

Bondage

Lakshmidhar Mishra

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Foreword

The great contribution of Dr Lakshmidhar Mishra to the cause of the harrowing conditions of the poor, deprived and exploited sections of our society deserves grateful national recognition. His brilliant mind, great scholarship and unparalleled devotion to the cause of the underprivileged have earned him an enduring place in the nation's efforts to mitigate the lot of the unfortunate and exploited, whose only sin is that they were born in an unjust and uncaring society. His long, continuing and dedicated battle against injustice has had its own impact on his sensitive personality. Anyone else with this exposure to and proximity with the grim and tragic predicament of his fellow men would have become a cynic and bitter critic of India's pretensions of being a just and caring society. But Dr Mishra has endeavoured to retain a cautious optimism that someday, sometime, somehow, something will come through to brighten the present miserable plight of a large section of our unfortunate fellow men condemned by an uncaring society and its official machinery to a life of indignity, servitude and more than anything else—irrelevance. Only a sage like him has the will to continue his untiring efforts.

The present masterly work exposes the shortcomings, weaknesses and quite often collaboration of the official machinery that enables the pernicious and inhuman practice of Bonded Labour and all the indignities that go with it. The book brings out the grim details of the situation and the individual aberrations, institutional infirmities and the bane of a corrupt and insensitive governing process.

Dr Mishra's earlier writings *Burden of Bondage*, *Child Labour in India*, *Human Bondage—Tracing its Roots in India* and *Discovery of Truth: Memoirs of a Civil Servant* are pioneering documents.

Bonded Labour continues to be a tragic reality even today. Dr Mishra's persistence in addressing this issue over a long period of time indicates both his optimism and a deep sense of disappointment at the way both societal and governmental systems respond to this pathetic human predicament.

The present work is of exceptional merit in presenting the problem and indicating ameliorative mechanisms, both national and international, in its Question & Answer format. The information provided by way of answers is comprehensive and educative. The painstaking way in which the questions and answers are structured indicate the masterly and comprehensive understanding of the issues by the author and his anxiety and concern for a proper understanding of the potential remedies. The book bears testimony to the deep concerns of a committed scholar to draw attention to a serious human situation. A large number of studies, reports and analysis bear testimony to this social philosopher's deep understanding of the problem. Dr Mishra refers to the great and benevolent judicial activism. Between 1981 and 2012, the Supreme Court of India pronounced twenty-six judgments on various aspects of the law bearing on the issue of Bonded Labour. However, Dr Mishra laments:

That was the time when DMs and SPs of the districts used to raid households and establishments to release victims of BLS while apprehending and putting the Bonded Labour keepers and their accomplices behind bars. Not any more. The gusto and tempo with which the States proceeded to wipe out this social scourge are rarely visible. Today it is virtually a non-issue or a non-priority issue which seldom figures in any public policy statement or discourse.

One hopes that the relentless endeavour of the scholar-author will one day result in the realisation that India's progress is inextricably interlinked with the way in which we respond to this call.

M N Venkatachaliah
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The bureaucracy has very limited option and discretion to get a posting of choice; this is mostly a matter of administrative and political expediency or coincidence. The author is no exception. In the Indian Administration Service (IAS), for which he was selected in April 1964, he was made to rotate from revenue and land reforms to labour at a nascent stage of his career and from the latter to industrial and rural development, education, health, provident fund, voluntary social action to Panchayati Raj and development of backward areas before being brought back to labour at the pinnacle of his civil services career.

It was, therefore, no surprise when he was posted as Director General (Labour Welfare) in the Ministry of Labour and Employment in August 1982 in the eighteen year of his service.

As Charles Dickens writes in the first paragraph of his epic work, *A Tale of Two Cities*: 'It was the best of times; it was the worst of times.'

On the one hand, a state of National Emergency had been proclaimed in the early hours of morning of 26 June 1975 under Article 352 of the Constitution by then President of India, late Fakhruddin Ali Ahmed, suspending the right to life, liberty, freedom of expression and association and many other rights for the time being. Large numbers of political and trade union leaders were detained and there was an unusual psychosis of fear, anxiety, uncertainty and insecurity.

On the other hand, a Twenty Point Economic Programme was announced which listed goals like elimination of bonded labour, liquidation of rural indebtedness, imposition of agricultural land ceiling, review and revision of minimum wage for agricultural workers, workers' participation in management of industry, supply of textbooks free of cost to poor students and programmes for training and rehabilitation of the disabled. These were a beacon of light and hope for the poor, landless, assetless, resourceless and disabled. They brought a breath of fresh air after years of deprivation and disadvantage.

In the wake of the announcement, Ministries and Departments of the Government of India (GoI) and State Governments moved with lightning speed to enact new laws and introduce new programmes. There was a new wave of excitement all around. Those were indeed memorable years

(1975-77) as far as deliverance from bondage, indebtedness, landlessness and deprivation are concerned.

On 14 January 1982, two years after Mrs Indira Gandhi had returned to power after a landslide victory in the elections to Seventh Lok Sabha held in December 1979, yet another Twenty Point Economic Programme was announced in which some of the old points like elimination of bonded labour through effective rehabilitation continued to figure. For about two and a half years (until 31 October 1984 when she was assassinated) the same gusto and tempo as in the mid-1970s prevailed, giving a fresh lease of life to the poor, deprived and disadvantaged.

As a nodal officer, the author was required to report to (late) Arjun Sengupta, Additional Secretary in the Prime Minister's Office (PMO) and (late) JC Pande, Principal Adviser, Planning Commission on the pace and progress of rehabilitation of freed Bonded Labourers in all States and Union Territories. This necessitated extensive field visits. During this period, the author was also appointed as a socio-legal investigating Commissioner of the Supreme Court on two occasions, which took him to the stone quarries of Vijayawada and Faridabad for conducting social investigations.

Even though in his childhood days in the household of his adoptive parents, the author had interacted with landless agricultural labourers working as *bhagchasis* (share-croppers) who are members of the Scheduled Caste (SC) community and the worst victims of caste system, untouchability and dire poverty, he never had the opportunity to come face to face with victims of the Bonded Labour System as during 1982-85. Many of them belonged to SC and Scheduled Tribe (ST) communities and were 'dumb, mute and expressionless' victims of an age-old culture of silence and dependence.

Spending hours with them for interface in a natural and spontaneous manner, the following questions began to agitate the author's mind:

I. Why is it that in the same human society, there are members who are affluent, resourceful and influential with all the resources at their command and other denizens who toil from morning till midnight for sheer biological survival and yet who have very little or nothing to fall back upon, who seldom receive a just and fair price for their labour or product of labour, who are willy-nilly