irrigated Lakshman got a good crop. On crucial days while planting or harvesting, his wife, Bajri, also worked on the land to help him.

Lakshman says apart from this *paanti* work he had to fulfil his *hali* obligations and he worked on Champa's land and tended to his 10-12 buffaloes too. For a whole month Bajri also worked on Champa's land. He took the buffaloes grazing, and weeded and irrigated the crops on the rest of Champa's land, all the while looking after the six bighas on which he had *paanti*.

They have a five year old son who was then a little less than two and it was difficult for Bajri to go out to work. "Well it must be done, the work," she says resignedly.

Lakshman says he had to hire labour on a daily wage basis for some days and had to borrow another Rs 500 to pay them.

He says he gave 11 quintals of wheat and two quintals of peanuts to Champa. The market rate of wheat then was Rs 800 a quintal and of peanuts Rs 1,600 a quintal. In total he thought he had paid Rs 11,200 by the going market rate and was thus free of his

debt. Or so he thought. When he asked the employer to settle accounts he was shocked to hear that he now owed the employer Rs 14,000!

How? Champa then told him that the Rs 10, 000 he had borrowed had to be paid back. Besides, Champa had paid all the input costs for the *paanti*, even the one third that was Lakshman's share, under the sharecropping arrangement. That one third was treated as debt and interest was charged on it. Lakshman does not know just how much it amounts to, how much of the amount is the principal, how much is the interest and what rate of interest he is being charged.

All he knows is that he worked hard and his wife too worked very hard and he is still not free of debt and that his bright idea of entering into a sharecropping arrangement to pay off the debt has bombed.

"He will come again, this *Akha Teej* and again ask me to become a *hali*," he says almost tearfully. He says he wants another sharecropping arrangement, which he does not mind, but *hali* he shan't be again.

Lakshman has had a debt ridden past too. He was married when he was 10 and then he had to earn money to pay for the bride price that consists of at least half a kilogram of silver. At 15 he left home to work at a roadside tea shop, *dhaba* to earn for the '*kadiyan*' (anklets). The *dhaba* owner paid him Rs 750 a month, gave him used clothes and two meals a day.

"It took me nine years to earn enough to buy those *kadiyan*," he says. He borrowed for the bride price from the *dhaba* owner after working for him for a few years and then worked to repay the loan at the end of which he returned home. Then he felt the need to build a house and got into the vicious cycle of debt again.

### **Cheated out of bonded labour rate?**

#### **Case 5**

**Ratni Bai, mother of Kaalu hali**  
**Village Hattipura**  
**Bhadesar Tehsil**

Ratni Bai is a wiry 40 year old widow, who has seen many deaths in the family. She had three children, two daughters and a son before her husband died of tuberculosis. The elder daughter died soon after marriage and had no children. The younger daughter was married, delivered a son and came back from hospital to die the next day. Nobody knows why. Ratni Bai still wears the younger daughter's silver earrings. "I got them back, in her memory," she says simply.

Ratni Bai did not marry again. "I didn't feel up to it" she says. She has half a bigha land, but with no water. "It won't grow even weeds," she says. Her son Kaalu is now 22 and has polio.

In 2005 Kaalu got married and had to borrow Rs 6,000. For that amount he became a *hali* with a Jat landowner, Babulal who lives about 30 kilometres away. Kaalu went to live on his land for a year.

Ratni Bai is quite upset that the employer cheated them.

“He said Kaalu will have to look after his three buffaloes and two cows,” she says. “But he made him work on the land too. The rate for both is different. For cattle work a *hali* gets Rs 6,000, but the rate for working on the land is Rs 10,000. He gave us less money and made him do both the jobs.”

Kaalu did not like it, so he ran away after five months and came home. Predictably Babulal Jat came in hot pursuit and realising that Kaalu was truly reluctant told them that for the five months of work he will consider 2,500 of the debt paid for he won't pay Kaalu more than Rs 500 a month. That left Rs 3,500 that had to be paid and every month he would charge them two per cent interest on it.

Ratni Bai is not sure how many months have gone by since Kaalu came back, but on Akha Teej she says Babulal Jat will come to settle accounts.

Meanwhile the Aditya Cement factory nearby was laying some cables and Kaalu got to work there as a daily wagger. They pay him Rs 73 a day. That is how Ratni learnt that that is the legal minimum wage.

“I did not know that,” she says.

That for her is a good rate and she says he saves a part of his wages to pay Babulal. Ratni Bai thinks that if Kaalu goes to work at the factory everyday, he will keep the job and will earn better later. Kaalu is away at the factory, he comes back late at night. Ratni Bai is hopeful that soon they will repay the debt.

She also hopes to grow something on the land only if she can buy water, but there is hardly anybody who can spare water. “Five or six families get together and sink a tube well and they share the water,” she says.

She knows how much it costs to sink a tube well. “The digging itself is Rs 35,000,” she says. The groundwater is at least 200 feet below the ground. Then the motor has to be fitted and the total cost comes to about Rs 80,000-90,000.

“Sometimes you hit a collapse and the price goes up, if that happens then a casing pipe is used to keep the slush out,” she says knowledgeably. Soft slush underground that can choke the motor is referred to here as a ‘collapse’ and tougher pipes have to be used. Ratni Bai knows that she can never share a tube well. “It is too expensive for such a small plot. Yet, if someone taught us to grow things with very little water I would like to cultivate it someday,” she says.

### **A vain search for freedom?**

#### **Case 6**

**Indira Meghwal (SC)**

**Ranikheda**

**Nimbahera Tehsil**

(Ranikheda is a big village with over 300 households. There are roughly 60 SC families, 30 odd ST families, 60 Baniyas, 18 Gairis (goatherds, OBC) 35 Kumhawat (OBC) 25 Brahmans, 10 Rajputs and 40 odd Muslim families in the village. It has a secondary school and a primary health centre. )

This is Indira's natal village. After being a *hali* for 12 years she finally took the daring step of selling off her silver, her precious bride price, to repay the debt and moved to her

natal village with her husband to cultivate her father's land, which she has inherited, for she is an only child.

Indira says she was married when she was 15 years old. Her husband, Shankarlal was ten years older to her and was already a *hali* when they were married. Her in-laws live in Tejpuria ki Dhani in Bhadesar tehsil. Her husband lived on the landlord's land in Devalkhedi village nearby.

She went to her husband's hut on the farm where he was a *hali* and became an unpaid worker with him. "I used to get up at five in the morning and start working. I looked after their cattle. Then we would break for lunch at 12 for an hour. Then work on the land again till it got dark, about five or six in the evening," she recounts.

The landlord had 20-25 bighas land. This was at least 30 years ago, says Indira. That means around 1975, before the Bonded Labour Act was passed.

Shankarlal had borrowed Rs 300 to repay his father's debt, and had become a *hali*. The next year he asked and got an advance of Rs 400. After that it became a trend. Every year they would get a 'raise' of Rs 100 and 12 years later they were both working for food and Rs 1,500 a year.

"I remember, we got Rs 1,500 the last year we were *halis*," she says. She also remembers that the food was not bad. They got *rotis* and *subzi*. Sometimes she cooked too.

"We never heard of any law against *bandhua mazdoori*, so we never complained." By then the Bonded Labour Act was almost a decade old. "Every year the landlord kept telling us that our debt had gone up, so we could not leave but that we could continue to work for him and he would give us a raise."

Indira has three sons, all born while she was a *hali* with her husband and born in a little mud house on someone else's land. Her natal family had one bigha land and her in laws also had one bigha land. Indira, the only child of her parents, stood to inherit her parent's land, which is today quite expensive. "My land is worth Rs 1,20,000," she says with a certain amount of pride.

This land, however, is mortgaged. She had borrowed Rs 400 to get her eldest son married some 15 years ago, and mortgaged the land. "We still have to repay that," she says. It has been mortgaged for 15 years now. Somehow she has not been able to repay this even though all three sons now go to work. She does not know what the final amount will be now after so many years. Who knows how much interest the man will charge?

They are allowed to cultivate the land and take the crop so the mortgage somehow does not bother them so much.

Slaves they were, but they sent their children to school. The eldest studied up to eighth standard, the second up to sixth standard and the third only up to the fifth. "They had no interest in studies," she says.

Her sons too are in bondage despite Indira's brave effort to be rid of it. After 12 years in bondage she and her husband decided that they must pay the debt and get out of the place. By then Indira's parents were very old and needed her support.

Indira sold all her jewellery, the anklets, bangles, earrings and even the toe-rings that traditionally signify the married state and they shifted to her natal village.

Her father died six years ago and they continue to live with her mother. After her third son was born, Indira had also had a tubectomy and got Rs 100 for it.

"After I quit being a *hali* I began working on a daily wage. That time I got Rs 10 a day," she says.

They also joined a partnership in a tube well with 15 other people, each one the owner of one or two bighas. That ensured a crop. They get enough water to grow wheat. "We get five quintals of wheat," she says proud of her hard work and her land.

Indira is tied to her land. Even today she is in heavy debt, but selling the land is not an option for her. Her in-law's land she says is lying fallow for there is no water at all, but her own land gives her sustenance.

Tradition caught up with her soon. She had to borrow money to celebrate her sons' wedding. The expenses kept going up. For her eldest son's marriage she had some savings so the family borrowed only Rs 500. That was in 1990. In 1992 she borrowed Rs 10,000 at the usurious interest rate of two per cent per month for her second son's wedding and in 2006 for the youngest son's wedding party they had to borrow even more heavily, Rs 30,000 at three per cent interest per month!

All her sons are now bonded to stone traders who gave them these heavy loans.

"See we can't sell our land for that is our only security. If we sell it we can't even borrow money in need. We get this money because people know we have this much land and it can fetch a lot of money," she says sensibly.

All her three sons, Mohan Lal, Bhanwar Lal, and Champa Lal are now in bondage to three different traders in Nimbahera Industries area some five kilometres away from her house.

Champa Lal said that the daily rate for cutting stone is Rs 80 for every 1000 feet of stone. "I generally cut enough to make about Rs 100-150 a day," he says. He gets the total amount only at the end of every month depending on how many days he has worked. Sundays are holidays. He has been working here for over a year now.

"The work is hard," he says. He is trying to save money to repay the loan.

The eldest son Mohan Lal who is the most educated of the three is ironically employed in the least skilled of jobs, a loader. He makes a fixed Rs 70 as daily wage for loading and unloading the stone onto trucks and carts.

"I get the money at the end of the month," he says. He too has Sundays off and his daily wages are deducted if he takes any day off.

Their working hours are however more or less fixed. They get to work by nine in the morning and leave by six in the evening.

Mohan Lal is away at a relative's place and this writer could not meet him. Both Champa Lal and Bhanwar Lal took time off to come out of their sheds to talk to this writer, but were taciturn. They looked resigned to their fate and said they did not like the work very much, but there was nothing else to do.

### **Trusted aide or bonded labour?**

#### **Case 7**

**Jotmal Rawat**

**Village Guddali (Nai abadi)**

**Tehsil**

Guddali (*nai abadi* or *dhani*) has recently separated from its parent village Guddali and will eventually have a name of its own. As yet it is known as the *nai abadi* or *dhani*. It still has a very small population with just 16 families. There are 10 families of Jatiya (SCs), one of Salvi (SC), one Nai (barber SC), one Kumhar (OBC), and two Rawat (STs) families.

Jotmal Rawat has shifted to the *dhani* for he says the family house in the village was too small. He was married some 30 years ago, but after a few months his wife left him for another man. They then had a 'mutual consent' divorce under customary law and the other man paid him Rs 2,000 as 'compensation'. Later Jotmal married again after some years and he and his second wife Nanhi had no children for a long while. She appears to be much younger and says she is about 15 years younger to him. Then about 16 years ago they had a daughter who died when she was a little over a year old. Then a year or so later they had a son who is now a student in the ninth standard in the nearby Bamori village where they have a high school. They have not had more children.

The family had six bighas of land that is now divided between Chaganlal his elder brother and him. Jotmal says his three bighas are not enough to make a good living. For many years Jotmal made a living out of sharecropping and working as a casual labourer. His wife and mother also worked as farmhands in season and were paid a daily wage of Rs 30 and Rs 40 respectively.

Jotmal then thought of sharecropping for a bania, Shivalji Boradia, who had 13 bighas. He paid half the cost of inputs, and kept half the harvest. For seven years Jotmal remained a trusted lieutenant of Boradia. "He gave me the keys to his store. He also gave me Rs 500 or Rs 1,000 off and on when I wanted. I supervised everything on the land, he seldom cared and for seven years this relationship continued." After three years of sharecropping at harvest time the bania, according to Rawat, told him that wheat was fetching a good price and Jotmal should keep as much as he wanted for his own use and let the bania sell the rest for him. "He said he had more experience of the market and would sell my share too and give me the money,"

He never gave him the money. Jotmal says he asked for it several times and every time was fobbed off with some excuse. "Every time he would say, your money is safe with me, why do you need it? Are you building a new house or what?" He would wriggle out of paying him. Meanwhile the sharecropping arrangement continued and Boradia kept selling his share of wheat. Jotmal says he trusted him so much that he was seriously not worried about not getting the money. They lived on Boradia's land, he and his wife and his mother would come there to help them in the farm work and go back home. They had their children there.

Nanhi, his wife says, she did a lot of work both on the farm and in the house. She would pick soybean and wheat after it was threshed; wash their dishes, clothes, fill water, except drinking water. She was not expected to clean and swab the house for she was not allowed to enter the house. She says she cooked their own food for the bania family gave them no food.

"I used to start working at six in the morning and go on working till eight at night," she recalls. "Farm work is always urgent, so I could never take any rest, except when I fell ill."

Jotmal says they grew many crops. There was wheat and corn and they also grew mung and soybean and mustard. They had three crops for it was fertile land, had water and it was tended well. Jotmal also got little amounts of money whenever he asked, and he thought that his money was being piled up and some day soon he would be able to lay his hands on a large amount. According to him Boradia owed him Rs one lakh at the end of four years, but he cannot explain his arithmetic.

Four years later, Jotmal wanted to sink a tube well so he asked Boradia to give him the money. This time they had a serious argument and the bania sent some men to beat him up. "I was shocked," says Jotmal. Till then I had trusted him." The men nearly broke Jotmal's left leg. Luckily he did not have a fracture and it took two three weeks of local herbal treatment for him to be able to walk properly.

He then reported the case to Prayas.

Boradia then went to the police and complained that Jotmal had betrayed his trust and stolen pipes and other implements. Then Boradia filed a case of theft of instruments of the value of Rs one lakh from his farm and store, against Jotmal and his brother. Both Jotmal and Chaganlal were arrested and were locked up in the police station for a day.

"The lawyer charged us Rs 3,000 to bail them out. Then the police had to be paid, another Rs 2,000. It was tough," says Nanhi. She had to pawn her *kadiyan* (her bride price of half 900 grams of silver to raise the money.)

Boradia has still not paid him any money. The case of theft against the brothers is still pending. This happened in 2004, about two years ago.

"We have decided to wait for a little more time to see if the bania will pay us. He has been asking Prayas to work out a compromise. If he does not pay, I will file a case under the Bonded Labour Act," says Jotmal.

### **I am a bonded labourer**

Case 8  
Benulal  
Village Mota Gaon  
Tehsil Nimbahera

Mota Gaon is a small village with about 80 families, of which 25-30 are Brahmans. The rest comprise some 10 Meghwals (SCs), 15 Nayak (OBCs), 20 Bhils (STs) and even two bairagi sadhus and two Nathan sadhus.



The village according to the LSS activists has four *halis*. Not even one is willing to talk, even when it is dark and they are home. Jhandulal (name changed) is the only one who after much persuasion talks, but requests anonymity. Even he won't say much. He borrowed Rs 10,000 and agreed to work on a Brahman's land. Mota Gaon is his in-law's village. He says he belongs to B....da village (giving name would reveal identity). He had a fight with his brothers so he moved here and rented a house next to his in-law's house. He has three daughters and all three had to be married off five years ago. That is why he needed the money.

His two sons are two years and five years old.

His wife Ghumma (name changed) says for five years or more they have been working like this. Every year they take some advance and her husband works as a *hali*. She herself pitches in with casual labour. "I get Rs 40 a day as daily wages," she says. In season she can find up to 15 days of work in a month.

"Now I am not a *hali*," he insists. "I was till this year's akha teej."

### **Never knew life with out bondage**

#### **Case 9**

**Babulal Bhil**

**Village Bhujakhedi**

**Tehsil Nimbahera**

Babulal Bhil has never known a life without bondage. He must have been only 15 when he became a *hali* for the first time. He says he is probably 40 give or take a couple of years. He is taciturn and takes some persuasion to talk. He has three children. The eldest is about 16 and is illiterate, though the village has a primary school. The younger is studying, in the third standard. The daughter is 12 and already married.

Babulal says he has always been a *hali*. He takes money in advance and works. For 25 years he has done this and knows no other way.

"If I go to work as a casual labourer I may get Rs 60 a day and no guarantees that I will get work."

Babulal has no land; his house has no electricity connection, though the village has electricity.

"The annual *hali* rate nowadays is Rs 10,000," he says. Then he says he does not want to talk.

### **At least I can sleep at night in my old age**

#### **Case 10**

**Badrilal Meghwal**

**Village Bhujakhedi**

**Tehsil Nimbahera**

Badrilal Meghwal (SC) is 70 years old or close to it. He does not know what his age is, he never needed to know. He knows though that he is very old, has no energy left to work very late and is extremely happy that he can now sleep at night. "I don't have to

work at night,” he says, his face splitting into a happy grin. “I can sleep at night, the whole night” he underlines.

The village Bhujakhedi has some eight Meghwal families, Badrilal’s included. There are 18 Bhil families, some 45 Dhakad (OBC) families, 20 Gadhodiya Lohar (OBC), and two Regar (SC) and two other lohar families.

Badrilal has two grown up sons. The elder, Narain, became a *hali* two years ago on a Brahman’s land, who has some 40 bighas of land. He got an advance of Rs 13,000 this year. Last year he got Rs 10,000. That is the going rate nowadays. Narain has to do all the work of the farm and look after the landlord’s buffaloes too. He also has to pick up dung when the buffaloes graze, for everybody knows how good the dung is as manure and it must not be left lying on other peoples’ land or common land. It must be picked up and brought to the landlord’s land.

“When I became a *hali* I got Rs 200 a year,” reminisces Badrilal. “When I left it four years ago, the rate was Rs 10,000.”

He says he left it for he was too old to work. “I do *dhaanaki* (free casual labour) now. I get Rs 50 a day, but I am lucky if I find work. During the season I do get some work in the harvesting and planting seasons. Most of the year I have no work,” he says.

“The best thing is I get to sleep at night. When I was a *hali* I rarely slept so much at night. I had to work most of the time. Those days there was no electricity, but the work continued till very late. All the irrigation was done at night. Threshing and de-husking was done at night. Some people use machines to thresh, not tractors and the work is done in the light of tractor headlights,” he says.

Narain, his elder son still has not come back home, though it is way past eight at night. He comes home and brings the *roti* he has been given by the landlord for dinner.

Strangely there is no one else at home. Everybody is away, including the daughter in law, Narain’s wife. Badrilal’s younger son is looking for work.

Badrilal says that there are some immigrants too from Madhya Pradesh and other places in Rajasthan who are depressing market rates. “No Biharis though,” he says. Then he adds firmly, “No Biharis are allowed to come here. They can’t work so hard!” Badrilal does not want to talk any more. He is already nodding away.

Chittore has many mines with very few in the large sector. Most mines are very small or medium sized and these mine owners with little capital are the ones who are ruthless in making people work long hours and even against their will.

Even official figures differ about the number of mineworkers. According to official figures 4,66,972 people were employed in mining in Rajasthan in 2002-03<sup>22</sup>.

The National Commission on Labour says that the state has about two million mineworkers. The Asia Pacific Newsletter on Occupational Health and Safety, 2000, is quoted as its source for this figure.

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<sup>22</sup> Basic Statistics, Rajasthan, Directorate of Economics & Statistics, 2004



However, activists also say that these bonded labourers do not wish to be rescued because of many reasons. Being very poor they need the assurance of being able to borrow money with only labour to offer as collateral. If they rebel once and use the Bonded Labour Act to be released from bondage, they are not only left to their own devices, they become 'unemployable'. No employer then gives them work easily for they are known as 'trouble makers'. This unspoken, but extremely effective agreement among employers keeps bonded labourers in check.

The other main reason for people continuing to remain in bondage is psychological. "The poor are the only ones with nothing but virtue," says UL. "They think not keeping their word is a sin that they should never commit! They must keep their word, and if the employer does not, well that is his sin and he will be punished by God!" Widespread ignorance also impedes the release of workers from bondage. Many people do not know there is a law against it and many do not trust state agencies to stand by them, their experience of the state is so bad. The only brush they have with the government is with the ration shop or the electoral system, both in most cases unpleasant. Occasionally there is a run in with the police, which is definitely unpleasant. Only some manage to emerge winners in this fierce battle. One such winner is Prabhulal Meena, a rare individual who became a union leader from a bonded labourer and quite a wealthy one too.

### **From bondage to leadership**

#### **Case 1**

Prabhulal Meena

Village Sagwaria Gram Panchayat Badi  
Tehsil Nimbahera, District Chittoregarh

(This researcher met Prabhulal at the Amarpura Office of the LSS where he had come to meet old friends)

Prabhulal is a rare example. He is a 47 year old who survived several years of bondage in agriculture and mines to become a leader and a fairly well off man. His father died when he was three months old and his widowed mother educated him up to the third standard before she put him to work to graze goats. "For four years I was a *gairi* at Motkaji Gairi's house' he recalls. *Gairi* is a goatherd. "Motkaji gave my mother Rs 125 for a year, every year, in advance," he says. As a young child of around nine he had to go away from home to the landlord's house some four kilometres away to graze their goats. "They gave me cold *roti* and other leftovers, twice a day and many scoldings," he reminisces.

Prabhulal changed employers when he was 13 years old. This time he was bonded to Bhairulalji Jat at Ranikheda, some five kilometres from Nimbahera. The first year Bhairulalji gave him an advance of Rs 300. This was some 24 years ago.

Prabhulal's family is not landless. His father had six bighas of land, but there was no water. His elder and only brother farmed the land. "I was so poor nobody was willing to give his daughter in marriage to me," says Prabhulal.

For 12 years he worked at Bhairulalji's farm. The landlord had 150 bighas of land, Prabhulal says and another four *halis* to work the land. They ploughed the land with ox

driven ploughs, sowed seed, weeded and irrigated the land. Then they harvested and threshed and stored grains and looked after the cattle.

“I also filled water, even drinking water, though I was treated as an untouchable and was never allowed to step inside the house. I would get up at four in the morning and worked till 11 at night,” he recalls. “With short breaks in between. It was a tough life.” At the end of 12 years Prabhulal was getting an advance of Rs 7,500 a year. And the debt kept mounting.

“He never allowed me to go anywhere. Except sometimes I would go home. I was not allowed to go even to the market to buy my clothes,” he says. “The landlord bought everything for me and then that was added to my debt. As it is, I had to constantly keep borrowing money, for seed and fertiliser for the six bighas we had, to pay for any little thing we bought, oil or clothes.”

After spending 10 years with the Jat, Prabhulal finally found someone who would marry him.

Bhairulal Jat spent a lot of money on his *hali's* wedding. “I begged him to not spend much, but he did. He even got a band to play music. The whole amount was then added to my debt. By that time my debt had climbed up to Rs 10,000.”

Eventually one day, tired of this life Prabhulal refused to work. Meanwhile the landlord had also mortgaged his land against the debt. Prabhulal after much negotiation agreed to pay Rs 9,000 back and signed on a stamp paper saying he would repay Rs 9,000 and would get his land back. Meanwhile he would continue to work for Bhairulalji.

Prabhulal then asked his brother to take his farming seriously and entered into a sharecropping arrangement for another 10 bighas of land agreeing to put in half the costs and keep half the harvest. But his woes were not to end.

That year they luckily had a good crop and he still remembers the harvest price of wheat. “It was Rs 180 a quintal,” he says.

He invited Bhairulalji to settle the accounts. He gave Bhairulal a tonne of wheat (100 quintals). That was worth Rs 9,000 and he thought now he and his land were free. “Bhairulal told me that since the land was mortgaged to him the whole crop on my six bighas belonged to him anyway,” says Prabhulal. He also told Prabhulal that since he had the signed stamp paper he could take possession of the land any minute. He took the one tonne wheat that the whole family had sweated to grow and Prabhulal was still in debt and in bondage!

“I was very badly stuck,” recalls Prabhulal. Meanwhile Bhairulal got several prospective buyers to look at Prabhulal's land and got him several offers. Prabhulal refused to sell. It was at this juncture that a state of emergency was declared and elimination of bonded labour was included in the twenty-point programme.

“All the landlords who had *halis* then began keeping a register and we were made to sign on that register. We had to sign saying that we were paid a daily wage and we were not bonded. My wife was also working as a bonded labour on his land at that time.”

His wife then complained to her father who knew a lawyer who also was Chairman of the Board of 12 panchayats.

The lawyer advised Prabhulal to file a case under the Bonded Labour Ordinance. (The Bonded Labour Act was yet to be passed. The Ordinance had been promulgated during the Emergency) Prabhulal recalls that it was not an easy decision. They were poor and a scared lot. He still plucked up courage and filed a complaint in the Nimbahera police station and ran back home, with his wife.

Bhairulal then came to his village with some 40 people and collected all the villagers and told them that Prabhulal did not intend repaying his debt and was a bad man, should be ostracised and that he (Bhairulal) would donate all the money Prabhulal owed him to the village temple. The villagers turned against Prabhulal. They considered Prabhulal's action a breach of promise, a sin, and began pressuring him to repay the debt for they said that a curse would visit the village if one of them were to turn dishonest.

"The police was with me," recalls Prabhulal. Finally the police said that they could be witnesses to a compromise only if Bhairulal would promise to abide by it or they would immediately arrest him and throw him in prison.

Bhairulal then agreed and the Ranikheda Panchayat was called to hear the case. Bhairulal was ordered to hand over the stamp paper to the panchayat who then handed it to Prabhulal and Prabhulal was declared free, his debt stood extinguished.

Yet, this was not the end of his travails. He was looking for work that would bring in more cash so he could till his land properly. He went to work near Nimbahera in a stone mine in what is locally known as the Binauta Ring. The Binauta Ring is an area mined by medium and small sector mine owners.

Prabhulal took an advance of Rs 2,500 with the agreement that Rs 500 would be considered his monthly wages. He took a week to learn to quarry stone.

"From 8 a.m. to 6 p.m. I would cut the stone. Another 20-25 people were employed in the mine. If I took a single day off the miner's jeep would come looking for me and the cost of that drive would be added to my debt."

Prabhulal says that he had heard of people being dragged behind motorbikes for acts of defiance. "We used to be petrified that it can happen to us, so nobody ever dared raise a voice in protest. The mine owners would also beat me once in a while."

Meanwhile sickness, childbirth and the land kept demanding more money and Prabhulal continually borrowed more, getting deeper and deeper into debt.

"It is amazing," he says as he looks back on those years. From bondage in agriculture he had passed on to bondage in the mines. Despite knowing about the Bonded Labour Act he did not have the courage to complain. The mine owners were a ruthless lot and this time he was scared for his life.

For five years he continued to work in the Binauta Ring. Then Prayas volunteers came to the area and talked about organising a union. Prabhulal joined them.

“Even then I was very scared. Sometimes I would not go to work and I always had some medicine with me to show them when they came to fetch me, for I would pretend to be ill.” Prayas volunteers had taught him the trick so he could take time off to attend meetings.

He soon joined the Khetihar Khan Mazdoor Sangathan, a peasant and workers’ union set up with the help of Prayas and was elected its president in 1990. He began drawing a salary of Rs 500 as president of the union.

Prabhulal then decided not to borrow any money and worked hard till he could pay off the advances he had already taken.

He remained the president of the union till 1996.

Today Prabhulal is a fairly prosperous man. He has an agency to sell tractors in four tehsils, has bought two more bighas of land and has begun lending money to others.

He got married again and now has two wives, and six children, three from each wife. The eldest son is educated up to the eighth standard and farms the family land. The other three sons are students of eighth, ninth and tenth standards. His two daughters are married.

### **The thrashing freed him**

#### **Case 2**

**Jagdish Meena**

**Village Nannana**

**Tehsil Bhadesar, District Chittoregarh**

Jagdish is 40 years old and has been free from bondage for at least ten years. A Meena tribal, he is enlightened enough now to let his 16 year old daughter go to school instead of getting married. His daughter is a student of class nine and his son now 13, studies in class seven. In 2006 his village had more than its share of rain and his house had collapsed. Jagdish is trying to get some government agency to help him rebuild the collapsed portion, so that he does not get into private debt and bondage again.

Jagdish has two bighas of land. He also has a well on the land. The water table however went down and to deepen the well he says he borrowed Rs 2,500 and agreed to work in Chaganlal Kumhawat’s mine for six months near Nimbahera. It was a short term bondage and Jagdish was sure he would be free soon. He was, but in a very different way from what he had imagined.

Four months after he began the work he took a day off for they had a local deity, Kheda Devi’s pooja in the village. “Next day he came on his motorbike to see why I had absented myself. I was cycling up to the mine and he saw me on the road and stopped me. Then he got off the motorbike and thrashed me with any sticks he could find on the road.”

He says he nearly fainted. After beating him up the Kumhawat dumped him in the roadside ditch and went away. He was not far from the village and soon a crowd of villagers collected. Somebody then reported the incident to the Khetihar Khan Mazdoor Sangathan and a union activist came to meet Jagdish.

The union then encouraged him to file a complaint with the SDM's court and asked him to not go to work at all.

"The SDM summoned Kumhawat and scolded him. Then the SDM dictated a written compromise saying that I would not work any more in the mine, the money I owed the owner will be treated as repaid and that Kumhawat will not harass me. He signed the agreement," says Jagdish.

Jagdish also says that he did not get the Rs 500 that was to be given to him under the Bonded Labour Act those days.

He was treated as an Antyodaya family and he got Rs 11,000 to build a house under the Indira Awas Yojana. He could have built a bigger house, but he did not have enough land so his house is tiny, a six by six room.

Under the Bonded Labour Act Jagdish was given a pair of oxen. "They were very useful on my land," he says. Since he had already sunk the well a little deeper he got two crops a year.

Jagdish then learnt cooking skills from his brother-in-law, a cook, and got a job in Ahmedabad as a cook in a lodging house.

"Earlier I went to Manmad as a cook," and he drew a monthly wage of Rs 1,000. Now in Manmad he draws a monthly salary of Rs 2,000 and food and snacks.

### **Bonded for a funeral feast**

#### **Case 4**

**Radheshyam Naik**

**Village Kachariya Khedi, Nimbahera Tehsil**

**District Chittoregarh**

Radheshyam Naik belongs to the Scheduled Caste and went into bondage 15 years ago as his aunt, his father's sister died. "We have to give a feast. It is called *Gaurni* here. The whole village has to be fed. We borrowed Rs 3,000," he says.

The family borrowed the money from a mine owner Manohar Charan. Charan owned a mine in Mallah Village close by. Naik learnt to quarry the mine from older workers on the mine.

He says he had to provide all the implements. He had to provide the *hathauda* (hammer), *sabbal* (a thick iron rod with a pointed head), two *tankias* (thin iron sticks), a small spade and a yardstick. In all he says he spent about Rs 500 on buying the implements.

Naik says he is now 36 and was rescued in 1994 and was in bondage for five years. He would have been around 18 when he went into bondage.

The agreement with the mine owner included a clause on the rate payable to him Naik says he could manage to dig between 10 and 15 yards a day and that would be



measured and noted down. There were always problems about measurements. He thought that he could repay the debt in about four months.

Yet, the cycle of debt continued for him. He once broke an ankle and apart from being absent from work had to borrow another Rs 2,000 to pay for treatment. He had to occasionally borrow for many things. To buy grains, to repair the implements, to buy medicines. "I always owed him money and everyday I would be told how much I owed him," he says. After a year he borrowed another Rs 2,000 to buy wheat and other things. This continued for years and after about five years he had had enough. He asked Charan to settle accounts. Charan then told him that he owed him a total of Rs 12,000 and could leave if he paid him that amount.

"I don't understand how I owed him so much."

Naik then told Charan that he would not work anymore and went home. He says Charan followed with two men and thrashed him and this time said he owed Rs 18,000 and must pay or else the consequences would be terrible.

Naik had heard of the KKMS and knew they had an office in Sagwaria nearby. He next day went to the union office and met the leader and filed a complaint with them. Naik knew of five other bonded labourers in the mine and all of them also joined him in filing the complaint. The union leader (who in this report will be identified as L for he refused to speak on record and be identified) reported the matter to the police station at Nimbahera. Charan of course heard of it and went again to Naik's village to beat him up. "I went and met L again," says Naik. This time L took him to meet the SP at Chittore and they also met the Collector. Still nothing happened for under the Bonded Labour Act the mine owner should have been arrested.

L now took greater initiative and 300 union members held a day long sit-in in front of the SDM's court at Nimbahera. This produced results. Charan, the mine owner was arrested, and was granted bail. Naik and the other four were rescued. This time Charan came to meet Naik to ask him to withdraw the case.

"He said I will write off your debt and give you more money, just withdraw the case. Had I withdrawn I would have appeared weak and later he would have beaten me up again. Then the union too had put in a lot of effort on my behalf, so I refused to withdraw the case," he says.

The harassment stopped, Charan never came to his village or sent anyone to beat him. Naik appeared only thrice in court and still does not know the outcome. He is not even curious about it. He got the relief package under the law.

Naik's family had six bighas of land and with two more brothers Naik's share comes to two bighas, not enough to sustain a family, but the family still does the farming as a single unit and have managed to stay debt free. His father had a *kutch*a house that collapsed every rainy season. His father finally got 400 square feet of land near the road. It is a '*ten paisa patta*'. Naik does not know what exactly a *ten paisa patta* is. Under some government scheme he says, for a mere *ten paisa* landless or very poor were given this much land to build houses.

On this land Naik built a small two room house with the aid he got under the Indira Awas Yojana. It is washed an indigo blue. "I got Rs 14,000 under the Indira Awas Yojana, to build this house. I had to put in an extra 2,000 to finish it," he says.

The house is made of some stones and mud. The flooring is stone. He has a black and white TV, a second hand one bought for Rs 500 and a second hand CD player for which he paid Rs 700. He also has a female goat with her kid.

Naik says he got the full package and did not have to bribe anyone. Immediately after the arrest of the mine owner he was given Rs 500 and then he got a pair of oxen. "They worked for me for five years. It helped my farm," he says.

The family land is unirrigated, but they can buy water, the rate for which is paid in kind, one third of the crop for the water. With the help of the oxen and the little cash he had received he decided to grow two crops on the land and has continued the practice. Occasionally he also goes to work in the mines on daily wages, and makes Rs 70-80 a day. It is difficult to get such work though. "The mine owners have this practice of always paying in advance and then getting you to work for a year or two and settling accounts at the end of the year. In between they give you some little money now and then. Accounts are settled only at the end of the year. And you are always found to be in debt. It is simple, really, why they do it. This way they get cheap labour and labour the whole year round "he says.

Naik has only two children, the daughter is 12, and has studied up to the fifth standard. The son is elder and is a student of sixth standard. Naik wants his son to get a government job, if possible and never get into debt.

### **From mine owning to bondage**

#### **Case 3**

**Soghaji Meghwal**

**Village:Morji ko Minnana**

**Tehsil Nimbahera**

Soghaji Meghwal is 60 years old, and his village is some 50 odd kilometres away from Chittore some five kilometres off the main road. It is a big village that looks like a green piece studded into a dry dusty landscape. All around it are long stretches of dusty plains. The village itself is surrounded by mustard in full bloom and wheat and small clusters of trees of palash, dates and neem. The village has about 450 households with 20 Rajput families, an equal number of Meghwals, who are SCs, 100 Kumhawats (nobody is sure whether they are SC but they are treated as SCs in the village), and 15 Salvis (another SC), 10 Nais, 10 Ahirs, 10 Sutars (carpenters), 15 Kumhars (potters), 15 Khatiks (Hindu butchers), 50 Rawat (Meenas), 10 Baniyas, an odd Kallar (brewer), another Gari (shepherd) and a Teli.

There is a tap for drinking water and everyone fills up from the same tap so untouchability is tempered to accept it. There is a rather strict hierarchy though, and upper castes have the first right, so when they arrive for water the rest have to give way and wait their turn.

His two bighas of land are lush with young wheat and fenugreek and his well is deep and full of water for irrigation, though it has no motor to pump out water. For 40 years Soghaji

Meghwal worked as a miner, first in his family mine, then on Suresh Nagariya's mine at Nimbahera and then on Onkar Charan's in Mallawadi.

He and his wife Kamla have five daughters, the two eldest are married and the other three are 13, 14 and 17, all waiting to be married off. There are two sons. The elder is 22 years old and married and the younger is 18. Soghaji is totally illiterate so is his wife Kamla.

Soghaji Meghwal's brother had a miniscule mine. The whole family worked the mine and made a living. It was a 20 feet by 20 feet plot, but it belonged to the family. It was barely enough to sustain them and when it became too tough to quarry it once the outer layers were peeled off his brother sold it off.

Soghaji then went to work at Nimbahera at Nagariya's mine. He got an advance of Rs 500 or so, though he does not remember the details. All he remembers is that Nagariya had a habit of adding an extra zero to any amount he lent. "I used to keep borrowing for this and that. So if I borrowed Rs 100 he would note down Rs 1000. That is what he did all the time." After five years when Soghaji realised that he would never be rid of his debt he asked Nagariya to settle accounts so he could make a fresh start. Nagariya then told him he owed him another Rs 5,000. Soghaji says he refused to pay back that amount, there was a heated argument and Nagariya filed a case against Soghaji. Soghaji was arrested. "He spent three days in prison," says Kamla who says that her brothers-in-law did a lot of running around to bail him out. They fought the case for five years and the court in Nimbahera finally acquitted Soghaji.

Meanwhile his need for cash grew. He had to pay lawyers, and then his two daughters were now grown up and had to be married.

"What do you borrow money for," Kamla says laughing. "For marriage, we borrowed for our daughters' marriage. One was 16 the other was 17 or so. I don't remember. Both were married in the same ceremony."

Soghaji then went to work on Onkar Lal Charan's mine. He borrowed Rs 12,000 for his daughters' wedding. Soghaji says the mine owner got him to sign two stamp papers, one for Rs 10 and the other for Rs five. He could not read a word and he put his thumb impression where he was asked to.

He says he later realised that the stamp paper said that Soghaji was borrowing Rs 22,000 and had been paid Rs 12,000 and would be paid the rest soon. The rate fixed for work was two rupees for a yard of stone quarried. Soghaji had to provide all the implements, which in his case was not difficult, since they all had enough implements.

Soghaji says he had by then worked in various mines and knew that the rate was the same. He says that nobody ever paid weekly or monthly. At the end of every month the mine owner would add all the yards of stone quarried recorded in a book and would then pay half the money and ask him to continue working. So all the time he was forced to work for the same mine owner or he stood to lose the money owed to him. These are tricks to ensure that experienced workers do not move on to other mines, he says. On his brother's advise though he kept a diary and that was to come in handy many years later.

Every day after cutting stone he would measure the stone and come back and tell his brother, who was literate enough to note this down. Every day he would get the details recorded, of the amount of stone quarried and the money it amounted to.

Soghaji says he worked for many years, but Onkar Charan would not give him any money. Soghaji had a feeling he had worked more than enough to repay the money. He had worked for nearly three years now. Occasionally he borrowed small amounts to meet his requirements for grain and clothes or rituals.

One day Soghaji plucked enough courage to ask Charan to settle accounts. "I had already been in prison once, and I was scared," he says.

This was in 1994. That is when Onkar Charan produced the stamp paper that said that he had borrowed Rs 22,000 in all of which 12,000 had been paid as a first instalment and the rest had been paid later.

Soghaji knew he was trapped. He then rushed to the KKMS union office and told them the story. The union filed a case in the SDM's court. Onkar Charan was summoned and came to the court.

"The moment he saw the SDM he fell at his feet and said he did not know me at all. Then he said he was very poor. The SDM was a very strict and nice man. He scolded Charan and told him if he did not speak the truth he would immediately be sent to prison. He did actually send him to jail, and Charan could get bail only after 12 days," says Soghaji.

The union leader L was with him. Then the SDM studied the record Soghaji had kept and it turned out that even at the rate at which Soghaji had agreed to work, Charan owed him Rs 5,000, but the SDM could not make the man pay Soghaji. A case was filed against Charan; Soghaji and another co-worker from the same mine, Radheshyam, were declared bonded labour and were given the relief package under the Act.

Soghaji says he was given Rs 500 two days after Charan had been arrested. Then he was given a buffalo that cost Rs 7,000. Under the Indira Awas Yojana he was granted aid. The bank gave him Rs 2000.

"The scheme works like this," he explains. "You have to keep showing them the stages of construction and they release money according to the stage of construction. The first stage is foundation laying for which they gave me Rs 2,000. I had to then dig the foundation and start building. For raising walls they would pay me, then for laying the roof. It is paid in three instalments."

Soghaji was under so much debt that he simply did not lay the foundation. He took the money and may have used it to pay off the loans taken from the bania or on other things. (They won't specify on what they used it for. Soghaji says he fell ill so he could not pay much attention to the building of the house. Kamla says they never started construction, and then hastily adds that her husband was too ill to do anything about it. Besides they already had the family house so there was no need for another one. It is a stone house and Soghaji has a portion of the courtyard.) The other instalments were therefore not given to him.

Having got a buffalo Soghaji decided to work on his farm and look after the buffalo and sell milk.

The buffalo lived for about six years he says.

### **The lure of the lump sum trapped them**

Case 4

Partiraj

Village Sagwaria Gram Panchayat Badi  
Tehsil Nimbahera, District Chittoregarh

Sagwaria village typifies the rocky area of Nimbahera where stone is quarried in small and even cottage industry sized quarries, some even smaller than 200 square feet. It is built on an untidy heap of rocks rising from between lush green fields of young wheat. Houses are built of this locally available dirty looking limestone streaked with brown and grey, plastered with mud. Some houses jut out of the hillock dangerously perched on the edge of a cliff. In the summers when there is no crop growing here the area looks like a desert with this hillock of stone. All the 100 odd households here belong to the Meena tribe.

For five years now none of the villagers has become a *hali*. Five years ago it was common practice for people to enter into bondage for an advance payment of a few thousand rupees with landlords or mine owners. Then the Lok Shikshan Sansthan stepped in to rescue and rehabilitate bonded labour and got many of them rescued some 10 years ago (around 1996). Now the men go to work at cutting stones in the Nimbahera Industries area 12 kilometres away. They work either for daily wages or monthly salaries.

Like most villagers Partiraj Meena does not remember how old he is. Perhaps 50? He has two brothers, an elder one, again perhaps 50 he says then laughs at this impossibility. Then says, "Perhaps I am 45?"

He is illiterate, and has four children, two sons and two daughters. The daughters are ten and five years old and the sons are three and two years old.

He does not remember how long ago it was that he became a bonded labour in the mines. He is totally landless. His family has no land. His father, Motiji Meena, survived by sharecropping on other's lands.

Partiraj says he too began as a sharecropper. Then the Nimbahera industries area came up as an option and he started working there.

"We could get lump sum money there," says Partiraj. This was over ten years ago, he says when asked to remember when it was that he started working in the mines.

"The system in mines was that they paid you an advance of a certain amount and then they paid you no wages. And you had to work till the advance was repaid. So if you entered into an agreement for a year you had to go there every day of the year. If you took even one leave they added another Rs 100 to your loan, for that is what they said they deducted for leave."

Partiraj and his brother took loans to work at stone cutting. Partiraj says he took Rs 10,000 and his brother took only Rs 5000. His brother had entered into a six months contract and Partiraj had a contract for a year. They had an agreement with the owner of Narain Khan, a quarry some five kilometres away from the village. He had to get to the mine at nine in the morning and work till six in the evening. He hacked stone out of the stony outcrop, huge slabs that were then carted away. He did not load them. "But for that Rs 10,000 I had to work for two years," he recounts. The next year he asked for more money as advance for the second year's contract. "But they did not pay me," he says.

His wife worked as a daily wage agricultural labour so they did not starve. Those days she got Rs 30 as daily wage. She found work for ten days in a month.

Apart from Partiraj and his brother, another villager, coincidentally named Partiraj, were bonded to the same mine owner. For convenience we shall give the second Partiraj another name, Rehire.

Rehire is about 30 and has two sons, five and three years old. He says for some time he worked as a daily wage worker in the Marian Khan for Rs 30 a day. "One day the mine owner told me he could not pay me daily for that meant too much paper work so why don't I take an advance for the whole year? So I took an advance of Rs 10,000!" The reason he gives seems a little far fetched. However he worked for a whole year and still the mine owner would not let him go.

SO Rakhiraj (WHO IS THIS???) went to meet the KKMS leaders. The union advised him to stop working and go find daily wage work. Rakhiraj says the mine owner then began sending people to find him. "I would hide when they came. When the union heard this, the leaders told me to not hide, but confront them and tell them and ask them to give me my dues."

When the mine owner sent another man all three, Partiraj, his brother Khemraj and Rakhiraj met the man and told him they would report to work the next day. The next day they all went to the mine and told the owner that they would work if they were paid wages and not against the advance they had taken for they had already repaid that, in fact they had repaid more than the money they had taken. The mine owner refused and abused them. The three then went to the Sub Divisional Officer (SDO) Nimbahera's office with some union activists and filed a complaint.

The SDO summoned the mine owner, whose name both the Partirajs have forgotten (this writer could not meet Khemraj as he was away). According to Partiraj the SDO told the mine owner that he must stop harassing the workers or he would be arrested.

Then the SDO gave each of the three, Rs 500. Some weeks later all three were given Rs 11,000 each to buy one unit of goat, which is a total of 11 goats. They also got money under the Indira Awas Yojana to build houses, Rs 18,000 each.

For ten years now Partiraj has been working as a farm labourer. He has taken on the irrigation for six bighas of land for which he will get six quintals of grain at harvest time. His brother Khemraj too is irrigating five bighas of land for someone and will get five quintals of grain for it. That is the going rate here, for irrigation work. They have to flood

irrigate the land; diverting water into channels and mostly the work is done late at night when there is electricity. For every bigha one quintal of the crop is given as wages.

Both work as casual labourers and look after their goats. Partiraj has five goats and his brother has three goats left. They manage to sell two or three goats a year and make some money. Both the brothers have however remained free of debt.

Rakhiraj has not managed to stay out of debt. His wife fell ill last year. "Some female disease," he says. For a year or so they used herbs but eventually had to go to Nimbahera for allopathic treatment. This was just over a year ago. He then borrowed Rs 10,000 from a local landlord, Meghraj, at a two per cent per month interest rate. He has only four goats left. He says he can't afford to feed the goats and sells the male kids the moment they are about a year old and every year for ten years now he has been selling three or four goats. Each goat fetches Rs 1,000. He has till now paid Meghraj only Rs 2,000 as interest towards the loan. He does not know when he can pay back the principal, but meanwhile the interest will have to be paid. He is not bonded to Meghraj. He has to work and repay the cash.

"You see," he says, "once a bonded labour files a complaint and is freed nobody wants to make him a *hali* or pay him an advance. They think he will get them into trouble." He has also entered into a contract to irrigate five bighas and will get five quintals of wheat. This will ensure some basic food security.

### **I was tied to a motorcycle and dragged**

#### **Case 5**

**Govardhan Rawat**

**Village Guddakhera**

**Thana Choti Sadri**

**Tehsil Nimbahera**

Govardhan Rawat says once a mine owner dragged him behind his motorcycle, "just like they do in Hindi films" for he had refused to remain in bondage. He is a Meena tribal and thinks he could be between 50 and 55 years old. He has seven bighas of land, three with water, that is a well, and the other four are unirrigated. The other four bighas were actually forest land that he was cultivating and the government he says regularised it some two years ago.

The Guddakhera village is a poor village with about 270 odd families. It has an ANM. Most families, about 200, belong to the Meena tribe, and another 60 belong to the SCS. There is a brewer (Jaiswal or Kallar), one Brahman priest, one Nai, two Jat and one Rajput family too. There is a school up to eighth standard. The local Primary Health Centre and the local market are in Bari, the nearest village hardly a kilometre away.

Rawat is an unlikely bonded labour. His father had twelve bighas and was well off. He once had a single licence to grow opium too. His village had nine licences to grow opium. However they could not meet the requirement for minimum yield and all the licenses in the village were cancelled. "We also paid Rs 9,000 as bribe to retain the license but it was all in vain," he says.

Rawat has three other brothers so his share of his father's land came to three bighas and that is not viable as a farm he says.

Rawat has six children, three sons, 20, 18 and 10 years of age. He has three daughters, 22, 15 and 12 years old of which the elder two are married. The elder two sons are also married. The daughter has studied up to the fifth standard and the son is now in the fifth class. Except for the one chance his family got to enter into opium farming the rest of the story is a familiar one.

The really sensational harassment of Govardhan Rawat sets his case apart though. About 15 years ago he says needed to borrow some money. Why? He does not specify. "Just needed it," he says. He needed Rs 15,000 and another villager Nanoram, needed Rs 10,000.

*Close questioning reveals that actually Govardhan had thought that he can turn into some kind of sub-contractor and invest the money he borrowed, in land or some other business. His plan boomeranged for the mine owner who lent him the money had his own plans to cheat them.*

Both Govardhan and Nanoram went to Amralal Charan, a mine owner in Mallah village nearby and asked for an advance of Rs 25,000. Nanoram needed Rs 10,000 and Govardhan was planning to borrow Rs 10,000 for himself and Rs 5,000 to pay another two workers who had agreed to quarry the mine for him.

Charan agreed to give the two of them Rs 25,000 and got them to sign on a stamp paper. Later he gave Nanoram Rs 10,000 and told Govardhan that he would get his Rs 15,000 a few days later.

The agreement was that both Nanoram and Govardhan would work for a year. Govardhan now hired the two workers for a year against an advance payment of Rs 2,500 and says he paid them Rs 2,000 each to work for him. All four, Nanoram, Govardhan and the two hired workers then started working on the mine. For three months Govardhan claims, he worked without being paid a penny, and he kept asking for the loan or advance he had asked for and even signed a receipt for.

When Govardhan realised that the mine owner had no intentions of paying him, he says he stopped working. The workers he had hired also stopped working. However, Nanoram continued to work.

A few days after he stopped going to work, the mine owner, and his brother, Mohan Charan came to look for him. Govardhan remembers the date, though not the year. "It was March 4," he says. He had gone to the nearby village to buy *bidis*, when the mine owner and his cousin, Mohan Charan, came to his house and on being told that he was at the market in Bari, the next village, they reached there.

Govardhan says he had a piece of cloth, like a *gamcha*, around his neck. (Most villagers keep this piece of cloth that doubles as a towel and headgear to protect them from the sun and even to cushion any weight they may have to carry on their heads.) Amralal Charan accosted him in the market, abused him and threw him down.

"He then took my *gamcha* and tied my feet with one end. The other end he tied to his motorcycle. Then he kick started the motorcycle and drove off and I was dragged off behind him. He must have driven for about 50 metres. He had to stop then for the villagers collected. I fainted".

When he woke up he was in a hospital in Choti Sadri. The KKMS leader L visited him in hospital. Govardhan was in hospital for a fortnight, he says. The police came and took



his statement and a case was filed under the SC/ST (Protection of Civil Liberties) Act. Govardhan does not know what happened in the case. All he knows is that both were arrested and were out on bail ten days later. He says after that once when he went to Bari, to buy oil, Charan ran into him there and forced him into a jeep and took him to Nimbahera and made him sign a stamp paper on which he was made to declare that he had been given all the money they owed him for having worked on the mine and that they owed him no money.

On his return he told the union about this, and UL then took him to the SDO's office in Nimbahera and made him file a complaint under the Bonded Labour Act. The SDO took his statement.

Govardhan claims he got no relief package. However he was given Rs 15,000 to build a house. He has a small plot of 12 yards by 10 yards and he built a small house on it. Govardhan has about 12 goats and has just paid the local Kallar (brewer) Rs 3,000 to cut grass on his three bighas of land for fodder. He can cut the grass only once for this amount. The grass is dry but tall enough, about two feet high.

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Despite the evidence staring them in the face, officials continue to assert that the practice of bonded labour is a thing of the past, or at least very rare here. Their interviews reveal their negligent if not callous attitude.

**Labour Commissioner S M Meena**  
**Labour Department**  
**Government of Rajasthan**

S M Meena has been Labour Commissioner for two years now. He states very definitely that there is no bonded labour in Rajasthan and all surveys have reported that there are no people in bondage any more in mines, brick kilns or agriculture. The classical form of bonded labour does not exist in Rajasthan. His definition of the classical form of bondage is: When a person takes a loan and works to repay that loan till the loan is fully paid back. 'Such cases are now very rare,' he says.

In Rajasthan all surveys have reported that the incidence of bonded labour is 'nil'. The Labour Department is not involved in the survey. It gets involved only after a complaint is filed. Labour Inspectors investigate any complaint filed.

The survey is done under the aegis of the District Magistrate. The survey is conducted by the *patwari* and gram sewak.

"The incidence of Bonded Labour has gone down because of the implementation of the Bonded Labour Act, growing awareness and political awakening. The implementation of the employment guarantee scheme has also helped now," asserts S M Meena, the Labour Commissioner.

He asserted that vigilance committees are in place in all districts. However, he said that no evaluation has been done to gauge the success of the rehabilitation scheme under the Bonded Labour Act.

NGOs he said have played a very positive role in the elimination of bonded labour. He said that he had never heard of any organisation called STEM and was not aware that the organisation had been asked to evaluate the Bonded Labour Act or had filed any report.

He agreed that there are charges that a large number of young children from southern Rajasthan are being taken to work in the cotton seed farms in Gujarat and some people are terming it bonded labour.

“It is strange,” he said. “Why would people go to work in a state where the legal minimum wage is lower than it is here? In Gujarat the legal minimum wage is Rs 50 and the legal minimum wage here in Rajasthan for agricultural work is Rs 73. Despite this people are crossing the border. We are looking into the matter.” He said.

He said his department is waiting for the concurrence of the Gujarat Government to send a team and investigate in the field. This is not bonded labour though, he said.

Meanwhile the Rajasthan government plans to give them ration cards meant for BPL and also to give them food grains. “Since we have begun implementing the Rural Landless Employment Guarantee Scheme the numbers of people migrating to go to work in cotton seed farms has gone down. They used to go from Sirohi, Udaipur, Dungarpur and Banswara.

**Deputy Labour Commissioner  
Chittore District, (in Chittoregarh)  
Sajjan Singh Chauhan**

The Deputy Labour Commissioner at the Chittoregarh Labour Office is very pleased that he has spent Rs 28,000 on getting signboards painted as part of the campaign to eliminate Bonded Labour. He says such boards have been put up in all relevant places, like the SDO’s office, Panchayat Samiti offices so that everyone who can read is aware that keeping bonded labour is a crime.

The Board, in Hindi, defines what exactly bonded labour means and warns that it is a crime to keep bonded labour; it is a punishable offence that can be punished with up to three years of imprisonment and a fine of Rs 2,000.

The implementation of the Bonded Labour Act was transferred to the Labour Department only in 2005 from the District Rural Development Department.

Chauhan asserted that there are no bonded labourers in his district. “Every year we have two surveys, once in May and once in November.”

According to him the SDO asks the Tehsildars to conduct a survey of bonded labour and they have found none.

Chauhan is very clear that the Bonded Labour Act is “being misused by workers in mines. Some workers have become mini contractors. They take contracts to dig up a certain quantity of stone. They then ask for some advance so that they can pay workers they hire on a daily wage basis. On top of it they also take a part payment of the amount

they have negotiated for. After a while they do not want to complete the contract. They complain under the Bonded Labour Act. Our enquiries reveal that this is not bonded labour.”

He then proceeded to give a detailed definition of bonded labour. He enlisted the following conditions as necessary to the definition of bonded labour.

- A person is considered bonded labour only when he takes money as debt.
- No interest is charged on the debt.
- He has to necessarily return the money in cash.
- He gets a salary every month.
- Even if he works for less than legal minimum wage it is an offence under the Minimum Wages Act not the Bonded Labour Act.

Chauhan said that in case a complaint is received, the department sends an inspector to enquire into the incident. There are two inspectors in the labour department in Chittore. In case the inspector’s enquiry reveals that there is some substance in the complaint it is reported to the SDO.

A first class magistrate then tries the employer who keeps bonded labour. The bonded labourer is rescued and the DM rehabilitates him. The bonded labourer is given Rs 1,000 immediately to ensure that he has enough money to buy food and any other essentials he needs while the rest of the rehabilitation package is organised.

The district has a vigilance committee with the Collector (District Magistrate) as its chairperson. The seven member committee is composed of the DM/Collector, Deputy Labour Commissioner, a MLA, a Sessions Judge, the Superintendent of Police and an NGO representative.

The NGO on the Chittoargarh district vigilance committee is ‘Anubhuti’ an NGO that, Chauhan informs us candidly, “has never been involved with the rescue and rehabilitation of bonded labour. “. So why is it on the committee? “I do not know why and who chooses the NGO,’ says Chauhan and shrugs, eloquently.

The biggest NGO in the district that has been engaged with such issues right since the Bonded Labour Act was passed and that gets its funds from the state government, Prayas, has never been on the vigilance committee. It is not popular in government circles.

Chauhan claims that in the two years since they were given charge of the Bonded Labour Act, his office received only two complaints. Both were from the agriculture sector and in both cases the charges were unfounded. “They had taken some advance money and there was some dispute about returning it or working for it. Nowadays most people are misusing the Bonded Labour Act so they do not have to return the money they have taken in advance.” He says firmly.

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This attitude of the present officials stands in stark contrast with the zealous and committed approach of the young Deputy Secretary who had the courage and the

imagination to rescue bonded labourers from the grip of politically influential 'owners' of such slaves in the 1980s.

This researcher had a very difficult time tracing him in Jaipur on her first visit, where even civil liberties activists and other NGOs had not even heard of him. A word search on the Internet also failed to track him. The Labour Commissioner's office too said that it had not heard of Sharma. Surprisingly, even Prayas did not have his address or phone number. At last the Deputy Labour Commissioner in Chittore allowed this researcher to take a peek at the contact addresses given on the STEM report. Nobody answered phone calls raising fears that the number may have changed or been disconnected. The email id has by now ceased to exist. Luckily, contact was established on the second visit to Jaipur.

### **After Care is a Must for Successful Rehabilitation**

**Interview with Bhagirath Sharma**  
**Former Secretary, Government of Rajasthan**  
**Honorary Director, STEM, Rajasthan**

Bhagirath Sharma now 70 years old, retired as Secretary, Government of Rajasthan in 1994, and had had a long innings of about 10 years in the Department of Rural Development. He is a consultant with many UN agencies including the UNICEF and heads the Rajasthan Chapter of a Bangalore based NGO, STEM. Last year, he says, STEM tried to get a state government assignment to evaluate the rehabilitation programme under the Bonded Labour Act but failed. "I do not use my old contacts to get work and we do not use bribes either. Ours is an ethical organisation, we do our job sincerely and honestly. Maybe that is why we don't get many assignments," he says laughing.

He says he has always been interested in issues related to poverty and as a bureaucrat tried to alleviate some of the worst manifestations of abject poverty. "Bondage is one of the worst things that happen to people who are extremely poor," says Sharma. Sharma is a legend of his time, who evolved the Antyodaya programme to bring people below poverty line up to the level of the poverty line with a detailed follow-up system built into the scheme. "Without after care no rehabilitation can be successful," he declares unhesitatingly.

He lists three reasons for people getting into debt and then bondage. These are listed below.

1. People are left with no economic assets. The family land gets fragmented because it is divided and then again divided between sons. Eventually each one is left with half or one bigha of land or at the most two bighas and that is totally unviable.
2. Social 'evils' like rituals of bride price, or the compulsion to hold huge funeral dinners. There is a belief that if a certain number of people are not fed after the death of a member of the family, the dead will not be able to ascend to heaven. That weighs heavily on the conscience of people and they borrow to perform such last rites and get into bondage.
3. Addiction to opium. This is a major reason, especially in western Rajasthan where every ritual like marriage, childbirth and death is celebrated or observed with the distribution of opium. Sons-in-law have to offer opium to their in-law's

family on every visit. Such frequent use of opium can lead to severe addiction. Addict fathers then get into debt and send their sons into bondage.

In 2002, the Centre for Symbiosis of Technology, Environment and Management (STEM) was asked by the Government of India to evaluate the bonded labour situation in Chittoregarh district. The report was not meant for public consumption and the Government of India had specifically asked STEM to prepare only five copies of the report for restricted circulation. "We prepared only five copies and gave them to concerned departments, including the Labour Department of the state government," he says. (The Labour Commissioner, S M Meena, told this writer that he had never heard of either the STEM or any evaluation report so far.)

Sharma says that STEM evaluated the situation in Chittoregarh and in Barmer districts. He also said that he had no copy of the report, therefore could not remember any statistical data, but he agreed to talk about the main findings of the study.

The first thing the report said was that there are still many bonded labour, but the government machinery cannot trace them. Government surveys are conducted through government officials. The DM asks the BDO, who then asks the panchayats and they all report that there is no bonded labour.

STEM uses a different way of finding out.

"We appoint informers in the village. We maintain contact with them and get them to ask around and then give us information. For this we pay them. Then we go into the field and verify the information. It takes time, but our information is more accurate."

He said that the government officials' stand is that there is no longer any bondage in Rajasthan. However in 2003 STEM identified 61 bonded labourers in Barmer district and gave the list to the government. "The list had all the details. Some of these people had borrowed only Rs 1000, and been in bondage for four years. They were not even being paid any wages for they were told that their wages were being spent on the food they were being fed. There was one man who lived in Barmer, but was bonded in Jodhpur."

Sharma then says he never heard again about what happened. "We had a consultancy to find if there were any people in bondage. We did not enquire what the government did."

In Chittoregarh STEM had been asked to evaluate the rehabilitation scheme.

We found out that all those released had been given the immediate grant of Rs 1000 that they are supposed to be given. After that they have to be given an economic package. The value of the package has now been raised to Rs 20,000.

Some had been given the whole package, some had been given part of the package and a few had not been given anything for they could not be traced after the rescue, avers Sharma.

This package has to be given in two instalments. If the package given is that of two cows, for instance, then one lactating cow has to be handed over first and six months later another cow that is lactating must be given. This ensures that there is a continuous cycle of milk production. The BDO either hands over the entire package all at once or he forgets to give the second instalment, for the BDO is also saddled with many schemes.

All rescued bonded labourers are treated as Antyodaya families and as such are given housing assistance under the Indira Awas Yojana. This is not part of the package under the Bonded Labour Act, but an extra benefit given under a separate scheme, devised to help people below poverty line reach the poverty line.

In Chittoargarh they had another problem. For some years now they have not had a good harvest. They have hardly any work available in the rural areas. So some rescued bonded labour had also migrated to Gujarat and could not be traced, so they could not be given the package.

“However what we found was that the income levels of these people who had been rescued had not increased much and they may slip back into bondage”.

Vinod Pande set up the multidisciplinary Special Schemes Organisation (SSO) to have experts from a number of fields under one roof and to plan integrated development. Bhagirath Sharma was Deputy Secretary (desert development) and was part of the SSO. When the Bonded Labour Act was passed its implementation was also made the responsibility of the SSO and Bhagirath Sharma had to look after it.

“From Pratapgarh we got a report from an NGO that bonded labourers were being kept by very influential Rajputs,” says Sharma.

Sharma recounts that he did not even inform his department why he was going to Pratapgarh, but reached there and met Narendra Gupta whose NGO, Prayas, had passed on the information to the SSO.

Gupta then told him about the employers and how influential those people were. “You cannot even imagine what they could do. If they heard that any bonded labourer had even spoken up they could hang him upside down in the well. I realised the importance of secrecy and I went and met Gupta without even telling my department why I was going to Pratapgarh”.

At Pratapgarh Sharma met the bonded labour at midnight and heard their tales in torchlight. The informers of Prayas had taken these bonded labour into confidence and brought them out into the jungle at midnight so they could tell Sharma what they were suffering.

Sharma says, he told the SDM there he was on a casual visit, wanted to roam around the villages and the wilderness and got a government jeep, but the jeep would be parked some distance away and Sharma would walk four to five kilometres for these midnight trysts.

After satisfying himself that they were indeed bonded labour, Sharma then called the Secretary and told him about the problem. Sharma avers that the Secretary then told the Chief Minister without divulging the name of these influential employers. The Secretary gave instructions on the phone to the district magistrate to free them.

With backing from the apex level the district police were alerted and asked to surround the villages. Prayas was asked to keep away from the operation so that they would not have to face any reprisals. Sharma managed to release some 10 odd bonded labourers

in that single and first major action under the Bonded Labour Act with the assistance of the SP and the DM

It created an uproar in the state for the employers were truly influential. The press highlighted the issue.

All those labourers were then rehabilitated.

“We did not do an evaluation to see if they went back into bondage,” says Sharma. That was not their job.

This sensational case apart, Sharma avers he has had a lifelong engagement with issues related to poverty that includes bonded labour. He launched the Antyodaya scheme. “It was my scheme, my brainchild,” he says. He says convincing the poor that any government scheme can give them a better life is very tough. Under Antyodaya he says the state government identified 1,20,000 families as the poorest of the poor and of them 10,000 had refused to take any money from the government. “They were too scared. One man even told me that if I made him sign any government paper showing he got money he would commit suicide for they had no trust in the government.” He draws a parallel between Antyodaya and the Bonded Labour Act rehabilitation scheme and says lack of provision for aftercare is the weakest part of any rehabilitation process. Even NGOs do not get funds for follow up and aftercare. NGOs are involved only till the bonded labourers are rescued.

After that the rescued are left on their own. There is no data to show just how many slipped back into bondage, for many migrate under stress and cannot be traced. There is hardly any evaluation of the success of the rehabilitation package.

Sharma outlines the detailed aftercare system he had evolved to ensure that the beneficiaries under the Antyodaya scheme actually manage to reach the poverty line. All bonded labour are considered Antyodaya families, by definition. Bonded labour is in a worse condition than those below the poverty line.

People living in such abject poverty have no skills to manage any assets, says Sharma. Even though they work on farms and in mines, they only perform menial tasks or tasks they are trained to perform. Landlords in agriculture and owners or contractors in other sectors manage the assets.

Once rescued and made owners of assets the former bonded labour needs continual guidance and support. For instance, a former bonded labour suddenly handed over two cows may not know where to take the cow for treatment if she falls ill, or may not have the facilities to take her to a veterinary doctor.

Under the Antyodaya scheme certain functionaries in the villages, like the school teacher, were persuaded to ‘adopt’ four or five Antyodaya families in the village and asked to file regular reports on their progress. This ensured that there was someone local who could keep an eye on such families without much effort.

The ‘guide’ families were then given a set of postcards in three colours: green, yellow and red. They sent the postcards at regular intervals. If they sent the green postcard it meant all was going well. The yellow postcard meant that a problem had arisen and demanded attention. The red postcard was meant only for emergencies and the moment

the red postcard arrived the Project Director had to deal with it immediately. Illness of cattle and such other emergencies merited the red postcard. The Project Director had to maintain a register of yellow and red postcards and report on the action taken.

“In my experience, people require at least two to three years of aftercare support,” says Sharma.

XX

Even though the Labour Commissioner denied any knowledge of STEM and its report the Deputy Labour Commissioner in Chittore had a copy of the report of STEM titled ‘Evaluation Study of Bonded Labour Programme – District Chittoregarh’. It was dated 2001. Chauhan said that it was the only copy he had, he was in a tearing hurry to go to Jaipur to attend a meeting and could not spare even ten minutes to let this writer take a look at the report.

He definitely would not lend it for photocopying. After much persuasion this writer was allowed to note down certain facts .

The report notes that from 1992-93 onwards 203 bonded labourers were identified and released whereas only 141 cases were filed against the masters.

It gives a table of cases .

Cognizance of Offence under sections 16, 17, 18, 19, of the Bonded Labour Act  
Zilla Parishad reported

- a) Total number of cases registered 141
- b) Cases in which punishments were given 35
- c) Acquittals 75
- d) Cases dropped due to death or other reasons 30
- e) Pending trial 1

“This shows that cases against Masters of 337 released BLs could not be lodged” it comments.

The official then took the report back and walked away out of his office with the report tucked under his arm.



## CONCLUSION

This very small investigation into the bondage of workers in the agriculture and mining sectors in the state of Rajasthan reveals that abysmal poverty still drives people into slavery and the enforcement of laws on prevention of bondage, labour rights and child rights continue to remain a major challenge for the state, including the judiciary.

In the agriculture sector fragmentation of land with its division and further subdivision among sons is the main cause of small holdings and their being absolutely unviable. In the mining sector mine owners advance loans to keep skilled workers in bondage, as the rate of turnover is very high, because the work is also very tough.

That the villages and mines in Rajasthan still have bonded labour is evident everywhere. Even urban people who have very little connection with agriculture will tell you that there are *halis* who work in the fields, against advance payments. They however do not consider them bonded labourers. Most middle class people would much rather not think beyond simple and simplified definitions of bondage and vehemently deny bonded labour, even while they condemn *halis* for being 'bad types', who take advances and do not want to work. 'Good for nothing', 'shirker', 'liars' and 'thieves' are some of the less derogatory terms used by middle class people in reference to *halis*.

In conversations with small shopkeepers, owners of cyber cafes, teachers and other professionals met on trains, this researcher found a great deal of contempt for *halis*. The general opinion about them is that they take thousands of rupees in advance, do not want to work to repay the advance and take advantage of the law.

"The workers are getting too smart and they misuse the law," is a common refrain. Even the Deputy Labour Commissioner, Patanjali Bhoo, in the Jaipur office echoes this sentiment. He told this researcher that workers are getting very smart nowadays. "They take advances. They enter into written agreements and then if there is any dispute or if they don't feel like working they file reports under the Bonded Labour Act."

People still think that bonded labour means bondage that has continued for generations. They think of people whose fathers may have borrowed some measly amount like Rs 50 some fifty years ago and the son is still paying off that debt with the sweat of his brow.

Advance payment to cheat the worker out of a minimum wage and making the worker put in longer than the normal eight hour workday is considered normal, not another form of bondage.

Besides, an advance of say Rs 10,000 sounds very impressive to the middle class. They seldom pause to calculate the daily wage rate it works out to. They never remember that this amount is truly very little when considered as an annual income. They labour under the impression that villagers do not need to spend even a penny on grains or vegetables. In fact many point out that it is truly cushy to be a *hali*. "You take your advance, and everything else is free. The owner of the land feeds you, clothes you, and gives you a house to live in. What else do they want?" is a typical reaction.

When asked why the landowner then hires such people and pays them an advance if he is being cheated like this, people say that he does this out of generosity and good nature!

Even NGOs in the field think that reality is not horrible enough and would like to suppress some of the aspects of this reality that they perceive to be positive or lucrative, in favour of fiction. Several times this reporter had to ask accompanying NGO activists to not prompt the worker being interviewed.

If the worker as much as mentioned that he got good food, there would be a whispered admonishment to him, 'No need to tell her that!'

Activists too are victims of middle class consciousness and tend to get impressed by the figure of thousands. An activist accompanying this researcher looked distinctly uncomfortable when a *hali* said he had been paid an advance of Rs 10,000. "Try to remember," he intervened. The activist only relaxed when this researcher gave a rough calculation of the daily wage rate it worked out to and commented that it was too low. There can be no two opinions that bonded labour exists. Its form has changed. It is no longer bondage in perpetuity. It is annual or seasonal. The time period of bondage is more or less well defined.

NGO activists feel that the incidence of bondage may actually go up, though they do not categorically say so. They feel that with a system close to the free market system prevailing, soon all kinds of iniquitous and even illegal contracts may come to be regarded as valid. As of now, any contract in violation of certain laws, like the Minimum Wages Act is considered invalid, because the state cannot allow anyone to sign off their rights. It is presumed that such signing off is done either out of ignorance or because of some compulsion. This may change soon.

What is worrisome is that with the increasing pauperisation of the small peasant, compounded by sudden changes in weather affecting crops in adverse ways, the poor may find it increasingly necessary to borrow money to meet even basic expenses, like that on food. This year, for instance, unseasonal rains damaged mustard crops and *jeera* (cumin), a spice that even poor peasants grow on very small plots. Being an expensive spice it does help peasants make a tiny profit.

Alongside, the media's growing influence is also inducing people to spend more. No state agencies will advance any loans to the poor with very little or no assets and poor repayment capabilities. Such people fall easy prey to private moneybags, who take advantage of these socio-economic conditions, to secure cheap labour to multiply their profits.

Television is now as necessary as clothing even in poor homes and the glamour and opulence depicted in the soap operas is already influencing the style of marriage and other rituals. No longer are small simple tents considered good enough to host a wedding party, and expenses on decoration have gone up. The poor can ill afford such luxuries and may be driven into greater debt.

In the industrial sector too, including mining and quarrying, the growing army of the unemployed is likely to keep wages depressed and below legal minimum wages and increased indebtedness may lead to increased bondage. With the government not very enthusiastic about eliminating bondage, employers may become more brazen about illegal practices. As the mineworkers have said, paying advances is a common practice

in mines. If you want to work there you take an advance and work. You do not get daily wages, or weekly or monthly wages.

As Dr Gupta points out this practice is to ensure bondage, to ensure that the skilled worker does not go away to seek better opportunities. It is a pernicious practice and officials do not even talk about it.

It must always be remembered that nobody opts to be a slave. Civil society has a responsibility to ensure that conditions that push people into bartering away their freedom to meet survival needs cease to exist. New forms of bondage are being put into place by wily employers with agreements on stamp papers. With the philosophy of free market progressively coming to dominate the perception of a sizeable section of the bureaucracy and society at large, we are facing a real danger of actually justifying bondage as an agreement between two adults entered into without coercion.

That poverty and real lack of choice are components of coercion must be recognised for what it is, a fact.

This investigation revealed many gaps in official policy and rehabilitation mechanisms. Give below are the main recommendations.

### **Recommendations**

- The Rajasthan Government must acknowledge that the practice of bonded labour exists in the state and initiate sincere efforts to identify and rehabilitate them
- Instead of the farce of surveys by officials the state government must involve NGOs with proven integrity and interest in the subject to quantify the incidence of bonded labour.
- The National Human Rights Commission should ask for disaggregated data from the state government in order to assess which section of the population is most affected. This will also facilitate the evolution of gender and age sensitive suitable rehabilitation policies and measures.
- Mechanisms to assess the success of rehabilitation schemes must be put in place so that the rescued bonded labour does not slip back into bondage.
- Rescued bonded labour must have an active say in their rehabilitation efforts and the means made available to them under the scheme.
- Punishment for keeping bonded labour should be given as soon as possible. Since criminal liability in such cases takes a long time to fix and the judicial process is slow, a heavy and punitive fine, including the rehabilitation costs of people in bondage can be made recoverable from employers within given time limits.
- In the agriculture sector incentives should be provided so that people's initiative to have common irrigation facilities can be boosted. Other such pooling in of resources by groups should receive state encouragement and incentives. Such

efforts can go a long way in ensuring that the poor can make the best of limited resources and assets.

NGOs can ensure that groups of former bonded labour come together to ensure optimum utilisation of resources. They can enhance skills of rescued bonded labour and periodically evaluate rehabilitation schemes.

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