

A—SUMMARY OF THE REPORT

1. INTRODUCTION

1.1 The system of bonded labour in our country is rather ancient. Under the previous administrations namely before independence, the rulers made some attempts to encourage as well as to curb this practice. Although an old method of exploitation of rural masses, the topic of the abolition of the system of bonded labour received by and large only passing reference to books devoted to the analysis of the agrarian relations. It was only after securing independence in 1947 that the Parliament and the Government of India took interest in the matter. The Constitution of India, in Part III relating to Fundamental Rights, has specifically provided Article 23 prohibiting traffic in human beings and beggar and other similar forms of forced labour in the country (Right against Exploitation).

1.2 Even though the Constitution of India was adopted enacted and given to the People of India on January 26, 1950, there was no specific law made to banish the system of bonded labour for as long as 25 years. It was only in the year 1975 that the President of India promulgated the Bonded Labour System (Abolition) Ordinance. This Ordinance was replaced by the Bonded Labour System (Abolition) Act in 1976. This Act provided for abolition of the system of the bonded labour freed unilaterally all the bonded labourers from bondage and from all the manifested aspects of bondage and made the practice of bondage an offence punishable by law. Two years after the Act was brought into force, in 1978-79, the Government of India formulated a Centrally Sponsored Scheme for rehabilitation of the released bonded labourers.

1.3 Though the Ordinance/Act abolishing the system of bonded labour and also the Centrally Sponsored Scheme for Rehabilitation of released bonded labourers were all launched by the Union Government, yet the responsibility of implementing the law and the scheme remained with the State Governments. Though the State Governments, a total of 2,42,618 bonded labourers were identified as on 31.3.89 in 12 States namely Andhra Pradesh (33,954), Bihar (12,388), Gujarat (64), Haryana (477), Karnataka (62,689), Kerala (823), Madhya Pradesh (10,895), Maharashtra (1,331), Orissa (48,750), Rajasthan (7,127), Tamil Nadu (37,965), and Uttar Pradesh (26,155). However as against these estimates a very large number of bonded labourers were estimated in different part of the country by the Gandhi Peace Foundation

through their sample survey (1979-80). The GPF estimation was 26,17,000 in the 10 States (the aforesaid 12 States less Haryana and Kerala). Besides the State Governments Survey and the GPF Survey there have been other macro and localized Surveys of bonded labour in different parts of the country.

1.4 Under the Centrally Sponsored Scheme for rehabilitation of the released bonded labourer, it was provided to give economic assets for upto Rs. 4000 to each released bonded labourer. This limit was enhanced to Rs. 6,250 with effect from Feb. 1, 1986. The expenditure under the Scheme is to be equally shared between the Central Government and the State Government which rehabilitate the bonded labourer. The total amount of money released by the Central Government to the State Government's under this scheme has been Rs. 3130.38 lakh from 1978-79 upto 1989-90.

1.5 A large number of activists and Non-Governmental Organisations have been taking active participation not only in the identification and release of bonded labourers in different parts of the country but also in their social, economic and psychological rehabilitation. With a view to encourage involvement of voluntary agencies in the identification and rehabilitation of bonded labourers, a new plan scheme titled "Grants in Aid to Voluntary Agencies in the Identification and Rehabilitation of Bonded Labourers" has been launched by the Government of India since 30th October, 1987. This scheme is implemented jointly by the Central Government, State Government and the Council for Advancement of People's Actions and Rural Technology (CAPART). An amount of Rs. 1 crore was provided in the Revised Estimates for the Seventh Plan (1985-90).

1.6 The State Governments had been advised by the Government of India repeatedly to integrate with the aforesaid Centrally Sponsored Scheme all the available anti-poverty programmes including grant of cultivable lands, to give a package for effective rehabilitation to the bonded labour families.

The efforts of the Government and the various agencies in implementing the various provisions of the Act and the various schemes for rehabilitation have been assessed, evaluated and reviewed from time to time by various agencies at macro and smaller levels.

1.7 In September/October 1989, the National Commission on Rural Labour entrusted the task of Study of the various issues related to the system of bonded labour and its abolition to this Academy. Accordingly, this study was taken up with the following specific objectives.

2. OBJECTIVES OF THE STUDY—TERMS OF REFERENCE

- (i) To make an assessment of the present situation in terms of nature and incidence of bonded labour in different parts of the country;
- (ii) To look at the efforts made by the Central and State Governments in the areas of identification, release and rehabilitation of bonded labourers;
- (iii) To look into the efforts of the Non-Governmental Organisations in the identification, release and rehabilitation of the bonded labourers;
- (iv) To look at the level of implementation of the present Act and the problems encountered in its implementation as well as the need for amendments;
- (v) To examine newer forms of bondage and the non-traditional areas where the problem now occurs as well as to examine the nature of bondage occurring in the case of women and children;
- (vi) To formulate recommendations for improvement in the process of identification and release of bonded labourers; and finally
- (vii) To formulate measures of rehabilitation through economic assistance and to improve the quality of life of the released bonded labourers.

3. METHODOLOGY ADOPTED

Keeping the above mentioned objectives in view, all the available literature, published and unpublished, on bonded labour has been utilized. Attempts have been made to elicit and incorporate information from activists, NGOs, experts and administrators involved in these issues. Lastly, the probationers of various All-India and Group A services who undergo foundational training in this Academy and also the probationers of the Indian Administrative Service who undergo field training in their respective States had been asked to study the various aspects of this problem during their training. Their findings have also been incorporated.

The sources used by us could be broadly classified as follows:—

3.1 Macro Studies based on Surveys

- (1) National Survey of Bonded Labour by Gandhi Peace Foundation (1978—80);

- (2) Survey by National Sample Survey Organisation in 1977-78;
- (3) Surveys of State Governments;
- (4) Survey conducted by IAS probationers;
- (5) Reports of the Commissioner for Scheduled Castes and Scheduled Tribes; and
- (6) Report of the National Centre for Human Settlements and Environment, 1987.

3.2 Micro Case Studies

Studies conducted by various scholars, institutions, administrators, journalists, legal experts, social activists and voluntary action groups.

3.3 Macro Evaluation Studies

- (1) Evaluation of the Centrally Sponsored Scheme for Rehabilitation of Bonded Labour by the Planning Commission (1984);
- (2) Report of the Sub-Committee of the Parliamentary Consultative Committee for the Ministry of Labour; and
- (3) Report of the Working Group on Development of Scheduled Castes, 1980.

3.4 Micro Evaluation Studies

The four reports of the Director General of Labour Welfare, Government of India, assessment studies conducted/commissioned by State Governments, academicians, researchers, activists and newspapers. Also the study conducted by the probationers and certain voluntary agencies at the behest of this Academy.

3.5 We have also got useful material from the National Commission on Rural Labour in the form of notes. The Academy conducted two workshops on the subject in the month of January and February, 1990, respectively. The papers presented in these workshops have also been incorporated in drafting this report.

4. FINDINGS OF THE VARIOUS STUDIES/SURVEYS IN A NUTSHELL

4.1 Though the forced labour of all forms including bonded labour had been banned by the Constitution of India by virtue of Article 23 (Right Against Exploitation), yet as we have mentioned earlier, it was only in the year 1975-76 that the specific law abolishing the system of bonded labour was made. Even then no scientific estimation had been done about the nature and extent of prevalence of this system in different parts of the country. It was only in the year 1978-79 that the Gandhi Peace Foundation undertook a pioneering national survey of the incidence of bonded labour in 10 States of the country. Almost simultaneously the National Sample Survey Organization, through its sample surveys regarding employment and unemployment

situation in the country, made an estimation of the nature and extent of bonded labour in the different parts of the country.

4.2 However, the responsibility for identifying the bonded labour rests under the Act upon the

State Governments. The comparative picture of number of bonded labourers as estimated by the Gandhi Peace Foundation (1979-80), National Sample Survey Organisation (1978-79) and the State Governments (as on 31-3-89) is given in the following table:—

Table-1
Number of Bonded Labourers as Estimated by Gandhi Peace Foundation, National Sample Survey Organization and State Government

Sl. No.	State	As estimated by Gandhi Peace Foundation (1979-80)*	As estimated by NSSO (1978-79)**	As identified by State Governments (as on 31-3-89)***	% of State Government survey to GPF
1.	Andhra Pradesh	3,25,000	7,300	33,954	10.5
2.	Assam		4,400		..
3.	Bihar	1,11,000	1,02,400	12,388	11.2
4.	Gujarat	1,71,000	4,200	64	0.4
5.	Haryana . . . . .	..	12,900	477	..
6.	Himachal Pradesh . . . . .	..	..	..	..
7.	Jammu & Kashmir		900		..
8.	Karnataka	1,93,000	14,100	62,689	32.5
9.	Kerala		400	823	..
10.	Madhya Pradesh	5,00,000	1,16,200	10,895	2.2
11.	Maharashtra	1,00,000	4,300	1,331	1.5
12.	Manipur . . . . .				..
13.	Meghalaya . . . . .			..	..
14.	Nagaland . . . . .		..		..
15.	Orissa	3,50,000	5,400	48,750	13.9
16.	Punjab		4,300		..
17.	Rajasthan	67,000	2,400	7,127	10.6
18.	Tamil Nadu	2,50,000	12,500	1,37,965	15.2
19.	Tripura . . . . .			..	..
20.	Uttar Pradesh	5,50,000	31,700	26,155	4.8
21.	West Bengal . . . . .	..	21,600	..	..
22.	Union Territories . . . . .	..		..	..
	All India	26,17,000	3,45,000	2,42,618	9.3

Source :

* Final Report January, 1981 of the Gandhi Peace Foundation.

**Sarvekshan Vol. II No. 4, April 1979.

***Ministry of Labour, Government of India, (Annual Report 1989-90, Vol. I, New Delhi.

4.3 It is interesting to note that the estimation of NSSO and the State Governments did not differ as widely as they do with the GPF estimation. What is more interesting is that around the time, the GPF and NSSO estimation came, only 9 States had officially admitted existence of bonded labour. The official estimation of bonded labourers by the State Governments as on 31-3-80 is given below:

Table-2
Number of Bonded Labourers, as Estimated by State Governments as on 31-3-1980

Sl. No.	States	Estimated Number of bonded labourers
1.	Andhra Pradesh	12701
2.	Bihar	4218
3.	Karnataka	62689
4.	Kerala	700
5.	Madhya Pradesh	1531
6.	Orissa	337
7.	Rajasthan	6000
8.	Tamil Nadu	27874
9.	Uttar Pradesh	4469
	Total	120519

4.4 The findings of GPF had tremendous impact not only upon the Government but also on the various activists, organizations and institutions working for or studying the various issues connected with poverty and other socio-economic problems including bonded labour in the country.

4.5 Even before the year 1975, certain institutions, notably the Commissioner for Scheduled Castes and Scheduled Tribes, had been highlighting the issue of bonded labour in agriculture and other sectors of the country's socio-economic fabric. All these put together, the Government of India repeatedly advised the State Government from 1975-76 onwards to regularly conduct surveys for identification of bonded labour in nooks and corners in their respective States. As a result, as we noticed in the Tables 1 and 2 above, the final picture of the incidence of bonded labour identified by the State Government rose from 120519 as on 31-3-80 to 242618 as on 31-3-89, a full double. All this increased number came from Andhra Pradesh 21253, Bihar 8170, Kerala 123, Madhya Pradesh 9364, Orissa 48413, Rajasthan 1127, Tamil Nadu 10091 and Uttar Pradesh

21686. States like Gujarat, Haryana and Maharashtra, which had denied the existence of bonded labour in their territories upto 1980, also reported existence of bonded labour later (Gujarat 64, Haryana 477 and Maharashtra 1331). It is to be noted that bonded labourers have been identified in these three States mainly on account of the strenuous efforts of the non-governmental organizations/activists.

4.6 Many other micro studies have also indicated existence of bonded labour in various forms in different parts of the country. One of the pioneering efforts in this regard came from the Lal Bahadur Shastri National Academy of Administration. In the year 1975, a group of 35 probationers of the Indian Administrative Service undergoing training at the Academy made a socio-economic survey of 5 development blocks in "Jaunsar-Babar-Jaunpur Rawain" areas in the districts of Dehradun, Tehri Garhwal and Uttar Kashi in the North-Western Hills of Uttar Pradesh. This survey exposed the widespread prevalence of acute indebtedness, coupled with bonded labour and severe poverty among the households of the village poor in these areas. These probationers had also highlighted the fact that on account of acute poverty and bondage, these rural poor had even to send away their female members for immoral acts (prostitution) in the cities of the plains.

4.7 There are many other reports of surveys conducted by the probationers of various services while they underwent institutional training in the Academy and field training in their respective States. These reports also throw light on the various aspects connected with the system of bonded labour in the country. Some of such probationers were sent to Raipur (Madhya Pradesh), Kodaikanal (Tamilnadu), Thane (Maharashtra), besides many parts of the hills of Uttar Pradesh to study the subject. Their reports have highlighted reinforced the prevalence of bondage in these areas. Some of the important issues brought out through their reports are as follows:—

- (1) There have been wrong identification of bonded labourers ostensibly to knock off the rehabilitation funds. The local vested interests and unscrupulous corrupt officials seem to be involved in this racket. (51st Fundamental Course, 1988. Dhanpaw and Thana villages, Kalsi Block of Dehradun District.)
- (2) Rehabilitation Schemes have not improved conditions of the bonded labourers. Many ex-bonded labourers were still paying to their ex-masters the remaining amount of borrowed money even after their rehabilitation. The assets given were worth far lesser than actual value

on paper. In some cases, the distribution of asset was fictitious. (47th Foundational Course 1986, study of Jaunsari Tribes in Jhutaya Gram Sabha area of Kalsi block. Dehradun District. 54th

- (3) Rehabilitation programmes have proved to be a failure though the bonded labourers have not relapsed into bondage. (Lakha Mandal, Guthar and Dhaura Kudia villages of Chakrata block and Rikhad, Chapna and Amraya villages of Kalsi block. Dehradun District. 54th Foundational Course, 1989).
- (4) The land based rehabilitation of released bonded labourers of the Coupes of Kodai-kanal (Tamilnadu) has not proved to be successful because of inaccurate planning and insufficient follow up (Group Report by IAS Probationers, 1989).
- (5) In Thane District (Maharashtra), due to poverty, illiteracy and ignorance of the Adivasis, the problem of bondage has become a social custom. The efforts of a voluntary organization, Shramjeevi Sangathana, in identifying, releasing and rehabilitating the bonded labourers is noteworthy. Other than agriculture, this study found prevalence of bonded labour system in fishery activity also (Group Report by IAS Probationers, 1989).
- (6) In Koti village of Kalsi block, Dehradun district, the released bonded labourers are still living in deprivation and misery. Though many of them were given lands and/or other assets, some of such land has been acquired for a Project and meager compensation was given. There are no health and education facilities. (Survey of Village Koti by Shri Pankaj Rao, IAS Probationer, LBS National Academy of Administration, September 1990).

4.8 We also have the reports about Rural Labour Camps arranged by the National Labour Institute (NLI). The NLI had conducted 61 such camps during 1974-75 to 1986-87 in different parts of the country. The aim was to make the rural agricultural labourers, particularly those belonging to weaker sections, aware about their rights and about the welfare schemes of the State Government.

4.9 The Programme Evaluation Organisation of the Government of India conducted an evaluation of the Centrally Sponsored Scheme (CSS) for Rehabilitation of bonded labourers and submitted its report in March, 1984. This survey covered 18 districts in 8 States namely, Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Orissa, Rajasthan, Tamilnadu and Uttar Pradesh. A total of 782 beneficiaries were surveyed in 112

villages of the selected districts. Though the basic aim was to evaluate the CSS, yet a subsidiary aim was to study the administrative systems regarding identification and release of the bonded labourers. The findings of this evaluation is summarized as follow:—

- (i) In three States namely Andhra Pradesh, Bihar and Orissa, some guidelines and questionnaires were prepared by the State Government and issued to the lower level functionaries for identifying the bonded labourers. However, in 4 States namely Kerala, Madhya Pradesh, Rajasthan and Tamilnadu, no such criterion was circulated for adoption by the functionaries at various levels. In Karnataka, identification was made reasonably well. By and large, some wrong identifications were also noticed.
- (ii) The Parliamentary Consultative Committee for the Ministry of Labour had constituted a sub-Committee for studying and reporting on the problem; of unorganized workers in agriculture sector (1988). The report of this sub-committee concentrates on the rehabilitation issues. However, it also highlights the need for continuous efforts in identifying the fresh cases of bondage and relapse into bondage. This sub-committee emphasized the need to consider certain "attached" form of labour as bonded labour. The sub-committee emphasized the need for an elaborate machinery for proper identification, release and rehabilitation of bonded labourers. In this effort, it suggested involvement of social organizations and trade union activists. It also recommended for a support enforcement staff for ensuring minimum wages for rural labour on the lines of the Rural Labour Commissioner of Gujarat, besides extending the scheme of Honorary Rural Organizers.
- (iii) The Central Standing Committee on Rural Unorganized Labour constituted a Sub-Committee on Bonded Labour in the late 1970s. This sub-committee gave a set of recommendations which are given as Annexure 1.3 in volume I of our report. Most of these recommendations are useful and have been incorporated in the Recommendation Part of our Report.

4.10 The Working Group on Development of Scheduled Castes strongly recommended in September 1980 to expeditiously and thoroughly implement the recommendations of the aforesaid sub-committee. It also recommended for Group Rehabilitation Schemes for the released bonded labourers.

4.11 The National Centre for Human Settlements and Environment, New Delhi, has also given a report on Bonded Labour and its Abolition (1987). This study appreciates the intention and drafting of the Act, but pleads for stringent implementation of its provisions and for involvement of voluntary action groups.

4.12 The National Commission on Rural Labour has sent us a note on bonded labour in 1989-90 which gives a resume of the various developments so far.

4.13 The Director General Labour Welfare had toured Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Orissa, Rajasthan and Tamil Nadu during 1985-1988 to study the various aspects of implementation of the Act, CSS and the HRO schemes. He noticed delay in identification in some cases and time lag between identification and rehabilitation in many cases. His other findings mainly concern release and rehabilitation aspects which are covered subsequently in this report.

4.14 The Indian Institute of Public Administration has conducted studies about rehabilitation of bonded labour in Kota (Rajasthan), Jabalpur (Madhya Pradesh), Monghyr (Bihar), Koraput (Orissa), Chikmangalur (Karnataka), Medak (Andhra Pradesh) and Jaunpur Block, Tehri Garhwal District (Uttar Pradesh) in the years 1980-84. These studies highlight the various aspects connected with identification, release and rehabilitation of bonded labourers in the localized pockets.

4.15 The National Institute of Rural Development, Hyderabad also conducted a study of 158 released bonded labourers in Rangareddy District of Andhra Pradesh. This study aimed basically at reviewing the release and rehabilitation aspects.

4.16 This Academy commissioned a study of the impact of rehabilitation efforts for bonded labourers in Kodaikanal (Tamil Nadu). A similar study was undertaken for Saraswati Nagar (Karnataka).

5. CRITIQUES OF THE VARIOUS STUDIES

5.1 The survey of GPF has been appreciated by a large number of organizations and institutions. However, many Government organisations find fault with the sampling methodology adopted by the GPF. All the same this study remains a very important source of information in the field.

5.2 The NSSO surveys have been found to be suffering from the lacuna of lack of focus on issue of bonded labour. Yet, this survey also gave important information in regions not covered by other surveys.

5.3 The surveys of State Governments are no doubt authentic information on the issue. However, it is noticed that the field level and even the higher level functionaries are many a time not clear about the definitional aspects of the bonded labour. At other times they are not properly motivated for the task. In many cases, the State Governments have been found to be lacking political will in implementing the provisions of the Act. These aspects are highlighted on account of the fact that many NGOs and even the Supreme Court had to intervene time and again in various parts of the country to get the bonded labourers identified and released.

5.4 The report of the Commissioner for Scheduled Castes and Scheduled Tribes has been consistent and useful in highlighting the problem of bonded labour in various States.

5.5 The various micro studies are indeed important but because of limitations of their coverage, it would be difficult to generalize their findings. Even the PEO study suffers from this lacuna to some extent. The reports of the Parliamentary Committee on the Ministry of Labour, Working Group on Development of Scheduled Castes and the Central Standing Committee on Rural Unorganized Labour are quite useful, as they are based on detailed field visits. The study tour reports of DGLW, though limited in coverage, offer valuable data and information on the subject.

5.6 The reports of the probationers of IAS and other services are of two kinds. Some are basing on the field visits, which are useful and authentic. However, some of these reports are based on secondary data and without any field visits. Such reports are not very useful for our study. However, to the extent the probationers got sensitized to the various aspects connected with the issue of bonded labour all these study reports are useful to the administration and the society.

6. INDEBTEDNESS OF RURAL POPULACE

6.1 The Rural Labour Enquiry, Final Report on Indebtedness Amongst Rural Households (1977-78), Labour Bureau, Shimla has given some important aspects regarding indebtedness of rural populace which in many cases is the leading cause for bondage. Amongst the agricultural households, 52.3 per cent were reported to be under debt during 1977-78 at All India level. In States like Andhra Pradesh, Harvana, Jammu & Kashmir, Kerala, Punjab, Rajasthan and Tamil Nadu, proportion of indebted households was higher than the All India. Surprisingly Kerala reported highest degree of indebtedness (81 per cent) and Assam lowest (11 per cent).

6.2 The incidence of indebtedness among scheduled caste agricultural labour households

declined from 70.8 per cent in 1974-75 to 57.9 per cent in 1977-78. The figures for their scheduled tribe counterparts were 49.8 per cent in 1974-75 and 37.6 per cent in 1977-78.

6.3 The average amount of debt per indebted household at All India level was Rs. 690 for all classes. Rs. 633 for the scheduled caste and Rs. 477 for the scheduled tribe households, respectively. In all the three cases, the average amount of debt had increased since 1974-75 by about 10 to 20 per cent.

6.4 The proportion of hereditary loan to the total outstanding loan was estimated roughly to be 5 per cent in both the years, 1974-75 and 1977-78. The same percentage was true for the scheduled caste as well as scheduled tribe households.

6.5 If we consider the average annual income of these households, the amount of debt on the average households is very high. This points to the fact of indebtedness being a major casual factor for bonded labour system.

6.6 The Gandhi Peace Foundation has pointed out a variety of other causal factors for bondage. These could be summarized as follows:

(i) **Inter-generational bondage:**

After the bonded labourers "retires", his son replaces him as bonded labour. In some cases, younger brother replaces elder brother in same ways.

(ii) **Child Bondage:**

The child is given to the landlord by the elders of the family to graze the Master's cattle. Loan may or may not be taken but the child gets its food from the master and the family is relieved from the responsibility of feeding.

(iii) **Loyalty Bondage :**

Under this system, noticed in Madhya Pradesh and Orissa, the bonded labourer works for the master and in return gets his daily food plus nominal wages. The master loans him consumption money also to be debited against labour. He is available for the master at all times and does not have the right to leave the village or seek alternative employment without the permission of the master.

(iv) **Bondage through Land Allotment :**

The master lends one or two acres of land for cultivation to the labourer and the bondage begins. He works on this land as well as on master's land as a bonded. He has also to share the crop of 'his' land with the master.

(v) **Widow Bondage :**

The master cares for her after the death of her husband. In return, she gets minimal food for survival.

6.7 In addition to the above, we have noticed bondage on account of social customs where the members of a community have to serve members of another community in bond as a social custom. There are also occasions where land owner has given either a hut or a mere house to the agricultural labourer and this is treated as a loan causing the bond. There are instances in Andhra Pradesh where one family member has replaced a bonded labour member of his family after the latter was ill or too old. The issues concerning migrant bonded labour, women bonded labour and child bonded labour are described hereunder:

7. MIGRANT BONDED LABOUR

7.1 According to rural labour inquiry in 1974-75, the average wage employment days for agricultural labourers in the country was 215 days. To manage the other 150 days in a year, they migrate. Crop failures on account of natural calamities too force agricultural labour and other rural workers to go for migration to nearby cities/towns or even to far away places. There are labour contractors who give them small advance which they use immediately to tide over the outstanding liabilities, partly or fully and thus not only incur fresh loans but also enter the bond.

7.2 We have, in our report, given detailed account of migrant bonded labour in agricultural sector in Punjab. Such workers come mainly from Bihar and Uttar Pradesh. They are recruited through agents at the origin, given a small advance and railway ticket. At the work place they do not get full wages—part of the wages is taken towards the advance and towards the "charges" payable to the intermediaries. Working hours extended to long periods in the day and any slackness in work is rewarded with physical assaults. Prof. K. Gopal Iyer (now with this Academy) and Manjit Singh have given an interesting case study (para 3.2, Vol. I).

7.3 Migrant bonded workers from Bihar have been noticed working not only in Punjab but also in Haryana, Uttar Pradesh and West Bengal. Brick kilns are another potential source for bonded labourer. Migrant bonded labour in brick kilns have been noticed in Punjab, Uttar Pradesh (Muzaffarnagar), Bihar (Singhbhum) and even Tripura. Some of them had come from different districts of the same State and some had come from other States.

7.4 The sugarcane industry in agriculture in Gujarat has shown instances of halpatis, one of the weakest tribal communities, working a bonded labourer in the fields of neo-rich farmers

7.5 Stone and slate quarries and mines are yet another area where migrant bonded labour system has been noticed to be widely prevalent. Our study has quoted plight of scheduled caste bonded migrant workers mostly from Rajasthan working in the stone quarries in Delhi; from Chhatisgarh in Madhya Pradesh, Akola in Maharashtra and Barmer in Rajasthan working in the stone quarries of Aravali hills (Haryana); from Salem district of Tamil Nadu working in the stone quarries of Rangareddy district (Andhra Pradesh) and in the slate slab quarries of Guntur district; from Gaya district working in the quarries of Rohtas district (both in Bihar); from Guna district of Madhya Pradesh working in the quarries of Kota district (Rajasthan); and from Tamil Nadu working in the quarries in Rewa district (Madhya Pradesh).

7.6 In State like Jammu & Kashmir which have even till date not confirmed existence of bonded labour in its territory, the incidence of migrant bonded labour have been noticed. The Commissioner for Scheduled Castes and Scheduled Tribes in his report (1979-81) has noticed that scheduled tribe migrant workers from Orissa were reported to be working in the ice bound Kistwar area of Jammu in 1981.

7.7 The plantations of Assam have also quoted migrant bonded labourers as reported by Shobita Jain (para 3.14, vol. 1). So far exact figures on such plantation workers are not available.

7.8 In Nagaland, which has denied existence of any kind of bonded labour, the IAS Probationer has reported in March, 1990 that cheap working force from the plains of Assam and Bihar is lured to work under lopsided contract. There are also report of girls from Assam Plains working in Nagaland's affluent households in semi-bonded conditions.

7.9 The Railway coal yard of Sabarmati has sprung a surprise by the discovery of Sujata Patel that young and old put together, 600 to 700 workers from Tamil Nadu, Madhya Pradesh and Sabarkantha (Gujarat) were working in inhuman and unsafe working conditions.

7.10 Gujarat has also given the picture of migrant bonded labour in Seaports of Jamnagar.

7.11 In Tamil Nadu we have seen the famous case of repatriates working as bonded labour in Kodaikanal coupes, who were released after strenuous efforts of a young civil servant on the one hand and the Highest Court of the country on the other with Bandhua Mukti Morcha doing a leading role.

7.12 The phenomenon of migrant bonded labour cannot be said to have been confined to a particular State. From Tamil Nadu, as per official records, 9619 workers were identified as bonded labourers in States like Madhya Pradesh, Uttar Pradesh, Andhra Pradesh and Rajasthan, mostly

working in the quarries. From Bihar an unspecified number of bonded labourers have been noticed working as bonded labourer in Delhi, Haryana, Uttar Pradesh, Punjab, West Bengal, Assam, Nagaland, Tripura, Rajasthan etc. Like wise, from Madhya Pradesh labourers have gone out and become bonded labourers to work in States like Gujarat, Rajasthan, Delhi etc.

7.13 The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services) Act 1979, Contract Labour (Regulation and Abolition) Act 1970 and Minimum Wages Act are only some of the major Acts which ought to be followed scrupulously in respect of migrant workers. But our study indicates that almost all the provisions of these laws are being flagrantly violated to the tremendous detriment of the migrant workers. This is another major casual factor for the bondage among migrant workers.

7.14 As we noticed in the later part of this report, the migrant bonded labourers suffer at the time of their rehabilitation also. The State where they are identified washes its hands off by issue of release certificate and despatches them to their place of origin. In the later place, they do not evoke any attention or sympathy from the authorities. The case of 633 released bonded labourers from stone quarries of Kota (Rajasthan) who were repatriated to their home district of Guna (Madhya Pradesh) is a case in point. The local authorities of Guna refused to believe the release certificates issued by Kota authorities. For months these helpless persons continued to suffer in abject misery. Even the women bonded labourers of the hill districts of Uttar Pradesh, who were trapped under the bond to work in the brothels of cities, were perhaps worse off after release, for want of proper rehabilitation at their original place. We have quoted other similar incidences in the rehabilitation part of our report. A clear cut policy is to be decided regarding rehabilitation of migrant bonded workers.

8. WOMEN IN BONDAGE

8.1 Though the GPF study found only 2.3 per cent of the estimated number of bonded labourers to be female, yet other macro-studies are not very specific in this regard. Even the State surveys do not give the number of women bonded labourers identified.

8.2 Bondage for women is on account of social as well as economic factors. Among Erukalas in Andhra Pradesh, Korvanas of Tamil Nadu and Korchas of Karnataka, creditor has right to demand the debtor's wife until the last paise was discharged.

8.3 In South India, we noticed the system of *jogini* in Andhra Pradesh and *devadasi* in Karnataka where poor women are forced in to sexual slavery on account of social superstitions. Whereas the *joginis* are married off to a 'village God' as a sacrifice to ward off catastrophe like drought *devadasis* are forced to serve the temple. In both the cases, they get bonded socially for their whole life.

8.4 The female members of the family of a male bonded labour share his plight in the bond also. However, the degree and nature of its manifestations varies from place to place. In Himalayan region we have noticed that the debtor's children and wife were also auctioned in the market. Again in Purola block of Uttarkashi district, we have noticed cases where indebtedness forces the debtor to send his wife or daughter to the cities for the purposes of prostitution to earn money to repay the loan. In Lakhamandal and Dhaura villages of Jaunsar Bawar area of Dehradun, similar instances were noticed.

8.5 Down the South in Malabar hills, we have noticed that women are put in bondage of pseudo marriage to persons from oil rich countries on account of poverty. Such pseudo-marriages escape the SIT Act, 1976. Female bonded labour is also noticed in the bidi industry of Vellore (Tamil Nadu) and weaving industry of the same State. In weaving industry, it is the master weaver and the merchant who normally become the creditor and converts the credit given to the women workers into a bond. In Eastern India we have reported the case of *nachinis* or dancing girls who are brought into bondage through actual purchase by the rich from the poverty stricken families. In Bengal we have also noticed the case where female member of debtor has been forced to lead a life of prostitution, which is the worst form of bondage.

8.6 Bondage of women has to be seen in two aspects. One is the position of women in the society, which is a highly vulnerable one. The second is the plight of the poor as such in the country. When the family enters the debt cycle, all members men, women and children of the family share the suffering in many ways. The social customs which go against women in different parts of the country further aggravate this situation in the case of women.

9. CHILD BONDAGE

9.1 Part three of the Constitution of India dealing with the fundamental rights, prohibits employment of children in factories, mines and other hazardous employment (Article 24). However, children in many parts of our country are not only found working in such prohibited sectors but worst of all a large number of such unfortunate children work in conditions of bondage.

9.2 It has been noticed that the child labour is normally paid much less than he should be paid in the Minimum Wages Act. In 1985, the child labour advisory committee discovered that the carpet industry of Varanasi and Mirzapur a child labour was paid less than Rs. 3 per day and in shoe making industry in Agra, Rs. 4 per day. The average income of a working child is estimated at Rs. 90 per month.

9.3 All the labour legislations relating to child labour provide for limited hours of work for children. Our study has reported that these provi-

sions are being violated in almost all the cases listed below:

1. Tea factories;
2. Cashew processing and gum making;
3. Manufacturing of wood and wood products;
4. Cotton textile industry;
5. Hosiery industry;
6. Chemicals and chemical products (match and fireworks);
7. Stone crushing;
8. Plantations,
9. Handloom;
10. Bidi;
11. Glass bangle;
12. Carpet weaving;
13. Soaps and commercial establishment;
14. Coir;
15. Fishing and
16. Domestic services.

The child workers are exposed to various kinds of health hazards including diseases.

9.4 It has been reported in the 1971 census that total number of such workers was 10.7 million representing 4.7 per cent of the total child population and 5.9 per cent of the total labour force. However, according to Asian Labour Monitor, every third household in India has a working child.

The casual factors for the child labour are summarized as below;

1. Feudal mode:

In a feudalistic pattern the whole family including children of the labour has to work for the master.

2. Debt bondage mode:

Children are pledged in part payment of a debt.

3. Apprenticeship mode:

In the name of providing training to child (apprenticeship), the master craftsman keeps them as bonded.

4. Marginal economic activity mode:

Anti-social elements keep children under bondage, particularly in urban areas and force them to work as beggars, rag pickers, shoe shiners etc.

5. Wage labour mode:

To supplement the wages of the family, the children also join.

6. Familial tradition mode:

The tacit understanding is that when one of the head of the family is the bonded labourer, his wife and children will also work.

7. Caste mode:

According to GPF study, 13 per cent of the bonded labourers were working for their master because they belonged to a particular caste. Child bonded labour becomes an integral part of such a system.

- (ii) Indian Institute of Education in Pune district of Maharashtra;
- (iii) Indian Institute of Rural Workers; and
- (iv) Self-employed Women's Association.

Even trade unions have shown interest in this regard and we have quoted the approach of the Indian National Trade Union Congress (INTUC) for vocational training of youngsters in Greater Bombay area.

10. STATE-WISE ANALYSIS REGARDING INCIDENCE OF BONDED LABOUR**Andhra Pradesh****The Existence of a Child Bonded Labour:**

9.5 The GPF study has put the total number of child bonded labourers at 8.1 per cent out of total of 26.17 lakh bonded labour for the country. The highest percentage came from Orissa (20.4), Andhra Pradesh (20.2) followed by Tamil Nadu (13.8), Karnataka (9.0), Madhya Pradesh (5.5), Rajasthan (5.4), Uttar Pradesh (3.8), Bihar (1.9) and Maharashtra (1.7).

10.1 The system of bonded labour in Andhra Pradesh has been traditionally recorded by different names in different parts of the State. In Shrikakulam, Vishakhapatnam and East and West Godavari district, it is called 'Gothi'. In Telengana region, it is called 'Bhagola'. The other names given to this system in Andhra Pradesh are Vethi (debt bondage), Jeetam and Chakari.

9.6 Approaches to Child Protection:**1. Legislative approach:**

A large number of enactments, particularly the Child Labour (Prohibition and Regulation) Act 1986, Employment of Children Act, Factories Act and so on regulate the working conditions of the children. However, enforcement of these legislation has been found to be insufficient.

10.2 Various studies have shown that the root cause of bondage in this State has been poverty and indebtedness. Coupled with that is the widespread prevalence of loans for consumption by landlords and this traps the poor agricultural labourer into bondage.

10.3 The nature of bondage has been noticed to be largely contract labour, the contract being either monthly or seasonal or annual.

2. National Policy on Child Labour:

An integrated national policy for child labour has been proposed to provide for a multi pronged development strategy for the child labour. This includes non-formal education, health care and vocational training. Ten pilot projects in this regard have been taken up in the following places:

10.4 According to State Government survey, the number of bonded labourers in Andhra Pradesh as on 31-3-80 was 12741. Out of this, almost 50 per cent came from Medak district (7102). Other districts showing high incidence were Mehbub Nagar, Rangareddy and Warangal. The more recent figure, as on 31-3-89, received from Government of India put the number of identified bonded labourers in this State at 33954, which is 14 per cent of the All-India figures.

- (i) Sivakasi (Tamil Nadu), for the child workers in fireworks and match industry;
- (ii) Mirzapur Bhadohi (Uttar Pradesh), for the child labour in carpet weaving industry;
- (iii) Madras, for the child labour in hotel industry.

10.5 As per GPF survey, the estimated number of bonded labourers in this State was 3.25 lakh which meant 5 per cent of total population of agricultural labourers. Seventy per cent of these bonded labourers were estimated to belong to Scheduled Castes, 18 per cent to Scheduled Tribes, 10 per cent to Backward Classes and 1 per cent to caste Hindus. Of the total bonded labourers surveyed, 94 per cent were illiterates.

9.7 Many voluntary organizations and institutions have been working to provide such integrated development for the child workers. In our study we have quoted the efforts of some of such institutions, namely—

10.6 The NSSO survey (1978-79) had put the number of bonded labourers in Andhra Pradesh at 7300.

- (i) Chetna Vikas in Vardha district in Maharashtra;

10.7 We have noticed bondage in Andhra Pradesh not only among males but also among females and children. The female bonded labourers have been noticed specially as Joginis in Telengana area. Joginis are women from

poorer families "dedicated" to the village deity to ward off any evil omen and calamities from the village. In fact, however, Joginis are physically abused by the village rich. Child bondage is noticed in Andhra Pradesh as part of family bondage.

10.8 The phenomenon of migrant bonded labour has been noticed in Andhra Pradesh in both ways. The poor people from this State particularly Telengana region have been migrating to Punjab for agricultural labour and to stone-quarries of Madhya Pradesh and Haryana, where they have been found in bondage on several occasions. On the other hand, labourers from Tamilnadu, Karnataka and different parts of Andhra Pradesh have been found in bonds in stone-quarries of Hyderabad, Rangareddy and Guntur districts.

10.9 In many parts of this State, bonded labourers have been identified, released and rehabilitated through sustained efforts of voluntary organizations and activists. Many bonded labourers in Hyderabad and Rangareddy districts were released due to the efforts made by AWARE, an NGO which moved the Supreme Court for this purpose in 1983. Another organization, Fellowship of Professional Workers (FPW) has also done commendable efforts in Mehboob Nagar district.

10.10 Time and again the State Government has taken steps to effectively implement the provisions of the Act and the rehabilitation schemes. Model guidelines were drafted alongwith questionnaires to identify bonded labourers and ensure their prompt release and rehabilitation. Additional Tehsildars were appointed in the districts for this purpose exclusively.

10.11 However, sustained efforts are needed to further identify the incidences and ensure the rehabilitation in an effective sustained manner.

Bihar

10.12 Bihar has traditionally been infested with the system of bonded labour. Even the British Government felt concern about it and made the Bihar & Orissa Kameoti Agreements Act 1920 to regulate the worker-employer contract and minimize exploitation of contract labourers. In 1974, the Bihar Legislature made two more Acts to emancipate the rural poor from widespread indebtedness. The first was the Bihar Scheduled Castes, Scheduled Tribes, Backward Classes and Denotified Tribes Debt Relief Act, making any debt leading a person to work as labour, as well as such custom, as void. The second was the Bihar Money-Lenders Act which provided for automatic redemption of land mortgaged by poor peasant after a period of 7 years.

10.13 Despite all these efforts, rural indebtedness continued to overshadow the social eco-

nomy of Bihar. According to Rural Labour Enquiry Committee, the percentage of rural households in debts in Bihar was 53 per cent in 1977-78 and 72 per cent in 1974-75. For both these years, these figures for Bihar were higher than the All-India average.

10.14 According to our study, besides indebtedness, poverty, unemployment and illiteracy have been the major casual factors behind the system of bonded labour in this State.

10.15 The GPF survey (1978-79) had estimated the number of bonded labourers in this State as 1.10 lakh, which was equivalent to 2 per cent of the total population of agricultural labourers in the State. The maximum number was estimated in Palamau district (20,000). High incidences were estimated in Saran, Champaran, Monghyr, Santhal Parganas, Gaya and Muzaffarpur districts. Of the surveyed bonded labourers, 80 per cent were found to be from Scheduled Castes, 10 per cent from Scheduled Tribes and 6 per cent from Backward Classes. The percentage of women among the surveyed bonded labourers in Bihar was 5 as against the national figure of 2.3 for the 10 States surveyed by the GPF. The cause of bondage was mostly loan taken from the landlord, amounts being as small as even few hundred rupees, at very high interest rates of around 48 per cent. Eighteen per cent of the surveyed bonded labourers were found recruited during 1975-77. The average period of bondage was 8 years.

The NSSO estimation for Bihar is 1.02 lakh, which is quite close to the estimates of the GPF.

10.16 According to the State Government Surveys, the number of bonded labourers identified was 4218 in March, 1980, 10988 in September 1985 and 12494 in March, 1990 including 427 who had died|were wrongly identified and 689 migrants sent|went away to their Home-States. Of them, 68 per cent were SCs and 11.7 per cent STs. The highest number came from Monghyr (24.18 per cent) followed by West Champaran (18.11 per cent), Palamau (13.04) per cent) and Deoghar (12.58 per cent).

10.17 The basic cause for rural indebtedness among agricultural labourers in Bihar is the low wages being paid to them in violation of the Minimum Wages Act, chief reason being their illiteracy and ignorance. To counter this, the National Labour Institute organized Rural Labour Camps (RLCs) in various parts of Bihar during 1975-79, to generate awareness among them about labour welfare laws and schemes. Noting the benefits to these camps the State Government adopted the idea and held 298 camps from 1979-80 to 1980-90. A total of 14457 rural workers were tarined, of whom 13,188 were SCs, 1012 were STs and 177 others. During Eighth Plan Period, 50 more camps were proposed.

10.18 Such camps had salutary effect in creating awareness regarding minimum wages as the cases filed under MWA which numbered 1500 per year in 1968 rose to 12,000 per year in 1975 and are expected to be 25,000 per year now.

10.19 Out-migration of bonded labourers has been noticed from various districts of Bihar particularly Gaya and Singhbhum etc. In West Champaran bogus identification was noticed, to knock off rehabilitation grants, as noticed by various NGOs/activists who waged struggle to get genuine bonded labourers identified and released. In Singhbhum, we notice a two way traffic of bonded labourers. In the year 1981, 329 bonded labourers belonging to this district were noticed in the stone-quarries of Rohtas. Also 289 bonded labourers from Rohtas were identified as bonded in this district in agricultural fields. In an other case, 112 bonded labourers belonging to Bilaspur (Madhya Pradesh) were identified in the unauthorized Brick-kilns of Singhbhum.

10.20 Palamau district has historically been a low productivity district for agriculture, which needed cheap and amenable labour force, all leading to a tradition of bonded labour system. In Palamau and elsewhere in Chhotanagpur, the Kamiya form of bonded labour has been found to be inter-generational and hereditary in character. Indebtedness of rural poor coupled with very high interests on loan has crystalized the stamp of bondage on the Kamiyas and other poor. In recent times exploitation of tribals by liquor contractors is also found to have produced another form of bondage.

10.21 The GPF survey estimated the number of bonded labourers in Palamau to be more than 20,000. However, according to State Government, the actual figures (identified as on 31.3.90) are 1484, of whom 90 per cent were SCs/STs.

10.22 Palamau has got bondage among men, women and children. In the carpet industry of South Eastern Uttar Pradesh, 328 child bonded labourers belonging to Palamau were identified a few years ago, of whom 213 belonged to SCs and 26 to STs.

10.23 In Monghyr district, the custom of bondage is very old. LSS O'Malley in Bengal District Gazetteer (1890) mentions that all persons belonging to Musahara caste were bondmen. Even the State Government survey (as on 30-3-90) has put the number of bonded labourers identified in this district as 2751, highest among all the districts of the State. Of them, 91 per cent were SCs. 3 per cent STs and 6 per cent BCs. Here again, indebtedness has been the major root cause of bondage.

10.24 In Santhal Parganas, notably Deoghar and Dumka, the Santhals, deprived of their land by the money-lenders became Kamiyas.

10.25 Protection of rights of tribals over their lands protecting the rural poor from the usurious credit structure, besides effective implementation of Minimum Wages Act and sustained efforts for creating awareness and functional literacy among rural poor are necessary conditions to create an environment for doing away with the system of bonded labour.

Delhi

10.26 The National Capital of Delhi too manifested the existence of bonded labour system, which was discovered in 1980 in two cases. In the first case, 1500 migrant bonded labourers mostly belonging to SCs and from Rajasthan, were discovered in stone-quarries of South Delhi by a Journalist. Likewise, in the Asiad Construction Works, many migrant bonded labourers from Orissa, West Bengal, Bihar, Tamil Nadu and Rajasthan were reported by a Magazine (Sunday) to be working under bonded conditions. The Commissioner for Scheduled Castes and Scheduled Tribes conducted an enquiry into these complaints.

10.27 In another instance, bonded labour including children were identified at a Public Sector Hostel Construction site in Delhi (Manjari Dingwaney).

All these studies gave the following as features of bonded labour:—

- (i) Poverty and nominal wages available back home caused these workers to migrate to Delhi;
- (ii) The contractors give some advance to them which makes them bonded;
- (iii) In many cases, the whole family used to work;
- (iv) The working conditions were pitiable and full of occupational hazards with little or no safety measures;
- (v) There were no medical, education, drinking water and sanitary facilities for the workers; and
- (vi) Almost all labour welfare laws were not implemented at all.

Bonded labour has been noticed in Delhi not only in the quarries and civil constructions, but also in brick-kilns, street restaurants, canteens, rag pickings, hawkers, cottage industries and domestic services.

Gujarat

10.28 Many scholars have joined the Government of Gujarat to say that the bonded labour system does not exist in Gujarat at least since 1975. However, another set of scholars/activists as well as the Commissioner for Scheduled Castes and Scheduled Tribes have been saying

for several years to the contrary. The report of the Commissioner for the year 1986-87 states that this system exists in South Gujarat particularly among the Halpatis working as sugarcane harvesters.

10.29 A social activists organization had some years ago identified 25 migrant bonded labourers from South India in the Seaports of Jamnagar.

10.30 An old system of contract labour called 'Saathi' still noticed in remote parts of Jamnagar district has shades of bondage, but is not included in the official definition. In this system, part wages are paid in cash in advance for the whole year and during the year the Saathi gets wages mostly in kinds. It is to be studied whether Saathi is a bondage.

10.31 In April, 1983, a local press brought to light a case of bonded labourer among the Coolies of the Food Corporation of India and Kandla Port Godowns.

Haryana

10.32 The GPF had excluded Haryana from its survey of bonded labour (1979-80) hoping that it would not be much in this State. However, the almost concurrent survey by the NSSO had put their estimate to be 12900. In spite of that, the State Government neither admitted any trace of bondage nor conducted any survey in this regard.

10.33 Towards the end of 1980, a social activist organisation by name of Bandhua Mukti Morcha led by Swami Agnivesh was working for the cause of migrant bonded labourers in Brick-kilns of Punjab, Haryana and Uttar Pradesh. In the process, they came across widespread prevalence of bonded labour in the stone-quarries of Aravali Hills in Haryana State, close to Delhi. They started efforts to get them released and got 250 migrant bonded labourers hailing from Bilaspur (Madhya Pradesh) released. Since there were still many more instances, the Morcha took up the matter with the Government of Haryana. However they found not only the State Government unresponsive but even threats from the Chief Minister Shri Bhajan Lal for physical liquidation of Swami Agnivesh. Therefore, the Morcha moved Supreme Court on behalf of the bonded labourers. The Supreme Court appointed Commissioners for an Inquiry who gave report broadly agreeing with the contentions of the Morcha. The Supreme Court not only ordered for the immediate release of bonded labourers but also gave a 21-point directive to the Central and State Governments for their effective rehabilitation and for prevention of any atrocities on mine workers in future. This was in 1983. However, it was noticed by the Court in 1989 that even after lapse of six years Government had not implemented the 21-point directive.

10.34 Meanwhile, the Morcha continued its efforts and got many bonded labourers, mainly migrants from Madhya Pradesh, Himachal Pradesh, U.P., Bihar and Rajasthan released from stone-quarries of Faridabad and Gurgaon.

10.35 The latest report received by us from the State Government states that the number of bonded labourers identified and released in the State was 544 as on 31-3-90. Of them 379 were in Faridabad, 149 in Gurgaon and 116 in Bhiwani. All of them except 21 were reported by the State Government to be migrants from other States sent away to those States for rehabilitation.

Himachal Pradesh

10.36 The GPF and the NSSO excluded Himachal Pradesh from their surveys hoping that there would be no instance. Even the State Government has been stating that bonded labour system did not exist in the State. However, the Commissioner for Scheduled Castes and Scheduled Tribes has been reporting about the incidence of atrocities on members of Scheduled Tribes and Scheduled Castes in the State, mostly relating to land disputes. There is a hint about bond in these cases but on the face of it, they do not appear to be straight cases of bonded labour.

Jammu & Kashmir

10.37 The GPF excluded this State also from its survey in the hope that bonded labour system may not be existing there. The State Government has also consistently denied existence of the same. However, the NSSO survey estimated the number to be 900.

10.38 However, the Commissioner for Scheduled Castes and Scheduled Tribes (report for 1979-81) has reported that many migrant bonded labourers from Orissa in the ice bound Kistwa area of Jammu were found working in pathetic conditions in road construction works. He referred the matter to the State Government, but the results are not known.

10.39 According to the Handicraft Census of the State Government (1978-79), there were 27,000 child workers (17,000 in household unit and 4000 in non-household units and 6000 in work centres) in the State.

10.40 Many States have reported the pathetic working conditions bordering on bondage of child workers in the carpet industry of Jammu & Kashmir. Poor families mostly Muslims allow their children to work under odd conditions for economic reasons.

Karnataka

10.41 In the year 1963-64, the Commission for Scheduled Castes and Scheduled Tribes

noted widespread prevalence of 'Jeetha' form of bonded labour in Karnataka. The Jeetha bonded labourers were invariably belonging to Scheduled Castes who had got into debt trap leading to bondage. The interest rates being as high as 144 per cent per year, there was no hope for the poor fellow to repay the interest, what to talk of the principal. As a result, he was forced to surrender his services to the creditor in bond. The Commissioner noted many persons working as Jeetha for 15 to 40 years. Many had inherited the debt and alongwith it the bond from their parents. Even children were found working as Jeetha. The bondage of Jeetha was found not limited to his ownself: his entire family worked to share his burden.

10.42 In this background, the GPF survey of 1978-79 estimated the State to have 1.93 lakh bonded labourers which was 7.6 per cent of the State's population of agricultural labourers. The State ranked sixth among the 10 States surveyed. Very high prevalence (estimated number more than 20,000) was expected in Bangalore and Shimoga districts. High prevalence is noted in Mysore, Bijapur and five other districts. Of the surveyed bonded labourers, 64.7 per cent belonged to Scheduled Castes, 10 per cent to Scheduled Tribes, 6 per cent castes Hindus and Muslims 4 per cent.

10.43 Besides Maharashtra and Madhya Pradesh, Karnataka was the only State where the GPF survey found caste Hindus also in bondage. The average debt was found to be Rs. 855. It may be noted that the Rural Labour Enquiry (GOI) had estimated average debt for all rural labour in Karnataka in 1977-78 to be Rs. 772 and for Scheduled Castes Rs. 644. The debt burden of bonded labourer was thus fairly higher than the average population.

10.44 The survey also noticed that 40 per cent of the bonded labourers had joined the rank in 1977-78 i.e. after the making of the Act.

10.45 As against this, the almost concurrent survey by NSSO had put the number of bonded labourers in the State at a mere 14100.

10.46 On the other hand, the State Government actually identified a large number, 62689, within a couple of years of the making of the law. Seventy three per cent of them were from Scheduled Castes, 6 per cent from Scheduled Tribes and 21 per cent from other communities. The largest number was from Mysore (39 per cent of State total) followed by Bangalore and Shimoga (14 per cent each) and Mandya (8.4 per cent).

The State Government has not identified any more bonded labourers after 1982.

Kerala

10.47 The Commissioner for Scheduled Castes and Scheduled Tribes had reported (1971-73)

that bonded labour existed in Kerala among the Paniyans and Adiyans of South Wynad, Malapuram and Cannanore districts. It was generally a contractual bondage, usually for one year though at times for longer period also. Even children were deemed to be part of the contract.

10.48 We have also received reports about plight of some poor women, mostly teenaged girls of Malabar hills, taken to Bombay for doing prostitution. During recent times, some rich Arabs from Oil-rich countries are found purchasing teenaged girls from poor families of Malabar hills. To be free from grip of law they perform dubious marriage.

10.49 The GPF did not include Kerala in its survey. The NSSO did and put the number at 400. The State Government had on the other hand identified 823 bonded labourers before 1980. The State Government has been emphasising that no further case of bondage exists in its territory.

Madhya Pradesh

10.50 Madhya Pradesh shows prevalence of bondage in various forms, more popular being Kamiya, Harwaha and Hali. The rural poor is initiated into Kamiya bondage on account of loans he has to take which he cannot repay. S. K. Pandey (1972) has reported that these loans could be as small as Rs. 40 to 100. However, the interest rate being exorbitant, it was not possible for the poor fellow to repay it fully. As a result of this like the Jeetha of Karnataka, he has to surrender his services and self to the creditor. Though the wages were reduced to take care of the loan burden but in fact, the loan always continued and even got compounded. In many cases, Kamiya children inherited bondage alongwith the debt burden from their parents.

10.51 The Commissioner for Scheduled Castes and Scheduled Tribes had also narrated the plight of another set of bonded labourers the Mahidars in Vindhya and Gwalior regions of the State. Social ceremonies among these poor tribals was quite ostentatious for which they had to take loan and enter the debt trap. Most of such loan would be for marriages of young children. In return of the loan, the child who was to be married, was also given away to the creditor as bonded.

10.52 The GPF survey had put the number of bonded labourers in M.P. at 5 lakh, which was next only to Uttar Pradesh (5.50 lakh). Very high (above 20,000) incidence were estimated for 7 districts—Bilaspur, Shahdol, Sharguja, Vidhisha, Satna, Raigarh and Bastar, followed by Guna and 7 other districts. Of the bonded labour surveyed by GPF, 53 per cent belonged to Scheduled Tribes, 31 per cent to Scheduled Castes, 9 per cent to Backward Classes and 6 per cent Upper Castes. The loan amount was rather low, ranging from Rs. 5 to 1000. The average

period of bond was found to be 5.4 years. During the period of bondage, agreed wage was Rs. 52 per month (average) though in actual practice it was not more than Rs 30 per month.

10.53 The GPF survey had also found indebtedness to be the major casual factor behind bondage (98 per cent). However, 12 per cent had taken land also from the master and 10 per cent had become bonded on account of the social customs/obligations.

10.54 The NSSO survey had also estimated high prevalence (1.16 lakh) of bonded labour in this State.

10.55 The State Government was, however, rather slow in identifying bonded labour. Upto 1980 only 1531 bonded labourers were identified, largest being in Bastar (307), followed by Betul (231). Later, on account of the efforts of social activists, many cases of bondage came to light and the State Government also enhanced its efforts for fresh identification. Accordingly, the number of identified bonded labourers went up to 10895 as on 31-3-89.

10.56 Many States have reported that the minimum wages for agricultural labourers in this State itself is too low (7.95) which leads the poor labourers to private sources for consumption loan, leading him further to indebtedness and bondage.

10.57 The major sectors of prevalence of bonded labour in this State are agriculture, followed by stone—quarries (Shivpur, Rewa etc.)

10.58 Physical and economic intimidation by the keeper class of such bonded labourers who wanted to throw off the yoke, has been noticed in several districts, particularly, Ratlam and Raisen.

10.59 The story of identification and release of bonded labourers in Madhya Pradesh would not be completed without mention of an activist social organisation, the Chattisgarh Krishak Mazdoor Sangha. The Sangha got hundreds of bonded labourers released in this district by moving the Supreme Court. This act of the Sangha was instrumental in activating the State machinery to undertake fresh efforts for identification and release of bonded labourers in different parts of the State.

Maharashtra

10.60 The Commissioner for Scheduled Castes and Scheduled Tribes had reported about existence of bonded labour called 'vet' or 'begar' among tribals of Thane and Nasik districts, way back in 1960-61. After promulgation of the Bonded Labour System (Abolition) Ordinance/Act the GPF and the NSSO conducted surveys during 1978-80. The NSSO estimated the number of bonded labourers in the State to be 4300.

The GPF put the number at 1 lakh which was per cent of the total population of agricultural labourers.

However, the State Government took no concrete steps and reported nil incidence even up to 1980.

10.61 It was during 1980 that social activists organisations, Bhumi Sena and Vidhayak Sansad brought to light existence of bondage among the poor villagers of Thane district. For paltry loans of less than Rs. 600, these people had become bonded, some of them for more than years.

10.62 According to GPF study, very high incidence (more than 20,000) was estimated from Ahmadnagar district, high from Akola, Aurangabad, Nanded and Nasik districts and low from Thane and Ratnagiri districts.

10.63 Of the bonded labourers surveyed by GPF, 43 per cent belonged to Scheduled Tribes, 50 per cent to Scheduled Castes and the rest to the caste Hindus. Madhya Pradesh, Karnataka and Maharashtra were the only States where GPF study identified bonded labour from castes Hindus.

10.64 The quantum of loan taken by the bonded labourers was found to be between Rs. 100 to 5,000. The interest rate was as high as 50 per cent per annum (average).

10.65 The cause of bondage was largely (75 per cent) indebtedness on account of loans taken basically for consumption purposes. In 20 per cent cases land allotment by the master was another reason for bondage. In 22 per cent cases social custom was the cause.

After the efforts of the voluntary organisations, the State Government did make some efforts and identified 1331 bonded labourers in the State.

10.66 In case of Thane the efforts of Vidhayak Sansad in organizing the bonded labourers into Shramjeevi Sangathan offers an interesting case study. Thus organised bonded labourers went up in a march to the Legislative Assembly and gave a memorandum to the Chief Minister in July, 1983 for relief from the bondage. Though the Chief Minister gave them a patric hearing but no concrete results came out of it for almost one year. Meanwhile the landlor organized themselves into shetkari sangathan and started influencing policy and other government officials to the detriment of the members of the Shramjeevi Sangathan.

Thus cornered the Shramjeevi Sangathan led by Vidyalata and Vivek Pandit moved to the Supreme Court to secure relief.

The efforts of Shramjeevi Sangathan in the case of tribal bonded labourers led one of the

keepers to be convicted and awarded imprisonment plus fine, which was claimed to be the first case of imprisonment under the Act.

Most of the bonded labourers identified in Maharashtra are in agriculture sector. However, it has also been noticed among fishermen in Thane district. In agriculture there are reports of attached labour in Thane, which is akin to bonded labour.

10.67 We have also reports of bonded labour from other parts of Maharashtra noticed in the brick kilns of Pune. There is another interesting case study by Anil Awchat about bonded life of the hamals of Pune city.

North-Eastern States

10.68 All the North-Eastern States have with one voice denied existence of bonded labour in their territories. Even the GPF study did not cover this area. However, NSSO (1978-79) estimated 440 bonded labourers in Assam. Prior to that the Commissioner for Scheduled Castes and Scheduled Tribes (1975-77) had indicated three cases of bonded labour in Mizoram.

10.69 We have studies of tea gardens of Assam where migrant bonded labourers from Gangetic plains have been found working under highly adverse physical and economic conditions.

10.70 In Nagaland, two kinds of bondages have been noticed. One is the custom of taking young girls from plains of Assam to work for domestic service (called mines) at meager salaries. Though they are not exactly under bond, but they are found helpless to leave the master. The other case is of the workers in civil construction who come from plains. The contractors keep possession of their inner line permits and use it as a lever to exploit the workers.

10.71 The migrant bonded labourers from Bihar were noticed in the brick fields of different parts of Tripura (Commissioner for Scheduled Castes and Scheduled Tribes, report 1979-81). The Government of Tripura took immediate action to get them released and to despatch them to their parent State Bihar with all wage dues.

Orissa

10.72 The oppressive policies of the princely States in early 19th century followed by similar policies, including zamindari of British in regard to peasantry caused widespread poverty in the State of Orissa. This led to large scale instances of indebtedness leading to bondage, specially among the tribals. Another form of bondage peculiar for this State is 'dadani' labour system, which is a contract labour for migrant workers. It has not been regarded bonded officially as yet.

10.73 Despite a Debt Bondage Abolition Act brought into force in 1948, the situation did not improve much. Also, the Dadani Labour system (Control and Regulation) Act, 1975 does not seem to have had much effect.

10.74 The GPF study for this State put the number of bonded labourers at 3.5 lakhs which was 18 per cent of the population of agricultural labourers in the State. Very high prevalence was estimated in the districts of Balasore, Cuttack, Kalahandi, Sambalpur and four other districts, where a low incidence was estimated in Puri and Koraput districts.

10.75 Of the bonded labourers surveyed by the GPF, 34 per cent belonged to Scheduled Tribes and 61.5 to Scheduled Castes. Women constituted 1 per cent of the total.

10.76 The loan amount on the bonded labour was a maximum of Rs. 3,000 though in 35 per cent cases it was less than Rs. 300. In all cases, a bonded labour was found receiving less than the statutory minimum wages.

10.77 The NSSO survey estimated only 5,400 bonded labourers for this State.

10.78 The State Government undertook efforts under the Act of 1976 rather belatedly. The number of bonded labourers officially identified in the State as on 31-3-1980 was only 337. However, now (as on 31-3-1990) the number is 49824, of whom 27.8 per cent are from Scheduled Castes and 36.2 per cent from Scheduled Tribes. The largest share of bonded labourers has come from Koraput district (18.3 per cent), followed by Bolangir (14.3 per cent), Cuttack (10.8 per cent), Sambalpur (9.9 per cent), Puri (8.6 per cent) and Kalahandi (7.6 per cent).

10.79 Unlike in most other States, not many NGOs/Activists have been noticed working for the cause of the bonded labourers in Orissa. The National Labour Institute organized rural labour camps in different districts of the State to create awareness among the rural labour about labour laws and welfare schemes. The camps were found to be quite successful.

10.80 In Kalahandi we have noticed distress sale of children from poverty stricken families.

10.81 In Phulbani there are reports of wrong identification of beneficiaries just to meet the contracts.

10.82 Bonded labourers out-migrating from Orissa have been found in stone quarries in different parts of the country. Intra-State migrant bonded labourers have also been noticed.

Punjab

10.83 The GPF excluded Punjab from its survey on bonded labour (1978-79) presuming that the benefits of green revolution would

have helped the labourer get better wages and remain out of bondage. However, the almost concurrent survey of the NSSO put the estimated number of bonded labourers in Punjab at 4300.

With all that, the Government of Punjab has been consistent by denying the existence of any bonded labour in its territory.

10.84 However, there are many studies about the working conditions of migrant workers in agriculture and brick kilns of Punjab, who work in bondage against small advance taken to meet certain social/consumption liabilities. In our study we have quoted some case studies notably by Manjit Singh and K. Gopal Iyer, besides by IAS probationers in which such migrant bonded labourers are described as working under executing work situations for unreasonably low wages under the threat of physical harassment.

Rajasthan

10.85 The traditional forms of bonded labour in the princely State of Rajasthan are the 'hali' and the sagri systems. The Commissioner for Scheduled Castes and Scheduled Tribes described the characteristics of sagri system in his report for 1964-66. Extravagance in social ceremonies like marriages were very common among the Bhils of Rajasthan (Dungarpur, Banswara and Chittorgarh districts) which forced them to take loans. Since they were not in a position to repay these loans, they used to mortgage their land, ornaments and even their own family members and self to the money lenders. Upon such mortgage he and his family members became bonded for a period which was not specified.

10.86 The legislative efforts of the State through the Rajasthan Debt Relief Act, 1951 and Sagri System Abolition Act of 1962 did not prove to be of much help as the indebtedness and consequent problems continued.

The 'hali' system, has been said to be rather akin to slavery. It is a contract labour against an advance which is usually severe disadvantage to the hali.

10.87 The GPF study (1978-79) estimated the number of bonded labourers in Rajasthan to be 67,000 which is 9.4 per cent of the State agricultural labour population. High incidence (10,000 to 20,000) was estimated in districts of Jhalawar and Kota and relatively low incidence in some other districts.

10.88 Fifty per cent of surveyed bonded labourers were from scheduled castes, 25 per cent from scheduled tribes and 19 per cent from backward classes. All were males.

10.89. The average debt was found to be Rs. 1300. The need for loan was found to be for sheer survival in 68 per cent cases, for festive ceremonies in 28 per cent cases and for house

building purposes 1 to 2 per cent. In 25 per cent cases the debt was taken by father and bondage was inherited consequently.

10.90 Most (93 per cent) of the bonded labour was noticed in agriculture where even child bonded labourers were found particularly for the purposes of grazing the master's cattle. About 14 per cent had received small land from the master and in 12 per cent cases bondage was due to customary reasons.

10.91 As against the aforesaid estimations, the State Government had reported 6000 bonded labourers as on 31-3-1980 and 7175 as on 31-3-90. In the latter figure, more than half (56 per cent) are from Kota district. All other districts contributed less than 6 per cent of the State figures each.

Tamil Nadu

10.92 Bonded labour in Tamilnadu has been noticed in the districts of Nilgiris, South Arcot, Chingleput, Coimbatore etc. In 1976, a house to house survey in Guddalu village among Paniya tribals identified 481 bonded labourers out of total population of 5667. The bond was on account of written agreement for giving some monetary advance followed by poor wages and no freedom of changing job.

10.93 The GPF survey put the number of bonded labourers at 2.50 lakh which is six per cent of the State's population of agricultural labourers. The survey estimated very high (more than 20,000) number for Dharmapuri and South and North Arcot districts.

Bonded labourers in Tamilnadu are generally known as Padiyals. As per the survey, 91 per cent bonded labourers belonged to Scheduled Castes, 8 per cent to backward classes and very few to tribals.

10.94 Child bonded labour was to the extent of 11 per cent and for total number, this State was next only to Andhra Pradesh and Orissa. Two per cent of bonded labourers were females.

10.95 The amount of loan taken by bonded labourers varied from Rs. 30 to 4000. In Rajasthan and Tamilnadu, it was noticed that the interest on loan was paid through labour services and not through cash. Wages were however, below the statutory minimum wages.

10.96 Two other interesting features of bonded labour system were noticed in Tamilnadu. One was that in 9 per cent cases the master was a Muslim. The second was that debt was the overwhelming reason for bondage (98 per cent) and land given by the master was rarely a reason.

10.97 As against the GPF estimate, the NSSO put the number of bonded labourers for this State at 12500.

The State Government's official documents show the total number of identified bonded labourers from Jammu and Kashmir as 5024, of whom 25 per cent were out-migrants, identified and released in the State of Andhra Pradesh, Karnataka and Madhya Pradesh.

The highest number (2590, 68 per cent of State total) came from South Arcot. This included 24945 tribals released from the bonds of Jagirdars of Kalyan hills of South Arcot.

Other districts showing high prevalence were Salem (4312), Periyar (2311), Tiruch (1845), Dharamapuri (1229), Dindigul (865) and Nilgiris (481).

10.98 We have the famous case study of Sri Lankan settlers kept in bondage in the Coupes of Kodaikanal by a tin factory and a synthetic factory (1986) by giving them initial travel advance and a few subsistence items like brockets. For their work, they were given meagre weekly advance followed by small wages. They had to live in physical and economic misery under physical threats from their masters.

Another study has reported a widespread prevalence of bondage along Maaoniris (cobblers) in agriculture sectors in Kodai villages. In the lower hill plantations, the Palayan tribals were found in bondage.

10.99 In non agricultural sector we have a study about bondage of Bidi workers of Vellore which covers all members of the family including women and children. These workers take advance from the owner for raw material and get into debt trap leading to bondage.

10.100 Lastly we have a case study by Vidya Sagar (1984-85) from South Arcot where bondage among Scheduled Caste weavers who were untouchables and tribals who were not untouchables has been discussed. The loom weavers had to take loans for consumption needs from the master weavers and merchants and in the process they used to become bonded alongwith his family. As regards bonded workers in agriculture, Vidya Sagar's study informs that they had to work for more than 12 hours a day with meagre wages. Of all 30 surveyed agricultural bonded labourers, 20 got wages (cash and kind included) of less than Rs. 2 a day and all less than Rs. 3 a day.

Uttar Pradesh

10.101 Widespread prevalence of debt bondage in Uttar Pradesh has been known since long. Indebtedness is the primary cause of bondage among rural poor. Belatedly though, the Uttar Pradesh Government made two Ordinances namely, The Uttar Pradesh Scheduled Castes, Scheduled Tribes and Denotified Tribes Debt Relief Ordinance, 1964 and Uttar Pradesh Bonded Labour System (Abolition) Ordinance, 1975. The latter, Ordinance was promulgated before the Central Ordinance. However, such legislative measures were not of much help.

10.102 The GPF study in 1978-79 put the number of bonded labourers in Uttar Pradesh at 5.50 lakh which was 11 per cent of the State's population of agricultural labourers. The GPF study excluded the Garhwal region and estimated prevalence of the system of bonded labour in 38 districts of the State. Of them, 7 districts were classified to be having very high incidence (above 20,000). These were Bana, Ramirpur, Hardoi, Meerut, Sitapur, Bijnore and Bareilly. Of the surveyed bonded labourers, 74 per cent belonged to Scheduled Castes, 14 per cent to Backward Classes, 7.4 per cent Muslims and 1 to 2 per cent Scheduled Tribes. Ratio of women were 3 per cent.

10.103 The reason for falling in bondage was noticed as debt trap in 94 per cent cases, land given by the master in 37 per cent of the cases, social customs and traditions in 23 per cent cases and security of job/lack of ability of alternative job in 10 per cent cases.

10.104 The loan taken ranged from Rs. 18 to 700. The reason for taking loan was poverty leading to distress need of loan in 33 per cent cases, festive, social and customary rites (42 per cent), repayment of previous loan (7 per cent) and house construction (4 per cent).

10.105 More than 60 per cent of the bonded labourers were found below the poverty line. Also, 69 per cent had no lands and 22 per cent had lands upto one acre.

10.106 The masters would not allow his bonded labourer to work elsewhere even during lean agricultural season (78 per cent) cases.

10.107 As against the estimate of GPF, we find the NSSO survey putting the number at 31,700. The Government estimates are, however, 26155. Despite our repeated efforts, we have not been able to get district-wise details from the State Government.

10.108 We have a number of interesting case studies from different parts of the state, notably Patna region, Garhwal hills and the carpet industry in the south-eastern part of the State.

10.109 The case study from Patha (Banda and Allahabad) narrates the case where ineligible persons were identified by the local leadership and Government functionaries for the purposes of family planning sterilization operations. The motive was to knock off huge sums of Government grants available under the family welfare and bonded labour rehabilitation programmes.

The result of such malpractices was that while the Government figures of achievements in regard to both the programmes kept swelling, the bonded labour system continued to prevail.

10.110 We have another case study where a young Additional District Magistrate of the area Shri Arun Arya took strong action against keepers of bonded labourer in the face of tremendous

social, political and administrative resistance. His strategy was to book a bonded labour keeper under as many cases and provisions of laws as possible. For example, a keeper was found having 15 bonded labourers. Against him, Shri Arya got 15 cases booked under the Bonded Labour Act. Cases were also booked against him under Indian Penal Code Section 374 (forced labour) and Section 367 (kidnapping). Cases were also booked against the same keeper under the laws relating to sexual exploitation of women.

10.111 In the hills of Uttar Pradesh, 35 IAS probationers of this Academy conducted a socio-economic survey in 1974 in the Jaunsar-Bawar-Jaunpur Rawain area. It covered 5 blocks of three hill districts of Tehri, Dehradun and Uttarakashi. The study highlighted marginalisation and dispossession from lands of the original Koluta tribals by the immigrants Rajputs and Brahmins. As a result, the Koluta tribals got increasingly impoverished and started taking loans from the upper castes immigrants. Through this indebtedness began the bondage of male members and gradually started including exploitation of their family members particularly women. The situation became so bad that most of the Koluta and other poor bonded labourer families started sending their young female members to the plains for prostitution to earn money to pay off part of the loan burden. The local political leaders of panchayats and lower Government officials were found hand in gloves in this racket.

10.112 In spite of the whole family struggling, such bonded labourers could not repay the usurious debt which became hereditary. The young members inherited the bondage as well. From Uttar Pradesh, we have another case study where migrant bonded labourers from Orissa, Bihar and local labourers were found in bond of contractors in construction works of private as well as in government concerns. An activists organization had to move the Supreme Court to get them released. The Supreme Court appointed the District Judge of Tehri who reported the workers most pathetic work and economic conditions. He also reported that no labour laws were being followed and the local labour and revenue officials were colluding in inflicting the misery on poor bonded labourers. We have reported the case of child workers in carpet industry, one estimate putting their number at one lakh in the Mirzapur-Varanasi-Allahabad belt. These children are kept in bondage, tortured and made to work for 12 to 16 hours with very little wages and facilities. All laws relating to child labour are found being openly flouted in this industry. The parents of such children on account of poverty remain silent spectators and even participants to the crime. Because of the totally ineffective administration, many loom owners have started openly declaring such children as bonded labourers with a view to knock off the relief and rehabilitation grants in collusion with government functionaries.

Our study has reported cases of child workers bordering on bondage in the pottery industry of Khurija.

Bonded labour in Uttar Pradesh is found prevalent in other sectors also like stone-quarries, brick-kilns and cottage industries.

West Bengal

10.113 The GPF did not include West Bengal in its survey though it hinted that areas adjoining Bihar could have traces of this problem. The NSSO survey, however, put the number of bonded labourers for this State at 21600.

10.114 The State Government has reported to us that no bonded labour system existed in the State after 1975; however, the Vigilance Committees have been constituted at the district level.

10.115 Our study has reported prevalence of bondage among poor people in Purulia district particularly Ayodhya hills. This district has large population of Scheduled Castes and Scheduled Tribes (10 lakh out of total 16.5 lakh population), who get agricultural labour work for only 3 months in a year. On account of lack of employment opportunities, they have become impoverished. Therefore, they have been forced to take loan by pledging their own services, self and even family members. At times, the bondage become lifelong and even inter-generational.

10.116 Another form of bondage particularly for girls from poor families is noticed in the custom of Nachini (dancers) Nachini girls are from poor families and are "purchased" by affluent people for pleasure purposes.

11. RELEASE OF IDENTIFIED BONDED LABOUR

11.1 After identification, the bonded labourers are expected to be released immediately. However, as is brought out in our Report, many States have been taking long time in securing release of the identified bonded labourers. As reported in Volume II of our Report, out of the total number of 242618 bonded labourers identified as on 31-3-1989, 4.6 per cent were yet to be released. In terms of percentage as well as numbers, the largest default was from Karnataka (6289, 10 per cent). The other States lagging behind in this regard were Orissa (2293, 5.0 per cent) and Bihar (1107, 8.9 per cent). A number of reasons have been given for this gap. These are summarized as follows:

1. Some of the bonded labourers had, after identification, migrated/were sent to their home-States and, therefore, the local authorities were not able to follow-up their release.
2. Some bonded labourers were wrongly identified.
3. Some names were duplicated, which had inflated the figures.

4. Some of the cases are pending in Courts which delays the release.

11.2 While these arguments would take care of the delay in release to some extent, a more sincere effort in this regard is still called for. Even where cases are pending in courts, the Administration should attempt at securing the release of the bonded labourers from bondage under the Bonded Labour System (Abolition) Act, 1976.

11.3 The Annual Report (1989-90) of the Ministry of Labour, Government of India clubs the number of bonded labourers identified and released together. It would give an impression that the government has ceased to differentiate between identification and release. This is likely to cause a neglect of keeping track of the efforts for release. It is advisable that in the reporting formats the Government of India should also monitor the time lag between identification and release.

11.4 In respect of Andhra Pradesh, all the 33954 bonded labourers identified have been reported to be released. But if we compare this figure with the number of bonded labourers rehabilitated, we find that a large number (9685) are yet to be rehabilitated. It would imply that the release has been only on paper for these large number of bonded labourers. Therefore, it would be appropriate for the State Government to analyse the causes behind this fact and ensure meaningful release of the identified bonded labourers. However, the efforts of the State Government to systematize the process of securing prompt release of identified bonded labourers in this State has shown many positive features. Unfortunately these efforts lacked continuity.

11.5 Not only in Andhra Pradesh but almost in all the States awareness among the bonded labourers for securing their release needs a multi-dimensional strategy. On the one hand the State Governments have to give wide publicity through mass media and through official machinery to expedite the pace of securing release, at the same time training programmes for Government functionaries, at lower as well as higher levels, need to be organised in a much bigger and systematic way. Association of Panchayati Raj Institutions (PRIs) and the Non-Governmental Organisations (NGOs) working for this cause has also to be arranged in a more systematic way. This would on the one hand help faster release after identification of the bonded labourer and on the other hand would ensure that he does not relapse into bondage once again.

11.6 In the State of Bihar, the official figures state that but for a very small number (0.2 per cent), all other bonded labourers have been released as well as rehabilitated. In securing their release a variety of agencies have been associated. These include institutions like the

National Labour Institute, a number of Non-Governmental Organisations and, most notably, the Supreme Court.

11.7 In Gujarat, only 64 bonded labourers have been identified though the various agencies including the Commissioner for Scheduled Castes and Scheduled Tribes had been insisting about prevalence of this practice in the State. By and large the bonded labourers in this State are migrant labourers from other State. This feature imposes a special responsibility on both the State Governments as well as on the Central Government not only to identify but also to secure their prompt release.

11.8 Haryana State offers striking examples on different aspects relating to the bonded labour system and its abolition. Though the NSSO had already reported existence of an estimated number of 12,900 bonded labourers in this State way back in 1978, yet the State Government consistently denied existence of the same. It goes to the credit of Non-Government Organisations, notably, Swamy Agniwesh of Bandhua Mukti Morcha and Dr. Mahavir Jain, who not only started a struggle to secure release of a large number of bonded labourers in the stone mines, quarries and brick kilns of this State but also ensured that these identified bonded labourers were released from their bondage. Almost all the bonded labourers identified and released in this State were migrant labourers, generally tribals, from Rajasthan and Madhya Pradesh. In Haryana also, like in Bihar, the Apex Court of the country had to repeatedly intervene to ensure release of these bonded labourers because of indifference of the Government in the matter.

11.9 As reported earlier in Table 1.3 of Vol. II, Madhya Pradesh State was yet to secure release of 559 out of 10,895 bonded labourers identified as on 31-3-89. Though only a small number remained to be released, yet the fact that only 7,554 of the released bonded labourers could be rehabilitated, indicates the need to review the stand of the State Government regarding number of bonded labourers released. This is a case similar to that of Andhra Pradesh. If a bonded labourer is not rehabilitated for several years after release, he is very likely to relapse into bondage. The case of Guna district reported in 1986 where migrant bonded labourers released from the stone quarries of Kota in Rajasthan were not accepted by the district administration of their parent district of Guna is a sad story. The Guna district administration reportedly refused to believe the certificates issued by the Rajasthan Government. The plight of such 'released' bonded labourers becomes absolutely miserable.

11.10 Like in Bihar, it is noticed in case of Madhya Pradesh also, that the Supreme Court had to intervene on several occasions to secure release of bonded labourers from bondage in some of the districts. We also notice several

instances of delay and slackness in rehabilitation efforts in this State which is the most likely cause of relapse of released bonded labourers into bondage.

11.11 The North-Eastern States of Arunachal Pradesh, Nagaland, Sikkim, Manipur and Tripura and the Himalayan States of Jammu & Kashmir and Himachal Pradesh besides the State of West Bengal have reported no incidence of bonded labour in their States.

11.12 In respect of Orissa, the information sent by the State Government indicates that out of the 49,824 bonded labourers identified till 31-3-90 all except 92 have been released. However, if we examine the annual physical targets *vis-a-vis* achievements regarding rehabilitation, we find low performance in the years 1983-84 (83.1 per cent), 1984-85 (49.5 per cent) and 1985-86 (72.0 per cent). This indicates a time lag in securing effective release of the identified bonded labourers.

11.13 In the State of Karnataka, the number of bonded labourers identified but not yet released (6289) was the highest in the whole country. It is difficult to justify this large number. However, it could be said to the credit of the State of Karnataka that the work of release of identified bonded labourers was carried out without violence in almost all the cases. One reason for this smooth operation of this task of release could be the near simultaneous implementation of the Land Reforms Act, particularly the tenancy reforms. The amended Land Reforms Act of Karnataka which was brought into force from 1-3-1974, had already initiated the process of conferment of occupancy right over tenants. The definition of tenant included 'deemed tenant', i.e. a person whose name did not appear in the land records but who was found, after local inquiry, to have been cultivating someone else's land. By the time the Bonded Labour (System) Abolition Ordinance/Act was promulgated, a large number of tillers who constituted the bulk of bonded labour system in agriculture sector, had already approached the concerned Land Tribunals for grant of occupancy right over the land they were tilling. This automatically took care of their release from bondage. Since the landlord had already started reconciling to the fact of loss of the ownership of the land in favour of the tiller, he could not resist release of the same tiller from bondage.

11.14 All the same, it is recommended that the Government of Karnataka launches a special drive to get the remaining bonded labourers released and properly rehabilitated. It may be relevant to state here that even out of the 56400 released bonded labourers, a large number, namely 3632, are yet to be rehabilitated. Therefore, release of the remaining bonded labourers and their meaningful rehabilitation to prevent them from relapsing into bondage is urgently called for in this State.

11.15 In Kerala, of the 823 identified bonded labourers, all the overtime (710) have since been released. However, as reported in the 24th Report of the Commissioner for Schedule Castes and Scheduled Tribes pertaining to years 1975-76 and 1976-77, though 702 bonded labourers identified in this State till 31-3-77 had all been released but only 186 had been rehabilitated by that date. The slow pace of rehabilitation casts the shadow of doubt on the effectiveness of the State's claim about release. All the same, there are no reports of continuing prevalence of the system of bondage in this State.

11.16 In Maharashtra State, the bonded labourers had to wait for intervention of voluntary organisations, particularly the Vidhaya Sansad, Thane and Shramjeevi Sanghthana, for bringing the fact of prevalence of bondage to the light and to secure release of the identified bonded labourers. As on 31-3-89 to the total number of bonded labourers identified in the State was 1331. Out of this, 951 were reported to have been rehabilitated by that date. All the expenditure for their rehabilitation was incurred during the year 1985-86. The fate of the remaining identified labourers seems to be hanging in precarious condition.

11.17 As regards Rajasthan, all the 710 bonded labourers identified as on 31-3-89 have been released except for a small number of 1. All the released bonded labourers, except one, have also been rehabilitated. The rehabilitation efforts have largely been completed during the years, 1978-81. One can say, therefore, that release of the identified bonded labourers has been reasonably effective and prompt in the State. The efforts of voluntary organisations, particularly the Bonded Labour Liberation Front of swami Agniwswsh and Prayas, among others, deserve to be mentioned in the field of the release of the identified bonded labourers in this State.

11.18 In Tamil Nadu, as on 31-3-89, all except 718 bonded labourers out of the total number 37965 of bonded labourers identified, have since been released. Most of the bonded labourers were found in South Arcot district. Besides bonded labourers were also identified in the districts of Dindigal, Periyar, Trichy and Nilgiri. According to the Report of the Tamil Nadu Government, 9619 labourers belonging to Tamil Nadu kept in bondage in other States have all been identified and except for 1329, all of them have since been rehabilitated. The State of Tamil Nadu has shown a special feature of deputing its officials to other States to secure the release of bonded labourers who hailed from Tamil Nadu. The efforts of some Government servants, specially Shri Gurnihal Singh Pirzad in securing the release of bonded labourers deserves to be commended. Many voluntary organisations have been working for the cause in this State. Tamil Nadu thus offers a picture

combined efforts of Governmental and Non-Governmental agencies to secure release of identified bonded labourers.

11.19 Uttar Pradesh was the first State to have initiated the laws relating to operation of bonded labour system after independence. According to official reports, all the 26155 identified bonded labourers have been released as on 31-3-89. However, a small number namely 101 are yet to be rehabilitated. In this State a number of voluntary organisations and activists conducted the struggle to secure release of identified bonded labourers in the hill districts as well as in some districts of the plains like Banda, Allahabad, Varanasi and Mirzapur. In hill districts, the process of release has been completed with the efforts of a variety of people/organisations. However, in the plains, particularly in the carpet industry of Varanasi, Mirzapur and nearby areas, securing the release of child labourers is turning out to be a herculean task. There have been instances of 'release' of bogus bonded labourers in U.P. at the behest of vested interests and government functionaries to siphon off rehabilitation grants.

11.20 All in all, one could say that though a variety of agencies working within and outside the Government could help in identifying the incidence of bonded labour in different parts of the country, the task and authority for securing their release rests upon and vests with the State Governments alone. However, it is being noticed in a large number of cases that the bonded labourers have to depend for their release on activists and Non-Governmental Organisations. Political will is obviously a necessary condition for the Governments to act in this behalf. However, this itself would not be sufficient. In addition, the Panchayati Raj institutions would have to be motivated and involved in the task. A lot of training inputs are required for the Government functionaries at various levels in this regard. The representatives of the people, particularly the members of the Panchayati Raj Institutions and even the legislators need to be trained and motivated in a similar way. All these efforts have to be matched with mass awareness among the bonded labourers themselves. This awareness would come by a determined effort and well defined strategy launched by the State and Central Governments. Monitoring of the efforts for securing release is also a necessary requirement. It would be worthwhile if the State and Central Governments keep track of every individual identified as a bonded labourer and ensure that he is released and immediately rehabilitated without any loss of time.

11.21 It would be necessary to make the released bonded labourer aware about the fact and consequences of his release from bondage. It was noticed in some cases that the freed bonded labourer was not aware of the fact of his release

which situation encourages unscrupulous government officials to siphon off the funds. Such a situation would also give chance to the landlords to continue to keep the 'released' bonded labourer in bondage.

12. VIGILANCE COMMITTEES

Under Section 13 of the Bonded Labour System (Abolition) Act, 1976, every State Government should, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and in each sub-division as it may think fit. Each Vigilance Committee constituted for a district as well as sub-division is expected to have the following members:—

12.1 (a) District Vigilance Committee

- (i) The District Magistrate or his nominee as Chairman;
- (ii) Three persons belonging to Scheduled Castes/Tribes, nominated by the District Magistrate;
- (iii) Two social workers nominated by the District Magistrate;
- (iv) Upto three persons to represent the official or non-official agencies connected with rural development, nominated by the State Government; and
- (v) One person to represent the financial and credit institutions, nominated by the District Magistrate

12.2 (b) Sub-Divisional Magistrate Vigilance Committee

- (i) The Sub-Divisional Magistrate, or his nominee as Chairman;
- (ii) Three persons belonging to Scheduled Castes/Tribes, nominated by the S.D.M.;
- (iii) Two social workers, nominated by the S.D.M.
- (iv) Upto three persons to represent the official or non-official agencies connected with rural development, nominated by the District Magistrate;
- (v) One person to represent the financial and credit institutions, nominated by the S.D.M.; and
- (vi) One Officer authorized under Section 10 for implementing the provisions of the Act.

12.3 The functions of each Vigilance Committee are enumerated in Section 14 of the Act. These are as follows:—

- (i) To advise the District Magistrate about measures taken to implement the provisions of the Act;

- (ii) To provide for economic and social rehabilitation of the freed bonded labourers;
- (iii) To organize flow of adequate credit to the freed bonded labourers;
- (iv) To monitor the number of offences of which cognizance has been taken under this Act;
- (v) To make a survey as to whether any such offence is being committed and;
- (vi) To defend any suit instituted against a freed bonded labourer.

12.4 Thus we see that the Vigilance Committees are expected to perform very important functions. In some cases like in Jabalpur (MP), the Vigilance Committees have not only been meeting almost regularly but have also done excellent job in identifying and rehabilitating the bonded labourers. Our study indicates that these committees could also help the society in general and the Government and the bonded labourers in particular in a variety of other ways as well. These could be listed as follows:-

- (a) The Vigilance Committees if properly activated, could help in timely detection of fresh cases of bondage;
- (b) They could help in monitoring prompt release of the bonded labourer after his identification either by the Committee or by any other individual or agency;
- (c) The Vigilance Committees could ensure effective rehabilitation of released bonded labourers by associating themselves at various stages of rehabilitation of such bonded labourers. These stages would include preparation of individual rehabilitation schemes, implementation of the rehabilitation schemes and follow-up actions after the scheme is implemented;
- (d) If they are closely associated with all the aspects connected with rehabilitation, the Vigilance Committees could become a powerful source of providing effective rehabilitation to the released bonded labourers by becoming a storehouse of knowledge and experience in the field;
- (e) Since we notice that the activists and NGOs working for the cause of the bonded labourers are not generally getting sufficient support and response from the Government authorities, the Vigilance Committees could be developed into an effective mechanism of providing recognition and encouragement to such NGOs and activists;

- (f) The Vigilance Committees could also be converted as a catalytic agent for organising the bonded labourers at various stages namely, pre-identification, during identification and release, during rehabilitation and during post-rehabilitation periods;
- (g) The Vigilance Committees could also be effectively utilized in creating mass awareness using a variety of methods and media regarding the various provisions of the Act and the Schemes for Rehabilitation;
- (h) We notice that the efforts of the Government in implementing the various provisions of the Act and the various rehabilitation programmes depend largely on the interest taken by individual officers. Such a system lacks continuity. The Vigilance Committees could effectively replace dependence on individuals and provide continuity to the attempts of the State and Central Governments in implementing the various provisions of the Act and the rehabilitation schemes.

12.5 Though the Vigilance Committees are very potent mechanism as described above, yet we noticed in our study that by and large they have not been able to function effectively. These impressions are summarized as follows:—

- (i) In some States like Bihar, Orissa, Uttar Pradesh and Madhya Pradesh, Vigilance Committees have been constituted at various points of times in many of the districts. In other States also Vigilance Committees have been constituted from time to time for various districts and sub-divisions. States like West Bengal and Assam have set-up Vigilance Committees at district level even though they have not found incidence of bonded labour ever since the promulgation of the Ordinance/Act. However, the general pattern is that these Committees are constituted for a period of couple of years and after lapse of the duration they are not re-constituted for a long time. This breaks the continuity of the system;
- (ii) Even where the Vigilance Committees are constituted, in large number of cases we noticed that the meetings of these Committees were not being held regularly. There are instances in the States of Orissa, Bihar and also in some of the districts of a few other States where the Vigilance Committees were meeting with some regularity. In Karnataka, after the formation of the Zilla Parishads afresh in 1987, some of the districts have constituted district level Vigilance Committees with a high level

peoples representative like the Upadh-yakhsha of the Zilla Parishad as Chair-man and some Zilla Parishad Members as members. This is a welcome feature. But, by and large, we notice that most of the States like which have high incidence of bonded labour system were yet to activate the Vigilance Committees,

(iii) Our Report has received information directly from district authorities only in few cases, that too largely through the IAS probationers, though also through Zilla Parishads and District Collectors in some cases. By and large, we have relied on the Reports of the State Governments. These Reports indicate that the State Governments do not appear to be monitoring the functioning of these Committees cloely;

(iv) We also get an impression that since last couple of years, fresh identification of bonded labourers has almost stopped. The Vigilance Committees have also concurrently become nearly dormant. This is not correct. The State Government should, as is done in case of States like West Bengal and Assam, keep the Vigilance Committees active even though fresh incidences are not reported. This would help in fresh identification and also in monitoring the rehabilitation programmes;

(v) Representation on the Vigilance Committees to activists and NGOs working in the area for the cause of the bonded labourers has been given only in very few cases. A large number of districts have reported that no NGOs were working directly with the bonded labourers and on this ground the NGOs have not been given representations on these Committees. On the one hand the activists/NGOs would be encouraged by getting associated with these Committees, while on the other hand the Committees would also benefit a lot by the experience and knowledge of the activists and NGOs. Even where no activists NGOs have been found working for the

cause of bonded labourers, it would be advisable to nominate a suitably articulate release bonded labourer as member of the Committee. It would be still better if the released bonded labourers are organised in suitable groups, made to elect a leader and such leader is given representation on the Vigilance Committee of his area.

(vi) Since we notice that re-constitution of Vigilance Committees takes time in many cases, it would be advisable to provide for continuation of existing Committee until a new Committee is constituted. This would be helpful in providing continuity.

13. PROSECUTION OF OFFENDERS

13.1 Chapter VI of the Act provides for punishment to such persons who compel any other person to render any bonded labour and who abet any offence punishable under this Act. The State Governments have been authorized to confer on Executive Magistrates, the powers of a Judicial Magistrate of the First Class or of the Second Class, for expeditious disposal of the criminal cases filed against the keepers of bonded labourers. However, our report finds that even though the total number of bonded labourers officially identified in the country is as high as 2,42,618, a very small number (773) of keepers of bonded labourers were arrested. Punishments were awarded to still smaller number after conviction.

13.2 In case of Andhra Pradesh, 144 persons were arrested and 60 punished. In case of Bihar, the latest picture received by us states that 277 cases were filed in various courts against the keepers of bonded labourers. Out of these cases, only 92 resulted in conviction and 137 in acquittals. Out of the persons convicted, only 17 were imprisoned. The total amount realized as fine was Rs. 25,600.

13.3 Karnataka State, which showed the highest number of bonded labourers identified (62,689), had only 141 persons arrested. Conviction was finally obtained only in 58 cases and in no case was imprisonment awarded.

13.4 In States like Gujarat, Haryana and Kerala, though significant number of bonded labourers were identified, yet very few prosecutions were launched and, to our knowledge, nobody has been convicted so far.

13.5 In Madhya Pradesh, 100 arrests were made and 146 persons punished so far. Out of these 146 punishments, 39 were imprisonments, 82 fines and 25 fine plus imprisonment.

13.6 In Maharashtra, where the Shramjeevi Sanghthana identified and secured release of a large number of bonded labourers in areas in and around Thane, the case of Vasai Court needs mention. This case, wherein imprisonment as well as fine were awarded to the keeper of bonded labour was perhaps the first case of conviction with imprisonment in Maharashtra. According to the information available with us, the total number of arrests made in this State was 229, which was highest in any State of India as on 1-4-1988. However, most of these cases (177 out of 229) were pending in court.

13.7 From Orissa, we have received information regarding prosecutions from the State Government as on 31st December, 1989. The total number of cases registered under this Act in the whole State was 9992, perhaps the largest in the country. The number of offenders involved was 604. Conviction was obtained in 64 cases resulting in fine of Rs. 5.29 lakh. It is interesting to note that in no case of conviction, imprisonment was awarded. The second interesting feature of Orissa is that more than 90 per cent cases (9137 out of 9922) were registered in the district of Koraput alone. Likewise, out of the total amount of Rs. 5.29 lakh realized as fine, Rs. 5.19 lakh was from Koraput alone.

13.8 From Rajasthan, we have the latest information through the letter dated 1-8-1990 of the State Government. According to this information, a total of 1751 cases were registered under the Act. But, in 1987, the State Government took a decision to withdraw these cases. As of now, 46 cases are registered, mainly in the districts of Kota (14), Bundi (11) and Jhalawar (8).

13.9 From Tamil Nadu, we have the information regarding prosecutions. Only 2 cases were registered and a sum of Rs. 500 as fine and imprisonment till the rising of the court for each of the 2 offenders was awarded by the concerned Magistrate.

13.10 In Uttar Pradesh, 3456 cases were filed under the 1976 Act but only in 20 cases punishment was awarded. In the hill districts of the State, where the system of bonded labour was recognized more than 2 decades ago, not a single conviction has taken place so far.

13.11 We may like to specially mention the approach initiated in Patha (Banda-Allahabad) Region by a young and dynamic Additional District Magistrate, Shri Arun Arya. His approach was to book the offenders under as many cases and as many provisions of law, as possible. For example, if a keeper was found keeping 15 bonded labour, not one but 15 separate cases would be booked against him under the Bonded Labour System (Abolition) Act 1976, besides cases under section 374 (forced labour) or and 367 (kidnapping and unlawful confinement) under Indian Penal Code. Cases would also be booked for exploitation of women. Such a massive legal onslaught on some of the perpetrators of this crime would be a definite deterrent to many others.

13.12 We also noticed cases where keeper of child bonded labourers openly declare having such bonded labourers and got them released and rehabilitated, siphoning off the rehabilitation grants in collusion with government officials. The keepers could do this so openly because they had no fear of getting prosecuted.

13.13 It appears that the State Governments as well as the statutory authorities have either got a soft corner towards the offenders under this Act or the authorities are not sufficiently motivated to invoke the penal provisions. Our discussions with some authorities revealed that they were more interested in securing the release and rehabilitation of the bonded labourers than in prosecuting the keepers of the bonded labourers.

13.14 Prosecution of offenders should go hand in hand with the identification of bonded labour. However, in reality, prosecutions have been very rare. Making a law and not enforcing it is not justifiable. Professor V.K. Gupta of the Academy, who studied the situation in Palamau district of Bihar recently, felt strongly about the long terms repercussions of administrative laxity in implementing the various provisions of the Act. His words are quoted below:—

“.....the situation in Palamau seems to have deteriorated to such an extent that villagers have started regarding Naxalites as natural friends and administration and landed aristocracy as natural foes. If the administration does not wake up soon to the impending dangers it may lead to disastrous consequences.”

13.15 Now that more than one and half decades have passed since most of the instances of keeping bonded labour were identified, one wonders if it would be prudent to pursue such cases. However, the State Governments should come out heavily on fresh cases of keeping of bonded labourers. The Central Government should also take up this matter in right earnest.

14. REHABILITATION OF BONDED LABOUR

14.1 The responsibility for rehabilitation of released bonded labourers rests with the State Governments who are the implementing authorities under the Bonded Labour System (Abolition) Act, 1976. According to the Annual Report 1989-90 of the Ministry of Labour, Government of India, New Delhi, the incidence of bonded labour has been reported from 12 States, namely Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh. All the identified bonded labourers in Kerala, Gujarat and Haryana have been rehabilitated. The total number of bonded labourers identified and freed as on 31-3-1989 was 242618 out of whom 210091 had been rehabilitated. About 11485 are not available for rehabilitation. A statement showing the Statewise position is

Table-3
State-wise details regarding release and rehabilitation of bonded labour, as on 31-3-1989

Name of the State]	Number of bonded labourers	
	Identified	Rehabilitated & released
1. Andhra Pradesh	33,954	24,262
2. Bihar	12,388	11,270
3. Karnataka	62,689	50,768
4. Madhya Pradesh.]	10,895	7,554
5. Maharashtra	1,331	951
6. Orissa	48,750	44,751
7. Rajasthan	7,127	7,037
8. Tamil Nadu	37,965	36,536
9. Uttar Pradesh	26,155	26,054
10. Kerala	823	823
11. Haryana	477	21*
12. Gujarat	64	64
TOTAL	2,42,618	2,10,091

Source: Annual Report (1989-90) of Ministry of Labour, Government of India, para 9.15 to 9.25

*Others are not available for rehabilitation in the State of Haryana.

With a view to supplementing the efforts of the State Governments, the Ministry of Labour launched a Centrally Sponsored Scheme from 1978-79 under which the State Governments are provided Central financial assistance on a matching grant (50:50) basis for rehabilitation of bonded labourers. The Scheme originally envisaged provision of financial assistance upto a ceiling limit of Rs. 4000 per bonded labourer which has since been enhanced to Rs. 6,250 with effect from 1-2-1986. The rehabilitation scheme can be either land-based or animal husbandry based or skill/craft based depending upon the aptitude, skill and preference of the beneficiary. A Statement showing the amount of money released to various State Governments under the Centrally Sponsored Scheme is given in Table 4.

Table 4

Statement showing the amount of money released to various State Governments for rehabilitation of released bonded labourers under the Centrally Sponsored Scheme. (Rupees in lakh)

S. No.	Name of the State	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Andhra Pradesh .	20 00	17 73	19 17	24 14	41 19	—	83·16	132 41	93 47	—	—	—	431 27
2	Bihar . . .	14 28	6 62	22 34	9 03	6 58	64 94	27·52	2 26	47 69	8 17	6 19		215·62
3	Gujarat . . .						0 39	.	0 56	0 06				1·01
4	Haryana . . .							0 42						0 42
5	Karnataka .	10 28	7 14	125 15	84 17	8 11	114 14	49 10	80 92	278 09		203 97	102 00	1063 07
6	Kerala . . .	1 65	0 60		1 52		5 76							9·53
7	Madhya Pradesh .	17 00	..		0 65	1 36	1·07	1 50					58 19	79·77
8	Maharashtra .								8 25					8·25
9	Orissa	5 11	1 00	10 22	90 62	130 23	7 67	302 44	70 03	66 98	84 02	18 50		786·82
10	Rajasthan . . .	14 00	10 53	10 35	0 36	1 91	4 15	0 77	3·16	0 89	1 00	0 75	0 81	48·68
11	Tamil Nadu . .	5 32		1 70	1 00	1·72	0 30	4 20	3 52					17·76
12	Uttar Pradesh . .	10 00	10 00	10 00	38 24	77 95	18 65	60 59	93 79	101 08	47 88	.		468·18
	Total	97·64	53·62	198·93	249 73	269 05	217·07	529 70	394 90	588 26	141·07	229 41	161 00	3130 38

14.2 During the financial year 1989-90, the Ministry of Labour, Government of India, in consultation with the State Governments, fixed a target of rehabilitation of 13,687 bonded labourers in respect of 9 States, viz., Andhra Pradesh, Bihar, Karnataka, Tamil Nadu, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Uttar Pradesh. As against this, the State Governments have reported rehabilitation of 3030 bonded labourers during the period from April, 1989 to November, 1989.

14.3 An outlay of Rs. 15 crore had been provided for this Centrally Sponsored Scheme in the Seventh Plan. An amount of Rs. 161 lakh (representing the central share of assistance) had been provided in the Revised Estimates for the Annual Plan 1989-90. The entire amount was released to the State Governments.

15. SCHEME FOR INVOLVEMENT OF VOLUNTARY AGENCIES

15.1 As envisaged in the 20 Point Programme, 1986, a new Plan Scheme titled "Grants-in-aid to Voluntary Agencies in the Identification and Rehabilitation of Bonded Labourers" has been in operation since 30-10-1987. The modalities and guidelines for implementation of the Scheme have been circulated to all State Governments and Union Territories. According to the guidelines issued to the State Governments/Union Territories, the selection of voluntary agencies would be done by the Council for Advancement of People's Action and Rural Technology (CAPART) or by the concerned State Governments. Voluntary agencies would be paid managerial subsidy of Rs. 5000 per annum. In addition, they will be paid Rs. 100 for each release order, in excess of 20, secured in a year subject to the condition that the total amount of subsidy and the amount for release orders will not exceed Rs. 10,000 in a year. This money is given to the voluntary agencies to meet their administrative expenses in various activities relating to bonded labour.

15.2 The expenditure under the Scheme is to be shared equally by the respective State Government and the Central Government. The Central share would be passed on to the voluntary agency concerned. The State share will be obtained either by the voluntary agency or by CAPART from the State Government. The modalities of this Plan Scheme are being modified on the basis of certain suggestions made by the CAPART.

15.3 Amounts of Rs. 1.00 crore and Rs. 10.00 lakh have been provided in the Revised Estimates for the Scheme during the Seventh Plan (1985-90) and Annual Plan (1989-90) respectively. A sum of Rs. 2500 as a managerial subsidy has been released to one voluntary agency identified by the Government of Madhya Pradesh.

16. STATE-WISE ANALYSIS REGARDING REHABILITATION

Andhra Pradesh

16.1 In Andhra Pradesh, we notice that 9,685 bonded labourers out of total number of 33,954 identified were not yet rehabilitated as on 31-1-90. This is a very large number and calls for special efforts on the part of the State Government in this regard.

16.2 In respect of such released bonded labourers also who have been rehabilitated, their number being 24,269 we get a mixed picture for rehabilitation. The total amount released to Andhra Pradesh as Central share for rehabilitation of released bonded labourers as on 31-3-1990 is Rs. 4.31 crore. The per capita amount comes to Rs. 1,777 which is well below even the older norms of Rs. 2000. On the one hand the amount provided per person under the Centrally Sponsored Scheme (CSS) itself is insufficient, on the other hand most of the States including Andhra Pradesh have not been providing even this sum.

16.3 To make up for the deficiency in providing adequate rehabilitation, the State Government repeatedly advised its district officers to integrate the other development programmes like IRDP, Rural Housing Schemes, Primary Education Programmes etc. with the CSS. However, except in very few cases, such integration was not achieved.

16.4 It goes to the credit of Andhra Pradesh Government to have drafted a unique scheme of purchase of land for the released bonded labourers, developing it for agricultural purposes and even sinking irrigation wells on such lands out of Special Component Plans Funds. Land based rehabilitation is by and large effective and liked by most rural poor. The Andhra Pradesh Government also directed the District Collectors to grant available cultivable Government lands and land ceiling surplus lands to released bonded labourers at par with landless agricultural labourers. However, the scheme of purchase and developing private lands on behalf of the released bonded labourers is highly appreciable.

16.5 Though some districts like Medak in Andhra Pradesh prepared good schemes for rehabilitation, in most of the cases we notice a lack of adequate integration of various available schemes. We also notice large time lag between release and rehabilitation. Though we do not have cost benefit analysis of the various rehabilitation schemes implemented in the State, but some of the available studies like that of Chakravarty and Das in Rangareddy district suggest that the rehabilitation schemes were giving meagre returns.

16.6 Andhra Pradesh has also shown delay in submitting the utilization certificates to the Central Government in respect of funds received.

ed under the Centrally Sponsored Schemes for rehabilitation of Bonded Labourers. Such delays in submission of UCs leads to a chain reaction of the delays in release of grants. The ultimate sufferers are the released bonded labourers. The scheme of Honorary Rural Organizers (HROs) has also not been properly utilized in this State. Even the honorarium was not paid for months to the HROs. The institution of HROs could be very fruitfully utilized, if given sufficient thought and support.

Bihar

16.7 In Bihar, the latest picture states that of the 11,378 released bonded labourers, 99.8 per cent have been rehabilitated. In this State, the State Government has made strenuous efforts from time to time in providing timely and adequate rehabilitation to the released bonded labourers. However, the practice of bonded labour is very deeply entrenched in the social fabric of the State and the intentions of Government to eradicate this system has met with success only partly.

16.8 All the same, certain features of the policies/schemes of the State Government need to be appreciated. For example, the social security pension scheme, providing a monthly pension of Rs. 30/- per month to each bonded labourer immediately after identification is commendable. However, the amount fixed in 1982, needs to be enhanced.

16.9 In the year 1982, the Government of Bihar devised a special scheme to integrate all development programmes/schemes including land grant, for providing an effective package of rehabilitation to the released bonded labourers. This scheme also provided that released bonded labourers belonging to Scheduled Caste would be provided, in addition to the amount of Rs. 4000 available under the CSS, an amount of Rs. 4000, (subsequently enhanced to Rs. 6,250). This additional amount was to come from a special scheme. In addition, the Government directed the field functionaries to include benefits under IRDP, Rural Housing Scheme, Rural Employment Programmes etc., also in the package of rehabilitation measures for released bonded labourers. Unfortunately, we have not been able to get feed back regarding extent and impact of implementing of these guidelines. However, the strategy of Bihar Government needs to be evaluated and emulated.

16.10 Many districts in Bihar particularly Nawada, Palamau and Samastipur, have successfully experimented with integration of various development programmes with CSS. Palamau district in Bihar has also made a very innovative schemes for rehabilitation of child bonded labourers released from the carpet industry of U.P. This rehabilitation scheme includes residential schools for these children and also train them in carpet weaving etc. besides pro-

viding them Mid-day Meal, free school uniforms, text-books and so on.

16.11 The role of Non-Government Organizations in identification, release and rehabilitation of bonded labourers in Bihar is also worth noting. Soon after promulgation of the Ordinance/Act, the National Labour Institute organized Rural Labour Camps during 1976-78 in different parts of Bihar to make the bonded labourers aware about the provisions of the Act and the rehabilitation schemes. These efforts should have been supplemented and followed up by government support. Though we do not have exact picture of the socio-economic conditions of all the bonded labour families who participated in these camps, yet in some cases we notice that they have not been able to prosper. For example, in Semra village (Palamau district) Prof. V. K. Gupta of our Academy who visited in 1989, found the socio-economic conditions of the released bonded labourers not very happy.

16.12 Bihar is among those States where bonded labourers continued to live under physical social and economic threats from their ex-land lords. Effective social, psychological and economic rehabilitation of released bonded labourers is, therefore, very necessary in this State.

16.13 There have been cases of wrong identification of bonded labourers in certain district (for example West Champaran) of the State. This was done presumably by unscrupulous field functionaries of the Government at the behest of vested interests in the area mainly to siphon off the rehabilitation grants.

Gujarat

16.14 In Gujarat, we noticed that the State Government has not taken much interest in the issues concerning bonded labour. So far 64 bonded labourers have been identified and rehabilitated. The total Central share released for their rehabilitation is Rs. 1.01 lakh which per capita comes to Rs. 1578. This sum is quite meagre for an effective rehabilitation. We have not come across any special efforts for the State Government in rehabilitation of bonded labourers.

Haryana

16.15 According to the very recent response received by us from the Government of Haryana, 544 bonded labourers have been identified in this State till 31-3-90. Out of them only 2 have been rehabilitated by the State Government. The total Central share released for their rehabilitation was Rs. 42,000, which works out to Rs. 2000 per capita. The remaining bonded labourers have been sent away to their respective States of origin. We noticed that the incidences of bonded labour in this State are predominantly migrant in character. The State Government should take follow up measures for ensuring that such bonded labourers are rehabilitated properly in their respective Home State.

Himachal Pradesh, Jammu and Kashmir, North Eastern States and West Bengal.

16.16 The information collected by us in respect of these States indicate that there has been no incidence of bonded labourer in any of these States. However, the Commissioner for Scheduled Castes and Scheduled Tribes, in his 24th Report pertaining to the years 1975-77 states that 3 bonded labourers had been identified and released in Mizoram. Further details in this regard are not available. The Commissioner in his report for 1979-81 mentions the complaints he received about migrant Bihari labourers from Bihar working in the brick fields of Tripura under conditions of bondage. However, the Tripura Government took prompt action to get them released, gave them their wage dues and arranged to reach them to their Home District in Bihar.

Karnataka

16.17 The number of bonded labourers identified and released in this State as on 31-3-90 is 62,689. Out of them, 50,768 have since been rehabilitated. The total Central share released for their rehabilitation was Rs. 11.66 crore which works out per capita to Rs. 1393. It is to be noted that the limit for rehabilitation of each bonded labourer out of the CSS was enhanced to Rs. 6250 from 1st Feb. 1986. Out of the total grant of Rs. 11.66 crore released for Karnataka as Central Share, nearly 60 per cent (Rs. 6.87 crore) was released after 1st April, 1986. Therefore, the per capita average amount of Central share, which is Rs. 1893, is very low.

16.18 A number of evaluation studies have been conducted regarding the rehabilitation efforts made by various agencies in this State. Some of them have appreciated them, while others have found lot of loopholes. The evaluation conducted in the year 1987 by the Bangalore based Institute of Social and Economic Change (ISEC) in the districts of Mysore, Shimoga, Bangalore (Rural) and Hassan found many happy aspects about rehabilitation of released bonded labourers in these districts. For example, very few ineligible beneficiaries had been included and 60 per cent of the surveyed beneficiaries had retained their assets for more than 6 years. The study, however, noted that the impact of rehabilitation programmes was rather modest because the difference of income between beneficiaries who had retained the assets and who had not retained them was found to be around Rs. 600 only. The evaluation by SHAKTI, a voluntary organization, in Bangalore district, however, indicated that most of the surveyed beneficiaries had been getting good returns from their assets.

16.19 The Agricultural Estate Rehabilitation Project in Sampigehalli Bellahally village, started in the year 1979 with lot of fanfare, did not take off for 6-7 years and points to the lackadaisical efforts of the State machinery. Undeterred by the fate of this Project, the State

Government drafted an ambitious Project of 1,500 agricultural estates for rehabilitation of 18000 families of released bonded labourers, spread over a period of nine years in different parts of the State. Thus we noticed that land based rehabilitation schemes are getting increasing attention with the State Government.

16.20 Some districts of the State had made necessary efforts in integrating the CSS with other anti-poverty programmes. Chickmagalur district may be mentioned in this regard. However, such efforts are far and few.

16.21 The NGOs have also been active in various aspects connected with bonded labourer system in this State. Mention may be made of the efforts of MYRADA in Mysore district, though there are a large number of such agencies working in different parts of this State without much publicity. By and large the NGOs are found working in coordination with the State authorities in rehabilitation of bonded labourers.

16.22 We would like to mention the efforts of a young officer Shri K. Shivaramu, an IAS probationer of 1987 batch who underwent training in Mysore district during 1988-89. As a part of his training, he was made Block Development Officer and Tahsildar for a few weeks. Even during this short period, he studied the problems of bonded labourers and devised innovative schemes for their rehabilitation. These schemes included grant of high quality cultivable government lands close to irrigation canal and also evicting encroachments by big landlords from government lands and granting the same to bonded labourers. There are a few government functionaries in this State like Shivaramu who made sincere efforts in rehabilitating bonded labourers but such examples are unfortunately not many.

Kerala

16.23 In Kerala, of the 823 identified released bonded labourers, 710 have been covered under the CSS. However, the unique land based rehabilitation project, the Priyadarshani Tea Estate in Manantoddy sub-division of Wynad district, deserves to be mentioned. This Project was drafted in the year 1986-87 at a capital cost of Rs. 98.82 lakh and recurring expenditure of Rs. 377.58 lakh spread over a period of 6 years. It was designed to cover 118 released bonded labourer families, aiming at providing them a daily wage income of Rs. 21 per day. The scheme envisages integration of other development schemes of Departments of Rural Development, Primary and Adult Education and Social Welfare. The initial indications about this Project show that it is moving in right directions and the beneficiaries have started reaping the benefits.

Madhya Pradesh

16.24 In Madhya Pradesh, only 7,554 released bonded labourers out of a total number of 10,895

have since been rehabilitated. The remaining were not available/migrants sent away to their original places. This State has been rather slow in reacting to all aspects relating to bonded labourer be it identification, release or rehabilitation. It was only in the year 1988-89 that a comprehensive scheme covering all the aspects of bonded labour system was drafted by the State at the initiative of a voluntary organisation. This scheme called the "Yogi Yojana" is a 11-point Programme aimed at expeditious and time-bound identification, release and rehabilitation of bonded labour besides at implementing other provisions of the Act, 1976. The Yojana includes organising mass camps at district and tehsil levels to cover all these aspects and also to create awareness among the bonded labourers so that they could take maximum benefit out of the laws and schemes meant to help them. However, the history of release and rehabilitation efforts in this study is one of great apathy. In Raipur district for example even after the Supreme Court intervened in respect of bonded labourers identified in Pithora Basna, Saraipalli and Kasdol blocks and ordered the State Government to rehabilitate them, the State Government did not take action in majority of the cases for almost 2 years. In Pithora block 621 persons had been released from bond while in Basna that number is 1333. Even after 2 years of the Supreme Court order, only 14 persons in Pithora block and 11 in Basna block had been paid the full amount of Rs 6250 available under the CCS. Another 163 persons had been paid only the Central share of Rs 3000. In Saraipalli block, out of the 739 released bonded labourers, 434 had been paid a sum of Rs. 3000, only 3 had been paid Rs. 4250, 6 had been paid Rs 1660, 12 persons Rs. 1000 and 6 persons Rs. 2000. This is a very sad story and is unfortunately seen in many parts of the State.

16.25 The Director General of Labour Welfare, Government of India, in his tour reports relating to Madhya Pradesh, has pointed out a number of other shortcomings also. These include large time gap between release and rehabilitation, insufficient quantum of rehabilitation package, lack of integration of the CSS for rehabilitation with other anti-poverty schemes, absence of marketing and servicing facilities regarding non-land based schemes and lack of monitoring and evaluation.

Maharashtra

16.26 Of the 1,331 identified and released bonded labourers in Maharashtra, 951 could be rehabilitated by 31st March, 1990. The total amount of Central share released for their rehabilitation is Rs 8.25 lakh. This works out to a per capita sum of Rs 850 which is too low. Like Haryana and Gujarat, in Maharashtra too the State Government has shown tremendous indifference towards all aspects connected with the bonded labour. We may not be off the mark in

saying that almost the entire credit for identification, release as well as rehabilitation of bonded labourers in this State would go to activists and voluntary agencies like Vidhayak Sansad, Bhumi Sena and Sramjeevi Sangathana. The efforts of these organisations in securing release and rehabilitation of bonded labourers is noteworthy in Thane. Their attempts to organise the released bonded labourers in economic unit for rehabilitation like Dairy Cooperatives, Cooperative Truck Transport Society, Cooperative Brick Kiln Society are such efforts which need to be replicated throughout the country.

16.27 It is, however, to be noted that since such voluntary agencies are not working for every nook and corner of the State Government the State Government should gear up its own machinery to take up the challenge and the task.

16.28 There are cases of bonded labour in non-traditional and urban areas of this State. For example the case of Hamals of Pune which we have referred to in our study, neither any NGO is working for their cause nor does the government seem to be worried about their welfare.

Orissa

16.29 The efforts of Orissa State regarding identification, release and rehabilitation, of bonded labourers, ever since the Ordinance/Act came into being were not sustained and show a lot of ups and downs. Upto the end of the financial year 1989-90, 93 per cent of the 49,824 released bonded labourers had been covered under the CSS for rehabilitation. The total Central share for rehabilitation released to this State is Rs. 7.5 crore which works out to a per capita of Rs. 182 and is quite insufficient. To add to that, we notice that integration of this CSS with other anti-poverty programmes has not been very well achieved. This State is another example of Rajiv Tapism in implementation of this major welfare programme. A classic instance is the fact that during the year 1983-84, out of the total Central Plan allocation of Rs. 150 lakh earmarked for this State under the CSS for rehabilitation, only Rs. 6.29 lakh could be released, because the State Government had not submitted the Utilization Certificates! Again, although the Government of India had advised all the State Governments to delegate the powers of sanction of rehabilitation schemes to District Collectors, Government of Orissa did not implement this suggestion and continued to keep this power at the State level. The State Government should have geared up district machinery by way of suitable orientation training programmes and delegated this power for faster implementation of the scheme.

16.30 The other shortcomings noticed in rehabilitation efforts in this State are lack of credit facility for consumption needs, lack of forward and backward linkages and absence of involvement of non-Governmental agencies. A study by the PEO (1984) had found that a large

majority of the beneficiaries of the CSS for Rehabilitation surveyed in the districts of Koraput, Ganjam, Kalahandi, and Phulbani had reported that the rehabilitation schemes were thrust upon them without taking care of their preferences. The PEO study also noticed time lag between release and rehabilitation, though another study by IIPA in Koraput (1982) did not notice much delay of this type.

16.31 We would like to make a special mention of decision of Orissa State Government to relax the age limit for recruitment to Group C and D posts for upto 40 years in case of released bonded labourers. This is a welcome feature which should be taken note of by the other States.

Land Based Rehabilitation has been Third in Orissa with mixed results

Rajasthan

16.32 Rajasthan State has covered almost all (7,114) released bonded labourers out of the total number of 7127 under the CSS for Rehabilitation. The total Central Assistance released was Rs. 48.68 lakh. The average per capita assistance under the CSS comes to Rs. 684, which is meagre.

16.33 The Rajasthan Government, however, took-up the task of rehabilitation of bonded labourers in right earnest soon after the Act was brought into force. In 1978, a special scheme for rehabilitation of 1020 released bonded labourers of the districts of Dungarpur, Chittorgarh and Kota was drafted for Rs. 45.40 lakh involving equal financial participation by the Central and State Governments. Of the total of 1020 beneficiaries, 200 were to be covered by land based schemes, 700 by non-land based schemes and 120 by Skill craft based schemes. Again, in 1979, a special effort was launched in Kota district by forming the Kota Bonded Labourers Industrial Cooperative Society. However, later reviews in 1987 found that the experiment was suffering from the variety of problems. The share capital given to society was kept in a fixed deposit account and the interest earnings were used to maintain a vehicle and staff. The original idea was to use the share capital in schemes which would generate employment/self-employment prospects of the members. However, for want of proper guidance from the Government, the members allowed the government functionaries to carry the scheme into wrong directions. It was also noticed that almost all the beneficiaries were not even aware about the concept behind the formation of the society even after 8 years of its existence.

16.34 Rajasthan has made many more experiments with land based and other types of rehabilitation. In land based schemes it was noticed in some cases that the land allotted was not good enough for agriculture. In non-land

based schemes, the problems noticed by PEO (1984) were that the beneficiaries were generally not consulted while selecting the schemes, the schemes suffered for want of forward and backward linkages and there was lack of follow up efforts. In some cases, the CSS for Rehabilitation has been integrated with other schemes like Rural Housing Schemes and Rural employment Programmes. However, such instances are not many. The PEO study also noted the delay of 2-3 years between release and rehabilitation in Kota district.

Tamil Nadu

16.35 In Tamil Nadu, almost all, that is 36,536, released bonded labourers out of a total number of 37,965 have since been covered under the CSS for Rehabilitation. A significant number, namely 8290, of the rehabilitated bonded labourers were those who belonged to Tamil Nadu, were kept in bondage outside the State and were brought back to the State after securing their release. Their rehabilitation was taken up in different parts of the State by the Government. In many cases, non-government agencies have actively participated in the task of rehabilitation of bonded labourer.

16.36 The efforts regarding rehabilitation of bonded labourers in Tamil Nadu are not as impressive as in case of release. We have the study by Shri T. N. Gopalan, for example, in Anna district, where the famous case of 633 bonded labourers identified by Shri Gurnihal Singh Peerzada, the then Sub-Collector of Kodaikanal, the rehabilitation efforts offer an interesting case study. The rehabilitation measures were taken up under the directions of the Supreme Court. Lands (118 acres) were granted for rehabilitation. However, later evaluation indicated that 22 of the 118 acres were found to be useless for cultivation. The assignment of land (2 acre patta each) was so haphazard that in many cases the 2 acre patta did not come in one piece. The nearest schools from the site of rehabilitation were 5.7 kms. away. There was nothing by way of health care and housing facilities.

Similar is the case with the Rehabilitation Efforts in many other parts of the State

16.37 However, there are success stories also particularly the MYRADA-Talawadi Project (Periyar district). In this Project, 38 freed labourer families were to be resettled over 130 acres of land at Kongahalli village. The rehabilitation package included agriculture, sericulture, tree-culture, animal husbandry, horticulture and housing. This Project was taken up with the grants available from the State Government, Panchayat Union as well as the voluntary organisations.

Uttar Pradesh

16.38 The number of bonded labourers covered under the CSS for Rehabilitation in Uttar Pradesh is 26054 against the total number of 26155 released, as on 31-3-1989. Uttar Pradesh would be of special feelings for this Academy because it was in this State in the year 1974 that 35 IAS probationers made a survey in the Jaunsar-Bawar-Jaunpur Rawain areas of the North Western Hill districts of Uttar Pradesh and brought to light of bonded labourers in this area.

16.39 Uttar Pradesh offers some significant stories of rehabilitation efforts, particularly by activists and NGOs. We may recall the initiatives made by Shri Avadhesh Kaushal (who is now working with this Academy) in organising the awareness camps in Jaunsar Bawar area of Dehradun district. In these camps land pattas which were pending for years were granted to the released bonded labourers besides providing them a lot of other rehabilitation benefits. Such camps generated tremendous awareness about the customs of bonded labour in the region and about the laws relating to abolition of this system etc. not only among the sufferers but also among the people at large.

16.40 However, in spite of securing the land, the story of these poor beneficiaries is not a very happy one. For want of sufficient supportive infrastructure and inputs, the land based schemes failed to take off. Later the State Government experimented with giving cash grant of the entire amount of Rs. 4000/- under the CSS. However, as noticed by subsequent assessments, a very meagre sum (Rs. 800) reached the beneficiaries.

16.41 Many women bonded labourers were released from the brothels of plains where they had gone as a part of the system of bonded labour under which the whole family was suffering. Even after they were released, their rehabilitation was meagre and instances were found where they were forced to send younger female members of their family to the brothels again to repay the fresh debts they had to incur for their survival.

16.42 In Banda, we noticed efforts of a young officer Shri Arun Arya, Sub-Divisional Magistrate of Karwi who tried not only to get bonded labourers released but also to provide them a model rehabilitation schemes giving land based and non-land based programme as a package. It was noticed however, that the landlord community and vested interests got furious and ensured that not only was he transferred out of the Sub-Division but they also began physically intimidating the released bonded labourers. In Banda, we have seen the great misuse of the land based rehabilitation schemes. A number of cooperative farming societies for rehabilitation of released bonded labourers were constituted

and plots of land were obtained in their name. However, these plots of land were largely enjoyed by the big landlords and not by the members of the cooperative societies. This sorry state of affairs was primarily due to lack of awareness among the released bonded labourers.

16.43 A similar situation was noticed in Allahabad where "Ghost" bonded labourers were identified to siphon off rehabilitation grants. In another instance, ineligible persons were identified as bonded labour and made to undergo family planning sterilization operation so that target for both the programmes would be met and the large part of government funds would be knocked off by the government functionaries.

16.44 The sad plight of workers at the Siliy Mines of Allahabad has also been described in our report. We have recommended that mere implementation of the provisions of the Act would not be helpful in a case like this. Labour welfare measures and steps to create awareness amongst the workers are necessary to create an environment where the efforts for implementation of the provisions of the Act would be meaningful.

16.45 Our study has also highlighted the problems of child bonded labourers in the carpet industry of Varanasi and Mirzapur. This is an area which needs deeper study. A pilot scheme for the rehabilitation of such children has been taken up.

General Issues:

16.46 From the aforesaid analysis we noticed a lot of common features in the rehabilitative measures undertaken in various States. They are summarized as follows:

- (i) There is lot of time lag between release of bonded labour and their rehabilitation. Such delays lead to tremendous misery on the released bonded labourer, tempting him to relapse into bondage. There are instances of released bonded labourers begging their ex-masters to take them back into bondage so as to get some economic security;
- (ii) The amount provided under the Centrally Sponsored Scheme for Rehabilitation is quite insufficient particularly because the CSS is not integrated with other anti-poverty schemes;
- (iii) It is noticed almost everywhere that the CSS for Rehabilitation is not being integrated with other welfare/anti-poverty schemes like Rural Housing Scheme, Adult Education Schemes, IRL and Employment Programmes;

- (iv) The land based schemes are generally found to be having tremendous potential for meaningful rehabilitation. However, most of the land based schemes have not succeeded on account of insufficient planning and lack of inputs and infrastructure;
- (v) The non-land based and skilled craft based rehabilitation schemes have also not been a success and consequently they have not provided sufficient economic returns to the beneficiary. The reasons by and large are as follows;
- (a) The schemes were not identified with sufficient forethought and planning.
- (b) Willingness and interest of beneficiary was not ascertained;
- (c) Backward and forward linkages were not provided; and
- (d) The schemes were not integrated with the other schemes in the area.
- (vi) The State Governments delay submitting Utilization Certificates to the Central Government. As a result release of grants is held up and the beneficiaries suffer;
- (vii) In some cases the State Governments do not release their share of the CSS to the beneficiary making the rehabilitation highly insufficient;
- (viii) In many of the rehabilitation schemes particularly the skill craft based units, the beneficiaries needed proper training very badly. Such training could be organized under programmes like TRY-SEM, SCP and DIC schemes etc;
- (ix) We also noticed rampant corruption in implementation of the schemes and even in the identification of beneficiaries. Where cash is given for rehabilitation, only meagre sum reaches the intended hands. Where land is given, the real users are not the released bonded labourers but either "ghosts" or the benami users. And where the assets are given, poor quality assets, even dead animals, are given to the helpless bonded labourer;
- (x) Insurance of the assets is also not done almost as a general practice. As a result of variety of factors described above the assets are lost and in the absence of insurance, the loan component becomes a big burden for the poor fellow; and
- (xi) The beneficiaries are not aware about the schemes being handed down to them. Such awareness would come by organis-

ing training programmes, awareness camps and mass publicity.

B—RECOMMENDATIONS

17.0 The various macro-remove-and micro-level studies conducted and scanned by us, including the two workshops convened in the month of January 1990 and February 1990 and the Expert Group Meeting held on the 16th March, 1991 have helped us to identify a set of recommendations. These recommendations are aimed at more effective implementation of the legal as well as administrative arrangements for the identification, release and rehabilitation of bonded labourers in its various forms in the country.

IDENTIFICATION

17.1 There is need to organise a comprehensive country-wide survey, utilising the central and state official machineries, NGOs, activists and research institutions like ISI, NLI, NIRD working in the area to unearth the evil on a national scale and arrive at a precise picture on the nature, prevalence and spread of bonded labour in India. The design, organisation and conduct of this country-wide survey should specially be planned by a Committee of experts constituted for this purpose and with full financial and other support from the Ministry of Labour.

17.2 Our studies and survey of literature on the subject reveal that high incidence of bonded labour in agriculture is prevalent in the following areas in the country:

- | | | |
|-------|-------------------------|--|
| I. | Andhra Pradesh : | Mehbofnagar, Ranga Reddy, Warangal, Medak. |
| II. | Bihar : | Palamau, West Champaran, Deoghar, Monghyr, Gaya, Muzaffarpur. |
| III. | Gujarat : | Surat. |
| IV. | Karnataka : | Bangalore, Shimoga, Mysore, Bijapur, Mandya. |
| V. | Madhya Pradesh : | Bilaspur, Shahdol, Sarguja, Vidisha, Satna, Raigarh, Bastar, Ratlam. |
| VI. | Maharashtra : | Ahmednagar, Aurangabad, Nanded, Nasik, Thane. |
| VII. | Orissa : | Balasore, Cuttack, Koraput, Bolangir, Sambalpur, Puri. |
| VIII. | Rajasthan : | Jhalawar and Kota. |
| IX. | Tamil Nadu : | Kodaikanal, Salem, Periyar, Trichy, Dharmapuri, North Arcot, South Arcot. |
| X. | Uttar Pradesh : | Ballia, Bundelkhand, Hamirpur, Hardoi, Kheri, Sitapur, Bijnore, Bareilly, Patha Area, Mirzapur, Varanasi, Allahabad, Garhwal Area. |

Similarly, in some of non-agricultural occupations such as the following the bonded labour

elements have not been adequately covered by surveys studies, etc.

- i. Stone quarries in different parts of the country;
- ii. Migrant labourers;
- iii. Brick-Kilms;
- iv. Joginis and Devadasis ;
- v. Fishermen;
- vi. Construction labour;
- vii. Forest labour in Orissa, Rajasthan, M.P., Maharashtra;
- viii. Bidi workers;
- ix. Carpet weavers;
- x. Pottery;
- xi. Weavers.
- xii. Head loaders;
- xiii. Child labour in Match and Fireworks industries; and
- xiv. Rag pickers, shoe shiners and beggars.

These areas and occupations include rural as well as urban areas. Special attention should be devoted in the surveys and studies to these areas and occupations. This should be immediately followed up with preparation of special projects for the speedy release and rehabilitation of bonded labourers identified in such areas|occupations.

17.3 The most important element in the identification and release of bonded labour is the generation of awareness and pressure from among them for their release and rehabilitation. That this task is very difficult, is clear from the total absence of any leadership or the very few voluntary agencies and organisations actively involved in their mobilization and welfare. Therefore, the Government should undertake upon itself the task of design and conduct of a nation-wide programme for education, mobilization and organisation of bonded labourers. The electronic media should be fully exploited for these purposes.

17.4 The Rural Labour Camps (RLCs) conducted by the National Labour Institute (NLI) in different parts of the country have proved to be a great success in spreading awareness and consciousness amongst bonded labourers regarding their exploitation and also regarding laws and welfare schemes pertaining to them. The camp methodology pioneered by the NLI has been a powerful source in providing psychological strength to weaker sections specially landless labourers and bonded labourers. Above all these camps have contributed to the fresh identification of the bonded labours. There is need for spreading these rural labour camps on a country-wide basis specially in pockets where

the bonded labour phenomenon is acute. Institutions such as NLI, NIRD and other training institutions for labour, which have a special responsibility towards the weakest among the weaker sections, should adopt these rural labour camps strategies in their annual programme and integrate them with suitable follow up measures. Voluntary agencies wanting to undertake such education and awareness efforts should be encouraged and provided with all assistance by the CAPART.

STATEMENT OF OBJECTIVES OF THE BLS ACT

17.5 The statement of objectives appended to the Act which states that the Act is to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people needs to be made explicit by including prohibition of the practice of all forms of forced labour coming within the purview of Article 23 of the Constitution

DEFINITIONS

17.6 Some of the existing definitions need to be re-phrased with a view to remove doubt and ambiguities that have come to the surface in the past. The changes suggested here are mainly with a view to underplay the element of debt bondage in the definitions.

- (a) In Section 2, sub-section (f) the term 'bonded labourer' may be defined as 'labourer who is compelled to render, renders labour under the bonded labour system'. The existing definition defines the term 'bonded labourers' exclusively with reference to the term 'bonded debt', which is not at all sufficient.
- (b) Section 2, sub-section (g) defining 'bonded labour system' is so worded that it makes sub-clauses (i) to (d) under sub-section (g), subservient to the debtor-creditor relationship where 'bonded debt' assumes special significance. In order to remove this impression that the Act only contemplates classifying bonded labour within its ambit, first paragraph of sub-section (g) be reworded as "bonded labour system means a system of forced or partly forced labour under which a debtor or any person and the remaining part of this paragraph deleted, followed by the rest of the sub-section remaining as it is.
- (c) The explanation introduced in Section 2(g) in the year 1985 also needs to be amended to make it clear that any system of forced or partly forced labour under which any workman under any law or contract is required to render labour for services in circumstances

the nature mentioned in sub-clause (i) of this clause or is subjected to all or any one of the disabilities referred to in sub-clauses 2 to 4, is a bonded labour within the meaning of this clause.

RELEASE

17.7 The field functionaries are expected to provide 'release' to the identified bonded labourer soon after identification. However, in many cases there has been a lot of delay in securing the release, which has caused great hardship to the bonded labour.

17.8 The identified bonded labourers should be shifted to protected camps soon after their identification and kept there at government's expense until concrete rehabilitation packages are given to them.

17.9 It has been noticed in some cases that the released bonded labourer was not aware about the fact and/or the consequences of his release. As a result, he kept on repaying the debt instalments to his ex-master. Therefore, the fact of release should be properly explained to the person. It would be advisable if release proceedings are conducted in the same village where the bonded labourer has been identified. These proceedings should be in open court so that not only the bonded labour concerned but all the villagers, whether oppressor or sufferer would become aware about the provisions/consequences relating to the bonded labour laws.

PROSECUTION

17.10 (i) Though the Ordinance/Act was promulgated in the year 1975-76, most of the State Governments have so far not shown enthusiasm in prosecuting the keepers under the Chapter VI of the Act. However, now, after 16 years of the enactment, there is no justification either to practise bonded labour or to have a soft corner towards it. Therefore, in every fresh case of identification of a bonded labourer, his keeper should be prosecuted simultaneously.

(ii) It has been noticed that some keepers openly declare that they have bonded labourers and secure their release to knock off the rehabilitation grants. For these reasons also simultaneous prosecution of the 'keeper' is necessary.

17.11 We have also noticed fake bonded labourers being identified to get the rehabilitation grants. Such offence should be made punishable under the Act, 1976 with a fine of Rs. 5,000 or the rehabilitation grant so received, whichever is more, and imprisonment of one year.

17.12 The keepers of bonded labour should be prosecuted under as many cases and as many provisions of law as possible. For example, if a keeper had 15 bonded labourers, 15 separate cases under the Bonded Labour System (Abolition) Act, 1976 should be launched against him.

Cases should also be launched under different provisions of Indian Penal Code namely, Section 374 (Forced Labour) and Section 367 (Kidnap and Wrongful Confinement). Cases should also be booked regarding sexual exploitation of women and under Minimum Wages Act. Provisions of the recently introduced Scheduled Castes and Scheduled Tribes (Prohibition of Atrocities) Act, 1989 should also be fully exploited. This would have salutary effect on other keepers.

17.13 As soon as a person is identified as a bonded labourer and released from the clutches of his landlord, he Executive Magistrate must hold a simultaneous summary trial then and there and convict the landlord and sentence him.

17.14 Section 22 of the Act needs to be amended so as to make offences under this Act cognizable and non-bailable instead of being cognizable and bailable as at present. The Act must also provide that no person shall be eligible for anticipatory bail in this regard.

17.15 It should be mandatory for the concerned Sub-Divisional Magistrate and the District Magistrate to provide free legal aid to the bonded labourers in every criminal trial. The bonded labour or the NGO/activist who secured his identification should be free to choose any advocate, whose fees should be paid by the government.

17.16 There should lay no appeal or revision of the proceedings or judgment of the trying Executive Magistrate.

17.17 At present, there is no bar to a jurisdictional Judicial Magistrate trying a case under this Act even where judicial powers had been conferred upon the Executive Magistrate under Section 21. This may negate the very purpose of empowering the Executive Magistrate with such powers. In order, therefore, to avoid this and to ensure that offenders are effectively prosecuted and convicted under this Act, the Act must provide for trial only by the Executive Magistrate who is vested with judicial powers under this Act and bar the jurisdiction of any other Magistrate in this regard.

17.18 The penalties on the culprit; under this Act have no minimum limit. It is suggested that a minimum sentence of six months and minimum fine of Rs 2000 should be provided in Sections 16, 17, 18 and 19.

17.19 It should be incumbent upon the District Magistrates and Sub-Divisional Magistrates to take effective action on all the complaints brought to them by the activists and voluntary agencies on behalf of the bonded labourers.

BURDEN OF PROOF

17.20 Section 15 of the Act provides for burden of proof. The location of this provision in the

Act seems to have created some kind of confusion in the minds of implementing authorities. Doubts have been expressed whether Section 15 applies to a criminal trial held for prosecution of offences under this Act or not. The view held in certain quarters is that it does not apply to prosecutions under Section 21. The trial of offences under this Act is to be conducted in accordance with the procedure prescribed in the Criminal Procedure Code. Accordingly, the burden of proof would be on the prosecution to prove that the accused had committed an offence, unless otherwise provided by the Act. It is not clear whether the existing provision can be relied upon and can be treated as an exception to the fundamental principle of criminal law as regards the burden of proof or not. There is a scope for ambiguity in this regard because of the precise location of this provision in the Chapter dealing with Vigilance Committees which has nothing to do with trial of offences under the Act. It is therefore, suggested that Section 15 providing for burden of proof be reworded and placed in the last chapter dealing with miscellaneous matters.

RECOVERY OF WAGE ARREARS AND DAMAGES

17.21 Under Section 18 of the Act, whoever takes any service from a person under bondage is to be punished with imprisonment upto three years and fine upto 2,000 rupees; and, out of the fine, if recovered, payment would be made to such bonded labourer at the rate of Rs. 5 for each day for which bonded labour was extracted from him. The amount of Rs. 5 mentioned in this Section is thoroughly inadequate and unreasonable. It should be replaced by the words 'twice the difference between the prescribed minimum' wages and the wages actually received.

17.22 Recovery of wage arrears from the keeper takes time in some cases. Therefore, the State Government should pay to the released bonded labourer such wage arrear due from the State's Consolidated Funds and later recover it from the ex-master as arrears of land revenue.

17.23 Suitable directions be issued to Sub-Divisional Magistrates (SDMs) to institute simultaneous proceedings under the Minimum Wages Act for the purpose of recovery of wage arrears from the ex-masters. For this purpose, the SDMs should also be designated as the Claims Authority under Section 20 of the Minimum Wages Act.

17.24 The Act may also provide for compensation and recovery of damages from the keeper of the bonded labourer for having inflicted sustained torture and injuries on the bonded labour. The amount of compensation and damages should be proportionate to the length of bondage subject to a minimum of Rs. 10,000.

VIGILANCE COMMITTEES

17.25 At the moment, implementation of the Act depends on the sincerity and enthusiasm of the implementing officers. Therefore, we find many cases where good rehabilitation schemes drafted by one officer were not followed up by his successor. Depending on individual officers in this delicate task has not been helpful in the interest of bonded labourers at large. The Vigilance Committees have the potential of providing a continuity to the schemes of things. Therefore, the Vigilance Committees have to be given more authority and responsibility by amending the Act and also by issuing suitable executive instructions. Certain concrete suggestions in this respect are given in the succeeding paragraphs.

17.26 It has been noticed that in most of the cases, the Vigilance Committees are not constituted promptly. Even if constituted, their term is specified and after the specified term is over the reconstitution is done after several months or even years. This breaks the continuity of the system and people start losing faith in the Vigilance Committees. Therefore, a provision should be made in the Act to let the existing Committee continue until it is replaced by a fresh Committee.

17.27 The powers to constitute Vigilance Committees at District as well as Sub-Division level vests with the State Government under Section 13. This power should be delegated to the District Magistrate at least in respect of the Sub-Divisional level Committees.

17.28 Though Section 14 provides for involvement of the Vigilance Committees in providing economic and social rehabilitation of the bonded labourers, yet in practice they have not been found to be so involved. A clear cut procedure should be prescribed to involve the Vigilance Committees at various stages namely, pre-identification, during identification, release, preparing specific schemes for rehabilitation, implementation of rehabilitation schemes and post-rehabilitation monitoring and evaluation.

17.29 The Vigilance Committees should be empowered to launch prosecution proceedings against any offender under Section 16, 17, 19 and 20 of the Act.

17.30 The District Superintendent of Police should be included as a statutory member of the Vigilance Committee at District level. Likewise, suitably high-level police officers should be included as members in the Sub-Divisional Vigilance Committees.

17.31. The NGOs and activists engaged in the release, rehabilitation, and education of bonded labourers should necessarily be included in the Vigilance Committees.

17.32 Now that successive political parties in power at the Centre have been giving consistent support to the Panchayati Raj setup at District, Sub-District and village levels, it would be advisable to give representations to Panchayati Raj Institutions on the Vigilance Committees.

17.33 No periodicity for meetings of the Vigilance Committee has been prescribed in the Act. We notice that most Vigilance Committees do not meet for months or even years. Vigilance Committee must be directed by the Act to meet bi-monthly at least.

17.34 We have also noticed that most of the State Governments do not monitor the functioning of the Vigilance Committees. The State Governments do not monitor the functioning of these Committees and include a note on the subject in the annual reports pertaining to the concerned Departments.

UNIONISATION OF BONDED LABOURERS

17.35 Released bonded labourers need social and psychological rehabilitation also, for which certain suggestions have already been made above. In addition, it would be necessary to organise them at various levels as suggested below:

- (i) All the identified bonded labourers in the village should constitute a Bandhua Sabha and elect a leader. This Sabha should meet every month to discuss the various issues among themselves. The village level/sub-block level functionaries of Revenue, Police, Labour, Agriculture and Development Departments should attend the Sabha necessarily. Block and district level functionaries of these departments should also attend these Sabhas.
- (ii) The village level leaders so elected should constitute a Block-level Bandhua Samiti and elect a Chairman. This Samiti should meet once in three months. The Block level functionaries of Revenue, Police, Labour, Agriculture and Development Departments should attend the meetings of the Samiti. The district level officers of these departments should also attend these meetings.
- (iii) All the Block level Bandhua Samiti Chairmen should be made member of their sub-division level Vigilance Committee. At least two such Chairmen should be made members of the District Vigilance Committee.
- (iv) Special training programmes should be organised for the village level Bandhua Sabha leaders and Block Bandhua Samiti Chairmen regarding labour welfare schemes and laws, particularly

those relating to rural labour and bonded labour.

REHABILITATION

17.36 The existing Sections 6, 7, 8, and 9 of Chapter III of the Act reinforce the feudal character of bondage and focus exclusively on debtor-creditor relationship predominant in the existing definitions of the term 'bonded labour system'. Thus, suitable changes will have to be made to provide protection to non-traditional categories where element of debt bondage is not very prominent. For this purpose, following modifications in Chapter III are suggested:

- (a) Sec. 6 in Chapter III of the Act provides for extinguishment of liability to repay bonded debt. The title to Chapter III be amended so as to include the words "*every obligation under the bonded labour system including the*" liability to repay bonded debt. These words may be added suitably wherever the words liability to repay bonded debt occurs in Sections 6, 7 and 8 as well. This change is suggested with a view to under emphasise the element of bonded debt as well as to include any other obligation which has been incurred by the bonded labourer by virtue of operation of any one of the conditions mentioned in sub-clause (i) to (v) of sub-Sec (g) of Section 2.
- (b) In Sec. 6 sub-clause (5), after the words '*forcibly taken over by any creditor*', the words '*or any other person*' and after the words '*for*' the words '*enforcement of any obligation under the bonded labour system including the*' be added. Under Sec. 6 sub-clause (6) after the words '*aggrieved person may*', the words '*at any time thereafter may*', be substituted in place of the words '*within such time as may be prescribed*'. In the same sub-section, the words '*or such other person*' be added after the word '*creditor*' wherever it occurs in sub-clause (6) and sub-clause (7) of Sec. 6.
- (c) In Sec. 7 in Chapter III, the term '*bonded debt*' be replaced by the words '*obligation under the bonded labour system including bonded debt*'.
- (d) Sec. 8 provides for prohibition against eviction from any homestead or other residential premises of a bonded labourer. This prohibition, however, does not extend to any piece of land which is under cultivation of the bonded labourer. Consequently, the bonded labourer, after he has been freed and discharged under this Act, cannot be protected against eviction by the landlord from the agricultural land which was occupied by him as part of the consideration for

the bonded labour. It is, therefore, proposed that the term 'or land' be added after the words residential premises in both sub-clauses (1) and (ii) of Sec. 8. This will enable the authorities to protect the bonded labourer from being evicted from the piece of land which he was occupying as part of the consideration for bonded labour.

- (e) Similarly the extension of the protection and restoration provided for under Section 8 should be considered for other assets like stone quarries, brick-kilns, beedi manufacturing units, weaving units, etc. owned by the keeper or bonded labourer. The Executive Magistrates empowered under Clause 2 of Section 8 shall have the powers to ensure that bonded labourers are not evicted or removed from these assets and that these assets and the employment provided by these assets are restored to the released bonded labourer. In all such cases where homestead land, cultivable land and other assets, such as stone quarries, brick-kilns, beedi manufacturing units and weaving units, etc. wherein the security of occupation and employment are protected and restored by the provision under Section 8 (2), there should be provision to confer ultimately ownership right, if necessary by acquiring such property or assets and vesting the ownership with the erstwhile bonded labourers.
- (f) It has often been observed that property owned by or vested in a bonded labourer is illegally transferred to the creditor or any other person. At present there is no provision in the Act which prevents such transfer, or where the transfer has already taken place, to restore back that property to the bonded labourer after he is freed and discharged from his obligation to render forced labour. It is suggested that a new provision be added which should make such transfers punishable under law and where such transfers have taken place, the District Magistrate or the Sub-Divisional Magistrate as the case may be is authorised to restore back such property to the bonded labourer. This is a suggestion akin to the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1976. Any such transfer should also be made punishable under the Act.

17.37 All the rehabilitation schemes revolve around the Centrally Sponsored Scheme (CSS) for Rehabilitation of Released Bonded Labourers. However, we notice that in many cases

grants under the CSS are not provided to the released bonded labourer in time because grants are not available with the District officers concerned. Grants are not available with them because either the State Government has a resource crunch or the release of grants from Central Government is delayed on account of utilisation certificates not submitted by the State/District authorities. The ultimate sufferer is the released bonded labourer. In the absence of timely and effective rehabilitation many bonded labourers have been noticed to have relapsed into bondage for sheer survival. Therefore, the following recommendations are made in regard to CSS:

- (i) The CSS should be a 100 per cent Centrally assisted scheme, as against the present 50 per cent participation of State Government.
- (ii) The CSS funds/assets should be paid to the released bonded labourers along with his release order, from out of the consolidated funds of the State. Provision for such payment should be made in the Act itself and it should be an automatic liability on the State exchequer, just like the salary of the Government staff.
- (iii) Full amount of assistance of Rs. 6,250 should be provided to the released bonded labourers. The word 'upto Rs 6,250' should be replaced by 'of 6,250' in the CSS Circular.
- (iv) For better integration of the CSS with other schemes of the rural development department, the operation of CSS at GOI level should be transferred from Ministry of Labour to the Department of Rural Development.

17.38. The Bihar Government has made a provision that rehabilitation grant should be Rs. 12500; that is to say, in addition to Rs. 6250 under the CSS, Rs. 6,250 (for released bonded labourers belonging to scheduled castes) from out of a Special Central Assistance Scheme. This is a good idea which should be followed by all the States. Besides, other anti-poverty schemes should be included to provide an integrated package for rehabilitation.

17.39. Group Rehabilitation Projects should be encouraged on the lines of DWCRA programmes, such Group rehabilitation provides better economic, social and psychological strength to the beneficiary.

17.40. The Group Rehabilitation Project could be either under cooperative set-up or a simple association under the Societies Registration Act. In either case, one of the beneficiaries should be the Chairman and there should be a ban on making Government officers holding that office. The beneficiary Chairman and the members of the Managing Committee, all of whom should be the beneficiaries themselves, should be given proper training in managing the show.

17.41. Well-planned and integrated Rehabilitation Projects like the Priyadarshani Tea Estate (Manantoddy, Wynad, Kerala) should be encouraged by the Government of India and the State Governments.

17.42. Though the Government of India have advised the State Governments to delegate the power of sanction of individual Rehabilitation schemes to the District Collectors, yet some states (e.g. Orissa) have still kept this power at State-level. A constant effort should be made to decentralise the powers in such matters, coupled with suitable training to the officers concerned.

17.43. All payments to the released bonded labourers towards their rehabilitation should be made in the form of assets and cheques only. In no case should cash be given, to avoid misuse by anyone.

17.44. The predominant cause for lapsing into bondage is indebtedness. Such debts are taken by rural poor largely for consumption needs. After release from bondedness, however, his position becomes all the more vulnerable in this regard. Therefore, the jurisdictional banks should be directed to provide consumption loans to the released bonded labourer, in their respective service areas, of Rs. 2,000 per year for family under DRI scheme. Besides, these banks should provide such consumption loans to the existing bonded labourers to get them out of bond.

17.45. The Panchayat Raj institutions (PRIs) should also be involved in rehabilitation efforts. The members of the PRIs should be given proper training and motivation in this respect.

EMPLOYMENT GUARANTEE FOR RELEASED BONDED LABOURERS

17.46. The existing legislation is completely silent on the policy guidelines to be followed in rehabilitation of bonded labourers. Rehabilitation schemes as envisaged in the past do not go beyond providing temporary relief to the released bonded labourer. Such relief is often provided in the form of disbursement of cash or at best providing help in the form of temporary assets. The very nature of such help attracts undesirable elements who wean away all the benefits meant for bonded labourers. It is, therefore, suggested that a new chapter on rehabilitation should be added to the Act providing for concrete guidelines and a clear policy for rehabilitation of bonded labourers. A provision in this regard which is considered to be of utmost importance and which must form the basis of rehabilitation concerns the *guarantee of employment to every released bonded labourer*. In fact, a beginning can be made by providing for right to work under this Act for the released bonded labourers. Unless this is done, there will always be a danger that the released bonded labourer might relapse into bondage.

LAND BASED REHABILITATION

17.47. The ultimate solution to the bonded labour in agriculture is to secure their rehabilitation on land and land alone. As long as their hold and possession on land is insecure, bonded labour problem cannot be effectively tackled. There have been instances where even land allotted to bonded labourers were either not given possession or even after they had taken possession and made some improvements their possession was disturbed by the local bodies and other local functionaries. This should be frowned upon by the governments and his possession on the land be treated as sacrosanct on par with the land belonging to the government.

17.48. It is essential that all agricultural and rural developmental projects and programmes intended for development of land and crops should be organised in the lands of bonded labourers on a priority basis.

17.49. Land based rehabilitation needs to be more meticulously planned and vigorously implemented. Since in many villages cultivable lands are not available, the Government of Andhra Pradesh started a novel scheme of purchasing cultivable land, developing it with irrigation facilities and then granting it to the released bonded labourers for their rehabilitation. Besides the land, benefits under other anti-poverty programmes were also given. Such schemes should be drafted by all State Governments and funded under the CSS.

17.50. While granting available Government land under the respective State Land Grant rules, the State Governments should make statutory provisions to give priority to released bonded labourers.

17.51. Many a time the land grants are made only on paper and either the beneficiary is not able to locate the land or he finds the land highly unfit for immediate cultivation. The higher authorities granting the land remain unaware or all these problems. Therefore, pattas should be given in a mass camp in presence of the villagers. A repeat camp of the land grantee bonded labourers should be held after six months of the first camp to ensure that the grantees are able to put the land to cultivation.

17.52. Senior Revenue and Development officials of District and Sub-division levels should attend these camps along with jurisdictional banks and co-operative institutions. This will give social, economic and psychological support to the rehabilitation efforts.

NON-LAND BASED REHABILITATION

17.53. In most cases, non-land based schemes have failed to provide adequate economic returns to the released bonded labourers because the

schemes were not drafted with sufficient forethought and planning, willingness or interest of the beneficiary was not ascertained, backward and forward linkages were missing, beneficiaries did not have sufficient skills in the vocation, scheme was not integrated with other development schemes in the area and lastly, the granted assets were not insured which made the beneficiary suffer, when the animal died, for instance. Therefore, following steps are suggested:

- (i) Detailed discussions should take place with the beneficiary along with the banker and local officials while identifying the scheme;
- (ii) Backward and forward linkages should be ensured;
- (iii) Beneficiary should be given suitable training under TRYSEM or DIC schemes. If necessary, special training programme should be organised as a part of the CSS itself;
- (iv) The assets must be insured before handing over to the beneficiary. Failure to do so should mean automatic transfer of the liability of insurance amount on the Block Development officer concerned;
- (v) Schemes for rehabilitation should be drafted soon after identification so that the released bonded labourer does not have to wait to secure a gainful occupation;
- (vi) Distribution of the assets should be done in open gram sabha in presence of the Vigilance Committee Members; and
- (vii) Repeat Camps of the beneficiaries should be organised to ensure follow up and to remove any problems that the beneficiary would be facing;

17.54. The Scheme of Orissa Government to provide age relaxation upto 40 years to released bonded labourers for employment under the State Government for Group 'C' and 'D' posts should be adopted by all the States.

17.55. Rehabilitation programme should be so drafted as to meet the whole family needs remove & put. This could be achieved by way of effective and planned integration of the CSS with various rural/urban development and anti-poverty programmes like water supply, sanitation, mother and child care, self-employment programmes like IRDP, wage employment programmes like JRY/NRY and other development programmes like Million Wells Programmes. The Sub-Division level Vigilance Committee can effectively do this task.

17.56. Residential schools for the children of the released bonded labourers as well as for the released child bonded labourers should be started where boarding, lodging, uniforms, textbooks, etc. would be provided at Government expense.

MIGRANT BONDED LABOUR

17.57. There are a number of instances where migrant bonded labourers have been despatched to their State/District of origin after release but the authorities of neither of the States/Districts took responsibility for their rehabilitation. Such released labourers have suffered great misery and indignity. In accordance with our recommendations No. 36 d. and e. i. the released bonded labourers are rehabilitated in the activities in which they were working as bonded labourers. This problem would be taken care of.

ACCOUNTABILITY

17.58. It would also be advisable to introduce a provision providing for statutory accountability to be imposed on the implementing authorities under the Act. A provision in this regard may be introduced in the Act on the lines of Section 4 of the Atrocities Act, which makes a punishable offence to neglect the duties imposed upon a public servant by law.

NATIONAL COMMISSION FOR BONDED LABOUR

17.59. There should be a National Commission for Bonded Labour (NCBL) on the lines of the National Commission for Scheduled Castes and Scheduled Tribes. The NCBL should be chaired by an eminent person, with a proven record of commitment and work among the rural poor and bonded labour. Among its members, representation should also be given to NGOs, experienced administrators and other organizations and individuals with a record of work and service in this area. The NCBL should also be State-level Commissioners for Bonded Labour (SCBL).

17.60. The NCBL/SCBL should be given the power to supervise the implementation of the provisions of the Act, inspect the rehabilitation schemes and make regular field tours/inspections. The report of NCBL/SCBL should be presented to the Parliament/State Legislature every year.

17.61. The NCBL/SCBL should be empowered to exercise all the powers of District Magistrate and other Magistrate under the Bonded Labour System (Abolition) Act, 1976.

17.62. The definition of Bonded Labour has times created confusion among field functionaries in States like Bihar, Orissa, Andhra Pradesh and Madhya Pradesh. Part of the confusion is because State Governments themselves were not very clear on the definition. Such confusion hampers implementation of the Act. Therefore, there should be a single authority to clarify any doubts regarding the definitional aspects of the bonded labour. Such authority should be the NCBL.

MISCELLANEOUS ISSUES

17.63. It is noticed that most of the Government functionaries are not only not motivated but also are quite ignorant about the provisions of the Act and the rehabilitation schemes. This ignorance prevails at all levels of bureaucracy. Therefore, periodic training programmes/workshops should be organised for different levels of Government functionaries relating to various departments concerned, namely Labour, Revenue, Development, Public Works and Forest. Such workshops should be convened once or twice every year.

17.64. The various features of this Act and the rehabilitation schemes should be incorporated in the design of various probationary and in-service training for civil servants of all levels.

17.65. The Government of India should identify districts where Bonded Labour System is widely prevalent. The District Magistrates of such districts should be called for a special annual review meeting by the Central Government.

17.66. The NCBL and the Government of India should convene yearly national conferences/workshops on Bonded Labour System and invite activists, NGOs, administrators and jurists committed to the programme therein. Released bonded labourers from different parts of the country should also be invited in such conferences/workshops.

17.67. The Centrally Sponsored Scheme of Honorary Rural Organisers (HROs) has been found to be good but not being properly utilised in the field. The District and Block officers under whom these HROs work should be given proper briefing about the scheme. The DGLW should carefully monitor the functioning of this scheme and take prompt corrective measures.

17.68. The key indicators being used by Government regarding incidence, release and rehabilitation of bonded labour should have separate indicators for highlighting fresh identification and time lag between identification and release. Likewise, the time lag between release and rehabilitation should also be discernable from such reports. The Annual Reports of the Ministry of Labour of the Government of India, for instance should use such indicators.

17.69. The CAPART scheme for rehabilitation of bonded labourers through voluntary agencies has not made much progress. One reason for this is that there are no suitable and active voluntary agencies available in many parts of the country. However, the Village level Band-

hua Sabha and the Block Bandhua Samiti could be accepted, projected and encouraged as voluntary agencies and the rehabilitation grant under this scheme could be channelised through them.

17.70. Laws which deprive the tribals of their age-old customary rights over forests and wastelands, should be reviewed. Likewise the fact that many development projects displace tribals and other poor inhabitants from their places of livelihood needs to be widely debated to generate awareness about this issue.

17.71. Empirical studies show that the artisans engaged in traditional crafts who have lost the market on account of factory goods entering the rural areas are vulnerable to the bonded labour system on account of the loss of their trade and occupation. This is specially true in regard to manufacture and sale of utensils and shoes. Invasion of plastic and rubber goods in rural areas has led many artisans into bonded labour. Modernisation of their skills, equipment and programmes for improvements in their production techniques and marketing assistance are essential to safeguard this vulnerable section.

CONCLUSION

17.72 The above changes in the law, are no doubt essential but, would not by themselves be sufficient to eradicate the evil of slavery from our society. The problem of bonded labour cannot be viewed in an isolated manner. New dimensions of bondage are largely the product of the economic and developmental policies that we have been pursuing in the post-independent period. It is these policies which have generated bonded labour in the non-traditional sectors in a big way. Unless, therefore, the direction of these policies is changed, nothing tangible is expected to be achieved by simply changing the provisions of the Act. There is also a compelling need to vigorously implement other social legislations like the Land Reforms Act, Minimum Wages Act, Contract Labour Act, the Migrant Labour Act, the Mines Act, the Factories Act, Equal Remuneration Act, Workmen Compensation Act, the Child Labour Act and the Land Reforms Acts. The laws have been there on the statute book for a long time but largely remained on paper thereby giving a free hand to the exploiters. The executing and enforcement agencies of the law, by not implementing these laws, have been directly or indirectly colluding with the exploiters and the vested interests, and as long as this process continues, there seems to be no escape from the fact that a large section of our society will continue to live in slavery.

C—IMPLICATIONS FOR PLANNING

1. It has been observed that many developmental projects lead to displacement of people particularly tribals. These people, broken from their habitat and existing source of economic activity, are forced to seek employment elsewhere. Because of their economic vulnerability they fall easy prey to contractors and middlemen who force them to work as bonded labourers. Therefore, it is suggested that when such projects are taken up, the people who were displaced, are suitably rehabilitated. This aspect should form a part of the design of the project itself. It is true that the developmental projects cannot be done away with and play an important role in the development of the country. However, their labour displacement effects also need to be given equal importance so that they should not contribute to the phenomena of bondedness prevailing in the country.

2. It has also been observed that many forest laws have been depriving the tribals, living in the forests or around the forests, of their age-old customary rights to collect fuelwood and other minor forest produce to create a situation where the tribals are totally broken from their existing economic activity. Deprived of their source of livelihood, they are forced to seek employment away from their natural economic habitat. This factor also contributes to the phenomena of bondedness prevailing in the country. Therefore, the planning process in the country has got to recognise the traditional rights of the tribals over their natural economic habitat.

3. It has been noticed that once the bonded labourers are identified and released they are not immediately rehabilitated. As a result they become even worse off as compared to the situation where they were bonded and were at least able to survive by getting two square meals. For example, in district Raipur, many of the kamias who were identified and released were not rehabilitated by the Govt. Moreover, the landlords, who had kept them earlier, did not want to take them back because of the fear of criminal proceedings against them. This leaves the poor bonded labourers in a state of lurch. Therefore, the State can not run away from the responsibility of providing suitable employment opportunity to them. In this context, it is suggested that such endemic areas should be identified and employment guarantee scheme of the Maharashtra variety should be started for these areas so that they are able to earn a suitable livelihood. It is also suggested that in

all such areas the village panchayats need to be provided extra funds under Jawahar Rozgar Yojana with a clear mandate that better employment opportunities be created for the released bonded labourers. Increased employment opportunities in endemic areas would ensure that the released bonded labourers do not relapse into bondedness.

4. Many of the endemic areas where there is widespread bonded labour are the most backward areas of the country in terms of availability of minimum needs and infrastructure for development. Transport and communication are very poor with the result that inhabitants lead virtually an isolated life from rest of the country. Agriculture productivity is also very low and under rainfed conditions only a single crop can be grown in a year. Under such circumstances it is important that these areas are carefully identified and then special efforts made to remove the general economic backwardness of the area. Agriculture productivity needs to be improved through provision of irrigation and other inputs. After all, considerations of productivity can not be divorced from the question of wages. It is common observation that wages are high in such areas of the country where agriculture productivity is high. This has a serious implication for the process of planning in the country.

5. As far as the rehabilitation strategy is concerned emphasis has to be given to rehabilitating the released bonded labourers in the existing economic activity. This can be done by making them co-sharers/partners/owners in the produce of that activity. For example if a mining lease is found to have bonded labourers then the lease should be confiscated and given over to a Society or a Cooperative of the bonded workers engaged in that activity. The government should help him by providing tools and marketing support. It is only as a last resort that bonded labourer should be rehabilitated on alternative sites/activities. In such cases, group rehabilitation projects should be encouraged and emphasized, as group rehabilitation leads to better economic, social and psychological rehabilitation.

6. A major cause for bondage is the phenomenon of indebtedness. It has been discovered that labourers who take consumption loan for marriage religious ceremony/health/other consumption needs from the landlords or the money-lender become bonded. It is, therefore, imperative that the planning process should recognise the legitimate consumption needs of the poor labourers

The condition of released bonded labourers is still more vulnerable in this respect. In this context it is suggested that Rs. 2000 per year per family should be provided by the banks on DRI terms to the released bonded labourers so that they do not relapse into bondedness if their future consumption needs are not satisfied through the institutional sources. Jurisdictional banks should also be directed to provide clean loans to the existing bonded labourers to help them throw the yoke of the bondage.

7. Another important implication for planning is the question of channelising of schemes/funds. The central funds for rehabilitation of bonded labour should be routed through the proposed National Commission on Bonded Labour which in turn can pass on the funds to the district magistrates/vigilance committees. Since the vigilance committees have NGOs as members, the advantages of participation of the voluntary sector in the rehabilitation of the released bonded labourers can be ensured. The schemes for bonded labourers should be formulated in consultation with

the voluntary groups/activists in that area who are closely involved with bonded labour.

8. Yet another point is the need for involvement of PRIs and other bodies relating to decentralised planning in the various schemes for bonded labour.

9. It is also suggested that the central funds should flow from the Ministry of Rural Development rather than from the Ministry of Labour. This would ensure proper integration of the rehabilitation scheme for the bonded labour with other anti-poverty schemes.

10. The Centrally Sponsored Scheme (CSS) should be converted into a cent percent centrally assisted scheme.

11. CAPART should step up its activities in the sectors/projects relating to rehabilitation of released bonded labourers.

12. Vigilance Committees should be authorised to purchase private lands, develop it for agriculture and then grant the same to released bonded labourers. This should be funded under the CSS.

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