

Gender and Bondage in Mining Small Mines and Quarries: Perspectives through a gender lens

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Unfree labour of women and men

‘Labour’ in production is often seen as ‘free labour’ in academic circles, especially amongst the economists. However, in many small mines and quarries located in the Indian subcontinent, some labour is better characterized as ‘unfree labour’ or *begar*¹, suffering from institutionalised bondage that has multiple dimensions – social, cultural, economic and political. A less traversed area is the gender dimension of bondage, significant primarily because the ‘unfreeness’ is not limited to just the cash-earning economic sphere but pervades the domestic and private spheres of home, family and personal relationships between men, women and their children. For women, it is often that they are married into bondage, or are dragged into it as part of the family’s efforts to survive. Whereas the male bonded labour has been intensively theorized and written about, his female counterpart has remained invisible, hidden from public gaze and seen as part of the ‘family’ labour. In recent years, the figure of the child being part of bonded labour has loomed large in India, and again, since ‘women and children’ are lumped together into the same category, developmental efforts to eradicate child labour from the mines and quarries have actually worked against the interests of the women bonded labourers. This section draws attention to the roles that gender plays in building a greater understanding of bondage in the small mines and quarries in India.

Although the typical bonded labour in India is represented as the male landless labourer toiling away in agricultural fields owned by others, the most concentrated forms of

¹ Customary and obligatory labour services which are performed without remuneration by labourers, tenants or low caste employees for upper caste landlords and/or employers.

bondage are often found in the small mines and quarries throughout the country. Besides those in quarries, if one includes those labouring on roads, constructing dams and carrying bricks in kilns or on building sites, the picture, according to Mendelsohn (1991) represents 'a distorted mirror reflection of the urbanization and economic growth' that India is now experiencing. The mirror is distorted because the extreme poverty and oppression is barely detectable within the good news of surplus accumulation that urbanization usually brings about. The small mines and quarries hold a significant number of bonded labourers in almost all countries and states in South Asia. As one civil activist observed, labour in small mines is like '*ut ka mu me jeera*' (meaning, 'small amounts of fodder in the mouth of a voracious camel') labour requirements are huge in small mines and quarries and the supplies are tiny in comparison. The production relations exemplified in bonded labour having roots in pre-capitalist structures and semi-feudal ideology, are utilized by capitalist modes of production to the advantage of the small mine/quarry owners. Gender adds an altogether different dimension to it.

Although the representative figure of bonded labour is that of a male, a large number of women work under conditions of servitude and duress in the small and informal mines and quarries in India. Gender acts as a single defining factor in shaping their production and social relations. Patriarchal institutions, feudal gender relations, and caste oppression, add new angles to the class-based exploitation in the quarries (Olsen and Ramana Murthy, 2000). Patriarchal relations subordinate women as a gender to men, and are not independent of class but interact with it, influencing people's access to resources and control over them including their own bodies. Women bonded labourers, therefore, bear a double burden of bondage in the workplace and at home. In the workplace, they are seen as part of the family unit of labour, only as additional hands providing supplementary labour, while remaining subservient to the husband who remains the master of the home. Often the condition of bondage in the workplace is not directly caused by her, but becomes a part of her existence upon marriage or because of deteriorating incomes of the husband. This is particularly true in view of the existing intra-household gender disparities and inequalities in resource allocation and control that exists throughout the world (see Valdivia and Gillies 2001).

However, women workers in bondage in small mines and quarries are different from the victimhood of sex-workers, who are regularly represented as 'trafficked', 'slaves', and

‘commodities’, because of the very fact of their bondage being part of the marriage-family-kinship she finds herself in. Such social and cultural factors play a role in gender decisions over whether girls or boys are sent out to work in order to send money back to the family. Because it is expected that girls in many societies will leave the home at a future date by marrying into another family, girls are often less valued and seen as more dispensable than boys (Hearzfeld 2002: 51).

The gendered bondage begins at an early age, as a Human Rights Watch report (1996: 7) noted: ‘While both boys and girls work as child laborers, the girls child is often subject to more dismal treatment than her brothers. Girls consistently earn less money than boys (as women earn significantly less than men in India), and are subject to gender-specific forms of abuse from their employers, including rape. In addition to lower pay and greater abuse, girls suffer from the higher demands placed on them within the Indian household. Girls have to work in the house – they tend to the other children, they clean, they go to the market, they cook – even if they are also working long and grueling hours outside the home. Furthermore, girls are overrepresented in some of the most brutal industries to employ child labor (ILO 2007). There are twice as many girls as boys laboring in India’s quarries and factories, and the majority of children working in the construction industry are girls’. The reasons for using more of bonded women and girls in the crushers and quarries include the myth of the ‘nimble fingers’ that represent certain repetitive, tedious and often back-breaking jobs as more feminine. For example, in small mines and quarries, women and girls are in general employed as sorters, transporters, carriers and polishers. In silver work and gem stone factories of South India, women bonded labourers are in great demand for their skilled hands of cutting and polishing.

We will discuss how gender makes a difference in bondage in the small mines and quarries, but let us first try to examine the condition of bondage and its history in the Indian context.

Bondage: History and conditions

‘I became bonded after I got married to my husband 20 years ago – his family had been bonded for three generations to the same landlord – they took loans for marriage, for illness, for education and so it went on....I used to work from 6.00 am in the landlord’s house – cleaning, fetching water ...Then I would go to work on the farm....cutting, threshing and so on until 7.00 pm or later. Sometimes I would have to go back to the landlord’s house to clean and wash everything. Only after I

had finished could I go home to feed my family. My landlord never let me work with another landlord, he would abuse us and threaten to beat us if we ever went to work for someone else. If we were ill, the landlord would come to our houses and tell us that we were very lazy and so on....As women, we had to work more than men because women had to work in the landlord's house as well as in the farm. Even after working on the farm, we had sometimes to go back to the landlord's house to work.....'

Leelu Bai, an indigenous woman, a former bonded labour, from Thane District, Maharashtra, India, speaking to Anti-Slavery Campaign in 1999².

Bonded labour is a contemporary form of slavery in which the labour of one person is utilized by another without adequate remuneration as a mode of repayment of some form of debt representing the exercise of power of one over the other person. It is a widely used method of forcing people into work. A bonded labour is someone whose labour can be demanded as a means of repayment for a loan, making debt bondage the most common form of bonded labour. Bonded labour is unlawful in most countries, including those in South Asia. Yet, governments are unwilling or unable to enforce these laws or to punish those who profit from the system. The United Nations Working Group on Contemporary Forms of Slavery estimated in 1999 that some 20 million people around the world were working in one form of bondage or the other. Estimates in India range from 290,340 identified by The Government of India in March 1999 to 40 million estimated by the international activist group Human Rights Watch's appraisal in the same year. In Pakistan, the activist group Bonded Labour Liberation Front estimated in a submission to the UN that there were 20 million bonded labourers in Pakistan, whereas a representative of the Government of Pakistan was quoted to have stated that there are between 5 to 7,000 bonded labourers in the country (Singh, 2003). The Anti-Slavery campaign quotes the 1982 judgment of Justice P. N. Bhagwati of the Supreme Court of India (see <http://www.antislavery.org/homepage/campaign/bondedinfo.htm>):

[Bonded labourers] are non-beings, exiles of civilization, living a life worse than that of animals, for the animals are at least free to roam about as they like ... This system, under which one person can be bonded to provide labour for another for years and years until an alleged debt is supposed to be wiped out, which never seems to happen during the lifetime of the bonded labourer, is totally incompatible with the new egalitarian socio-economic order which we have promised to build...'

² Leelu Bai's story is available from

<http://www.antislavery.org/homepage/campaign/bondedinfo.htm> accessed on 16 December, 2005.

Bonded labour can take many similar forms such as peonage, slavery, serfdom, attached labour, contract labour in which the extent of bondage and servitude varies significantly. The commonest form of bonded labour is debt bondage in which a person chooses to be bonded – or turn into ‘free’ labourer at a low or no wage – to avert acute poverty or starvation (Genicot, 2001). The United Nations Supplementary Convention on the Abolition of Slavery, the Slaver Trade and defines debt bondage as ‘the status or condition arising from a pledge by a debtor or his personal services or those of a person under his control as security for debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited or defined’ (Article 1 [a]). Thus, a large section of bonded labour is characterized by a creditor-debtor relationship between the employer and the employee that can spill over to the rest of the family members, be of indefinite duration, and involve adverse contractual stipulations not justified by law or even by the prevailing state of the market (Srivastava, 2005). Bonded labour relationships are reinforced by custom or force, and thus must not be seen as purely economic contracts even though a person may have entered into it voluntarily. According to Srivastava (2005: 2), the status of various categories of labour in India has been historically circumscribed by the social structure which has also determined the access of various groups to land and other productive assets. The specific characteristics of bondage in contemporary India relate to the transition in the economy and society and have to be largely understood in terms of the nature of the articulation between poor and developed regions and between traditional and modern sectors.

Forced labour violates the fundamental rights of citizens in a country. Consequently the Government of India has legislated to prohibit bonded and forced labour. Bonded labour was outlawed in India first through an ordinance in 1975, and then in 1976 through the Bonded Labour System Abolition Act (1976) to deal with the question. It defines ‘bonded labour’ as a service rendered under the ‘bonded labour system’ – a system of forced or partly forced labour under which the debtor enters into an agreement, oral or written, with the creditor. Later on, in several cases, the Supreme Court of India clarified what constitutes ‘force’ and labour under the minimum wage rate specified by the government. Over the years, the overlap between forced labour and bonded labour in customary relationships and the manifestations of these relationships in inter-state migration and also the nature of restraints suffered by the labourer as result of the bonded/forced relationship

have been recognised and been marked as illegal. Through the various court rulings, Srivastava (2005) notes, it has also been recognised that the mere presence of a creditor-debtor relationship between a labourer and an employer is not adequate to denote a bonded labour relationship which involves other involuntary restraints on the labourer, and accepted that a creditor-debtor relationship may not even be necessary condition of bondage since the legal definition of bondage incorporates various categories of forced labour.

Bakshi explained the mechanics of bondage and showed how natural disasters, or failed crops compel the people not only to migrate elsewhere for the sake of their survival and their families, but also to fall into the trap of debt. (2002: 1). Once into debt, 'The system bares its fangs'. He also observed that at time, even 'children are pledged as collateral for loans' throwing them into the generational journey of human indignity'.

Indeed the level of indebtedness is extremely high amongst all the poor in India as a whole, the workers the small mines and quarries workers are no exception. However, often this may be a simplistic explanation, as many other factors are intertwined in creating a situation of bondage than just debt. For example, the Tamil Nadu Commissioner of Labour reported in 1995 that at least two-thirds of the 750,000 quarry workers in Tamil Nadu were bonded sometimes with families, while several thousands have out-migrated from the state to work in the quarries of other states such as Karnataka and Andhra Pradesh. The report noted that the origin of bondage in the quarries to the introduction of the public auction system in the 1970s, and the mechanisation of stone crushing, forcing the workers to work longer hours for lower wages. Srivastava notes (2005: 24), that 'In the quarries, the contractor or the sub-contractor advances money to the labourers, and supervises the gravel production. Apart from the element of debt, the workers are provided accommodation in the quarry and have limited mobility. They can only change employers if the new employer is prepared to meet their existing debt obligation. Constant watch is kept over them so they cannot mix with other labourers'. Thus we see that much more than just debt is responsible for bondage. The use of technology and declining labour needs in the labour surplus market of quarries plays an important role in enhancing oppression; as the low skilled labourers are eliminated from the quarries, the more they try to stick to these jobs in the absence of any alternatives. In his work on seasonal migration of agricultural labour in Western India, Breman (1985: 306) raised the question of tradition being a factor in

perpetuating interpersonal subjection and dominance: 'it is the conditions accompanying the debt, rather than the debt itself, which constitutes the coercive character of the service bond'. It is difficult to fall back upon tradition to explain the condition of bonded labourers from Bhovi community specializing in stone breaking when they were made to work in chains in Karnataka quarries.

Bondage in South Asia

In ancient India, slavery, referred to as *dasatva* was widespread, the man in bondage being called *dasa* and the woman as *dasi*. According to Kosambi (1956) slavery developed during the Aryan conquest of Dravidians and was later assimilated into the caste structure with groups such as the indigenous populations and *dalits* being relegated to caste-based subservience. The seasonal nature of agriculture in the Indian subcontinent ensured a steady supply of bonded labourers who required subsistence assistance in form of cash during the dry season turning into forced labour in the major farming seasons. After taking root in the caste system, it continued to flourish in feudal agricultural relationships. Colonial rule introduced new forms of forced labour such as indentured labour for plantations, popularizing a method of contracting labour for the mines and other public works in which the terms of bondage remained similar. Usually, the bonded relationship extends from the man taking a loan to his entire family: bringing his wife and children into bondage. Again, the bondage can extend over generations under the caste system. Currently, the exploitative and oppressive bonded labour system prevails in both developed and less developed parts of the South Asian countries, particularly in India, Pakistan, Nepal and Bangladesh. Although the agricultural sector is commonly seen as the main reservoir of bonded, seasonal and migratory, labour, it is the small mines and quarries and related crushing industries that contain bonded labourers to a greater proportion than the farms. The Study Group on Bonded Labour of the National Commission on Rural Labour established by the Government of India (Ministry of Labour, 1991) has observed a high incidence of bonded labour in the stone quarries and crushers, sandstone, marble and slate mines. These mines are spread all over the country and are not only located in rural areas but often are found in close proximity to urban areas.

Similar systems of bondage exist in several countries of South Asia. In Nepal, the agriculturally based bonded labourer system is called *Kamaiya*, which continues especially in the western Terai districts in spite of national legislation banning the practice was passed

in 2000. Sharma et al (2001: 10) note that patron-client networks, combined with differentiated access to and control over resources, have resulted in a variety of social mechanisms that entail elements of bondage: 'The Kamaiyas are obliged to provide underpaid and even unpaid farm labour for excessively long hours, under compulsion of the annual Kamaiya contract – this can tie families into bondage for generations. 470,000 Tharus make up 37 per cent of the population in the five Terai districts of Dang, Banke, Kailali and Kanchanpur. There are about 20,000 Kamaiya households in these five districts....despite national legislation and efforts made by NGOs, government and international agencies, a variety of labour arrangements ranging from freedom to exploitation and outright bondage remain the order of the day in the five western Terai districts of Nepal.'

Pakistan's mining industry, 90% of which is artisanal and informal in nature, is also a reservoir of bonded labour. The report of a study conducted by Saleem (2003) in four provinces of Pakistan noted that the 'mines industry is a hotbed for bonded and child labour'. The living and working conditions of the workers are described as 'pathetic', with the average working life being seven to ten years. The workers are deprived of the basic amenities of life such as health care provisions, educational facilities for children, proper housing, potable water and electricity. Conditions in privately-owned mines are worse than in government-owned ones. About 80-85% of the workers in small mines and quarries located in the four provinces come from only two districts – Swat and Shangla – of North-West Frontier Province. Saleem noted that 'An agent of the mine owners, who always remains behind the screen in most cases, recruits the people for this exhausting grind by giving them "advance money", ranging from Rs 40,000 to Rs 45,000 in Balochistan, Rs 25,000 to Rs 30,000 in Sindh, and at its lowest in NWFP. A miner is paid Rs 200 for taking out one ton coal from the thousands feet deep mines, but the miner is paid only after the coal was sold.' A report in *The Nation*, August 20, 2000, quoted by Ercelawn and Nauman (2001), mentioned that the Lahore High Court released 43 bonded labourers including women and minors from the custody of two brick kiln owners in Lahore and Pattoki. In Sindh and Punjab, the 'hari' system of debt bondage of agricultural labourers involves the exploitation of large numbers of women as noted again by Ercelawn and Nauman (2001:1): '...there is no doubt that sufferings of bonded labour are imposed upon both males and females – on adults as well as children – in high proportions. Religion, ethnicity and caste differentiate the burdens of bonded labour. Among bonded labour, non-

Muslims of lower castes would be worst off, probably followed by Muslims with tribal/clan links. Since entire families are regularly traded as a pool of labour among landlords and employers, the issue of trafficking cannot be ignored, including its worst forms in sexual exploitation of girls and women in bonded labour families’.

Olsen and Ramana Murthy in 2000 have analysed why bondage continues in South Asia through a political economic lens. Their analysis follows that by Lerche (1995; 1998) showing the caste-class nexus and mutual reinforcement in contemporary surplus value extraction and ‘non-economic’ forms of exploitation. They theorise that if a factor is non-economic but affects economic outcomes, then it is of course relevant in political economic analyses. Bonded labour in South Asia cannot be simply explained with semi-feudal theses or neo-institutional analyses, or as a form of contract occurring purely within capitalist frameworks of production. Kapadia (1992; 1995) in her studies of gem-cutting and agricultural-labouring, and Kalpagam (1994) informal sector study introduce a feminist angle to this approach by recognising diverse forms of exploitation – between castes and between genders – interacting with each other. Olsen and Ramana Marthy proposed four modes of exploitation: bargaining, corporeal, authority and value, and separate interpersonal forms from the general structural locations that create the conditions for apparently anonymous exploitation. Authority structures such as those arising out of the institutions of caste and patriarchy may severely limit people’s verbal negotiating freedom, especially for women., as the ideologies of caste and gender roles place a personal price on breaches of behavioural norms. Thus, it is not only the class or caste structure, but also patriarchal structure that imposes an unequal gendered division of labour within households as well as in public arenas. The tabular diagram representing the relationship was outlined by Olsen and Ramana Marthy (2000: 8) as follows:

	Bargaining	Corporeal	Authority	Value
Dyadic - between people	Deals, contracts, bonds, indebtedness, submissiveness,	Violence, immobilisation, abuse, rape, sexual advances	Imposing authority as husbands, fathers, elders of both	Transfer of surplus value in the form of profit from exchange or

	illiteracy		genders, upper-caste employers	production; includes unpaid overtime and services
Structural - embedded, systemic, and impersonal	Poverty, lack of subsistence, esp. seasonally or during drought; ignorance of alternatives; alienation from home village; lack of unionisation	Hunger, weakness, debilitation, and ill health constraining and influencing action -- embodied inequality	Presumption of caste subordination; traditional roles of breadwinner and housewife; patronage	Exchanges that appear 'free' but which involve indirect exploitation through exchange, <i>e.g.</i> the pricing of the food and health care in labour camps

The scheme makes a difference between dyadic and structural oppressions, but points out that both tend to manifest themselves through the four ways: of reducing the bargaining power in case of a deal, loan or contract, and lack of choice due to extreme destitution; through the body, such as the physical abuse or sexual harassment, and control of food/water supplies; imposition of control over the movements and activities of the workers, and imposition of pressures to conform to a defined behaviour as a group; and finally, the transfer of surplus value to the owner, and acting as a buffer between the middlemen such as the labour contractors and actual owners.

Besides legal measures, there have been several attempts by the civil society to stop the practice of bonded labour, through resorting to legal mechanisms set up by the state. Of the various such cases, the case of Bandhua Mukti Morcha³ of New Delhi is the best known

³ Literally, bonded freedom forum, set up in 1981 by Swami Agnivesh, a politician, monk and civil society activist working amongst the Faridabad stone quarries in northern India.

for their activist work amongst the bonded labourers working in the stone quarries around New Delhi metropolis. Bandhua Mukti Morcha was the first NGO to file a case in the Supreme Court that turned into a landmark judgment. The Court, the highest judicial body in India, appointed two Commissioners, Dr Mahaveer Jain and Dr Lakshmi Dhar Mishra, to investigate the condition of the bonded labourers, and also gave certain directions to eliminate the practice of the system. In 1999, the National Human Rights Commission, however, received a complaint from Bandhua Mukti Morcha that 20 men, women and children were being kept as bonded labourers in a stone quarry in Gurgaon, Haryana. In yet another report made by the NGO Bachpan Bachao Andolan, it came to light that 101 bonded labourers – men, women and children – were rescued from a stone quarry in Charki Dadri in Haryana. Some of these workers have been toiling in these quarries for over three decades. Another report from a Rajasthan based NGO shows that 97% of sandstone mineworkers in Jodhpur are indebted, a large portion of them being in bondage, which is passed from one family to another, Or from one generation to the next, and can result in the labourer being sold to another labour contractor (Mine Labour Protection Campaign, 2001).

Women labourers find themselves on the rough end, as the dyadic oppressions noted by Olsen and Ramana Marthy (2000: 15) also extend as control over their bodies and productive and reproductive labour by their husbands. The authors note that this area of unpaid labour by women is an area ignored by the calculation of value exploitation between the employer and the employee: ‘In addition to cooking, watching children, cleaning, and doing other work aimed at reproduction of the labour force, women also provide sexual services (by choice or duress; for the husband or for the *maistry*⁴). There are indirect evidences of sexual abuse of women; couples are often preferred by contractors in the quarries and are represented as more reliable than single men. For younger and unmarried women, the control over her earnings is exerted by her father or even an elder male sibling. Olsen and Ramana Marthy (2000: 8) quotes Venkata Laxmi or 29 years as saying: ‘The men would take our money and often squander it on liquor. They beat us if we demand the money. We work hard on fields as wage labour and save money for our needs. The contract work is so hard. They make us run all the time. We have to keep pace

⁴ ‘Expert’ literally, a craftsman, a leader of labourers in this case.

with the concrete machines without a respite. Any good looking women can never escape sexual harassment.'

This is an enormous amount of power and control over another person's labour and, as Mendelsohn (1991: 67) notes, the 'law is simply deficient in the face of that degree of power'. He criticises the rather broad definition as 'forced labour' of seasonal and migratory labourers working in agricultural fields against an advance payment. A Labour Department official is quoted by him as defining 'bondage': 'If you are working with or under or for me and owe me some advance money, you are tied to me and have no freedom of movement or freedom of choice of alternative avenues of employment until and unless the advance money has been fully liquidated. What better ingredient of the worst form of bonded labour system could there be than this?' (Mendelsohn 1991: 51). This means that all labourers indebted to their employers are bonded labourers. Consequently, many of the quarry workers either stayed on in the quarries or have gone back into poverty due to the lack of rehabilitation.

Rao's work (2005) on the indigenous populations in Jharkhand has thrown new light on the causes of bondage. She notes: 'while debt bondage has been the traditional form of land alienation at an individual level, the last few years, particularly since the formation of Jharkhand, have seen widespread loss of land on at least two counts: (i) private transfers for undertaking stone quarrying on the land; and (ii) displacement due to excessive siltation of the Massanjore dam constructed in 1955-56.'

Whereas the first of these two operates on an individual level and is informally aided by the legal and administrative structures, the second has more to do with the use of commons that have traditionally supported the livelihoods of a large number of indigenous and poor people. Rao goes on to explain the two processes, both essentially causing the displacement of land-based groups and describes. She notes that although the people who would have migrated out on a seasonal basis earlier, can now get jobs locally in the 190 or so stone quarries, mostly established in recent years, these quarries have raised important issues surrounding wages, health hazards, common property and ethnic composition of the population due to in-migration. According to her, about half the quarry workers are migrants and most of the workers in the crushers are women, working in most unsafe conditions: 'Neither is there a protective wall (12 feet high as per the rules) on all sides of the crusher, nor do the workers, mainly women, get any protective gear.' Above all, the

mine-owners may dump their waste mud on the 'gauchar' or common grazing land of the village, making it unusable. Similarly, the higher than expected siltation rate of Massanjore dam has also caused decay in agriculture and consequent displacement compelling the local, mainly indigenous communities, to reconstruct their livelihoods often resulting in bondage.

Inadequacy of the Laws

The international agencies have debated the question of bonded labour since the first forced labour convention in 1930, the Universal Declaration of Human Rights in 1948, the UN Supplementary Convention on the Abolition of Slavery in 1956, till the International Labour Office's Report on Stopping Forced Labour in 2001. In Nepal, Article 20 of the 1991 Constitution states that 'slavery, serfdom or forced labour in any form is prohibited', but no specific legislation to define the offence of debt bondage and punishment for those responsible has been passed. In India, the Bonded Labour System (Abolition) Act of 1976 and the several precedence-setting Judgments have by now been able to establish beyond any doubt that under no circumstances can this practice be continued. In India, the National Human Rights Commission and the Task Force of the Ministry of Labour have taken initiatives in preventing bondage amongst workers in farms, quarries, brick kilns, and such other places. According to a Government of India (GOI) report of 2000, over 282 thousand bonded labourers were identified and released in 12 states of India of whom 260 thousand were rehabilitated with over Rs 628 millions of central assistance. This is a centrally sponsored scheme launched in 1978 by the Ministry of Labour for the rehabilitation of bonded labourers⁵. The report also notes (p. 84) the constraints: that bonded labour is a dynamic problem, and can recur at any later point of time, that in absence of immediate rehabilitation, the bonded labourers become more vulnerable, and that the system occurs not only in agriculture but in any form of economic process, including stone quarries. An Anti-Slavery Campaign document notes (2000: 3) that while the introduction of such domestic legislation is a prerequisite for tackling bonded labour, it is not sufficient in itself to ensure that it is effectively eliminated, as the examples from India and Pakistan suggest. The cases narrated by the agency show that the landlords, upon hearing the initiatives of NGOs in identifying and filing of case to release bonded labourers, threatened to kill the

⁵ Under this scheme, a rehabilitation assistance of Rs 20,000 is provided per freed bonded labour shared on a 50:50 basis by the central and state governments.

women and destroy their property, or forced them to do so, unless the complaints were withdrawn. In one case in Sanghar district in Sindh in Pakistan, eight members of a bonded family were abducted on gunpoint and beaten.

Besides such display of power by the more powerful 'owners', bonded labourers often find it difficult to continue earning a livelihood that would support their well-being for a length of time, leading to a relapse into bondage. This makes it essential to make provisions for rehabilitation as quickly as possible to restore incomes. However, two following stories narrated by two experts show that rehabilitation is often not immediate as appears. Mendelsohn's 1991 report of the Bandhua Mukti Morcha case and the judicial judgment releasing the bonded labourers note that even after the release many labourers deemed bonded stayed on in the quarries for want of a satisfactory alternative:

Indeed, the fate of 'liberated' labourers makes the practical achievement even less to celebrate. I was able to follow the Rajasthan contingent back to the year where they had been sent in January 1985; my own visit was in April that year. Ninety – five families had been taken to Barmer District – the other Rajasthanis from Faridabad must have gone elsewhere. These families were from a single tribal community, the Bhils, and they had been dumped into a place with which they had no more than a casual connection. Before 1947 they had been part of a large nomadic community in what is now Pakistan but on partition, they had migrated to India and were arbitrarily located in Barmer District. They had had to be fed for some time at public expense but soon a Punjabi contractor had picked them up and taken them to the Delhi area. Over the years they had been moved around various quarries in Haryana. They had not left the quarries since their arrival there and had certainly not been back to Barmer. So they had no roots whatsoever in the area to which they were now 'repatriated'.

A similar situation was observed by Kapadia (1995) in her latter study showing how the abolition of bondage did not work due to compelling poverty and lack of alternative work. She showed that after the official 'abolition of bonded labour', government officials arrived to officially 'liberate' the bonded workers. The written papers of workers' bonds, which were held by the employers, were confiscated and handed over to the workers. Workers were told that their debts were now cancelled and that they could start life afresh and leave the village if they wished to. However, according to her, 'bonded labour did not disappear.' As the village's biggest employer threatened his workers with dire consequences if the workers did not pay up – or return to work. Many workers quietly carried on work and 'it was as if nothing much had ever changed.' The major change,

however, was the informalisation of bondage as no written bonds exist today, the worker does not need to sign one.

Civil society activists active in the area of rehabilitation also raise this as a critical failure. Ramesh Arya, the organising secretary of Bandhua Mukti Morcha told me that even the activists are amazed by the immensity of the need for rehabilitation both of the people and the land. Consequently, the NGO has put great importance on rehabilitation through various training schemes, schools, job placements and marketing of the produce of both ex-bonded labourers and the children of such families. As a large number of labourers became jobless, Ramesh Arya took up, with the financial help of IPEC, the work of rehabilitating the families of bonded labourers in a school run by the NGO, 'Gurukul', where the children of released bonded labourers are being trained in a range of skills such as carpentry, stitching and training to become electrician. However, he has his doubts; Ramesh raised the critical moral question of not returning a debt: 'how can we even justify that a labourer will not return a loan taken during his difficult days? We are NGO workers, but we must remember that there has to be a morality even amongst the poorest'. In the area where his NGO works, structural sand and sandstones used to be produced from 26 mining leases, amongst which only 2 are now working., that too at best at around 33% capacity. These are both mechanized, using excavators to make deep holes. There is no fixed system of job contracting, but according to Ramesh, even a small area of 1 acre may have 2 or 3 contractors. At one time, 375 crushers were working in the area, with more than 3,000 trucks passing through on a daily basis. Now, these quarries have stopped and migrated across the border into areas such as Sirohi, Pali, and Muktabad. Many others have been closed since the Supreme Court decree on the closure of all quarrying within the 5 kilometres of the metropolitan area. Bandhua Mukti Morcha has released at least 3,897 bonded labourers in Faribabad area alone. Of this number, a significant proportion was women, Ramesh noted, who worked in over burden removal and shoveling with 'phawda' – used for digging the stones. A large number of children worked along with women. They broke large boulders into 'gittis' or 20-24 mm gravels suitable for road building. However, many released bonded women labour needed to work and hence began to work on road repair and construction works in the metropolitan area nearby. The issues in rehabilitation of bonded labourers are complex, because the Supreme Court ordered that the responsibility of rehabilitation lies with the home states (where the migrant labourers have originated from) such as Bihar and Chattisgarh. Many of these labourers have left their

homes for several decades. The state of Haryana felt that the responsibility of rehabilitation must lie with those people to whom the labourers were bonded. However, this seemed to be an impossible task to prove; as only about Rs 5.2 million were recovered out of the Rs 110 million project, and consequently, 432 houses are still lying unfinished. The most deeply affected bonded labourers are minorities – both religious and ethnic – and migrants, resulting in little local support excepting the formalised NGOs working with external aid.

However, according to Ramesh, the building lobby around New Delhi is much stronger, and hence was proactive in taking over the mines lands sometimes even before the mines are officially closed. He showed several deep ditches that have been left to become the breeding grounds of mosquitoes with accumulated stagnant waters over the years since the quarries have been closed by the court order. He also spoke of ‘false rehabilitation’ in which the moneyed people released bonded labourers – purely on paper - from quarries to occupy the land for their farmhouse.

Reminiscences of an ex-bonded labour

Mayaram Suryavanshi in Dhruvdera village in Sarai Khwaja, Faridabad, Haryana, in the outskirts of New Delhi, is originally a migrant from Chattisgarh. His mother used to work in the quarry along with his brother and himself. He started working in the quarry when he was about 18-19 years old. At that time, he earned less than Rs 11 a day for working nearly 12 hours. His ‘owner’ was KC and Darshanlal Ahuja, partners in owning a stone quarry. Talking about those days of hardship, his eyes filled up with tears. As a child, he wanted to go out and play but his life was a continuous tale of work. He had never seen a train in life, and dreamed of traveling in trains when free. He feels that the sole credit of releasing him goes to Swami Agneevesh. After his release, he took up studies and has now learned to distribute primary medicines to local (ex)-labourers and their families.

Elsewhere in the country, efforts by the civil society to release bonded labourers are underway. A non-profit organization run by Mr T. V. Ramprasad based in a remote town in Karnataka, near Dharwad (150 km away) from Mysore is trying to help a small group of labourers suffering from an occupational diseases relating to their work in crushers and quarries. A small village in this location is inhabited by around 400 -500 people who are mainly laborers working as stone breakers and lime extractors. Due to their continuous

contact with hazardous materials including dust, nearly 70% of the workers have developed a rare cancer breeding virus, which can be still be treated if intervened at this early stage.

Gender Makes a Difference to Bondage

The typical image of the 'bonded' labourer is that of a male, someone who is most likely to be working in a farm in remote rural areas. Women are not generally perceived either as the bonded person or as associated with the bonded male. However, there are evidences that with male labour outmigration from rural areas and the tightening of the labour market, there is a trend of greater feminization of bonded labour (Srivastava 2005: 16). This seems to be a contradiction, because overall, within the formal mining industry, women's labour is increasingly being marginalised. This marginalisation is forcing them to be concentrated as the cheapest, unskilled labour in the heaviest and tedious jobs in small mines and quarries sector where the labour relations are dominated by contractors and sub-contractors, and the labour processes are characterised by a high level of exploitation. The unfavourable labour processes combined with low social status of women legitimises their oppression in the quarries and at home. Bondage has a gendered aspect that is not well discussed except in the article by Herzfeld (2002). However, indirect evidence may be found from other research related to men and women's productive work, reproductive roles, low status in society, domestic and subsistence responsibilities, and differential access to resources and poor resource ownership or rights, several conclusions can be drawn on the vulnerability of women, their additional hardships and abuse in the small mines and quarries. The patriarchal oppression and poverty give very little choice to women workers in bondage. The testimonies of real women such as Pultalingamma, 45, used by the Anti-Slavery International (1999) and Herzfeld, outline a life of immense drudgery and exploitation: 'My husband died five years ago as a bonded labourer. Now I bear the responsibility of repaying both of our loansI go to work at 6am, cleaning the cattle shed and performing domestic chores in the landlord's house. Then I go to work in the fields, and return at the end of the day to resume domestic chores. I return home between six and eight pm to cook for my own children....'

Women, according to Herzfeld (2002), are doubly exploited under bondage. This occurs because gender based division of labour tends to be more resistant to change. When if a family moves into bondage into the quarries from being free landless rural farm labourers,

the woman works both at outside of home and in it, looking after children and performing other domestic duties. Often her services are also used by the households of the quarry managers or contractors. Thus, looking at the gendered bonded labour situation in the quarries, one can see much more than either a pre-capitalist exploitation (Patnaik, 1985), patriarchal oppression, or pure capitalist exploitation of the poor. This contradiction can again be problematised. Kapadia, in her (1995) study of gem cutting in South India, which showed that as the industry changed dramatically due to the introduction of semi-automatic machinery, the 'old' workforce of the traditional sector large became excluded from the 'new' sector, particularly by how the ratio of female to male workers began to favour males. In the quarries too, a similar pattern of gender impacts on the labour force is visible with changes in technology. For most women bonded labourers, choice is a foreign term, whether at home or at work.

References

Bakshi, R. 2002. Bonded labour, *The South Asian*, (Available from http://www.the-south-asian.com/Nov2002/Bonded_labour.htm accessed on 17 December, 2005).

Bhanumathi, K. 2003. *Labour and women in mining*, Publication for National Seminar on Women and Mining in India, May, New Delhi, mines, minerals and Peoples, Hyderabad.

Breman, Jan. 1985. *Of peasants, migrants and paupers: Rural labour circulation and capitalist production in west India*, Oxford University Press, Delhi.

Carnegie, James. 2002. *Sustainable livelihoods approach and artisanal and small-scale mining*, *Seminar on Artisanal and Small-scale Mining in Africa*, Identifying best practices and building the sustainable livelihoods of communities, Younde, Cameroon.

Chakravorty, S. L. *Artisanal and small-scale mining in India*, MMSD, No. 78, 2001.

Datta, Rekha and Rupa Chanda 1998. *Beyond the economic perspective: Gender labour in India? Roles and child*, Working Paper, International Studies Association, available from <http://www.ciaonet.org/conf/dar02/dar02.html> accessed on 20 December, 2005.

Ercelawn, Aly and M. Nauman 2001. Captive labour in sharecropping: Men, women and children, *Bonded Labour in Pakistan: An overview*, Report of a study done for ILO, Presented in International Conference on Water, Human Rights and Governance, Kathmandu, January, Organised by Nepal Water Conservation Foundation.

Genicot, G. 2001. *Bonded labour and serfdom: A paradox of voluntary choice*, Available from <http://aris.ss.uci.edu/ggenicot/BondedLab.PDF> accessed on 7 February, 2006.

Ghose, A.K. 1994. New configuration of small-scale mining for developing countries, in A.K. Ghose (ed) *Small-scale Mining – A Global Overview*, Oxford & IBH Publishing Co. New Delhi, pp29-42.

Ghose, A.K. 1990a. Minerals , metals and developing countries: A forward look, *Proc. 14th Congress of CMMI*, Edinburgh, Institution of Mining & Metallurgy, London, pp249-255.

Ghosh, A. 1996. *Small scale mining in India*, Oxford and IBH publications, New Delhi.

Government of India, 2000. *Release of bonded labourers and their rehabilitation*, National Human Rights Commission, New Delhi.

Government of India, Central Statistical Organisation. 2001. *National Account Statistics, Back Series 1950-51 and National Accounts Statistics 2001.*, New Delhi.

Government of India, Ministry of Labour, 1991.

Government of India 1976. Bonded Labour

Hanstad, Tim, Robin Nielsen and Jennifer Brown. 2004. *Land and livelihoods: Making land rights real for India's rural poor*, Food and Agriculture Organization of the United Nations, Livelihood Support Programme, Rural Development Institute, USA.

Harriss-White, Barbara (2003) *India Working*, Cambridge University Press, Cambridge.

Heemskerk, Marieke. 2003. Self-employment and poverty alleviation: women's work in artisanal gold mines, *Human Organization, Society of Applied Anthropology*, Spring issue, available from

http://www.findarticles.com/p/articles/mi_qa3800/is_200304/ai_n9202578/print accessed on 20 December, 2005.

Hentschel, T, F. Hruschka and M. Priester. Global report on artisanal and small scale mining, MMSD, 2002.

Herzfeld, Beth 2002. Slavery and gender: Women's double exploitation, *Gender and Development*, 10(1), 50-55.

Hinton, J., M. M. Veiga, C. Beinhoff. 2003. Women and artisanal mining: Gender roles and the road ahead, in Gavin Hilson (ed) *The socio-economic impacts of artisanal and small scale mining in developing countries*, AA Balkema, Swets Publishers, Netherlands.

Human Rights Watch (1996) *The small hands of slavery: Bonded child labour in India*, Human Rights Watch, Asia, Available from <http://www.hrw.org/reports/1996/India3.htm> accessed on 20th December, 2005.

Jennings, Norman. 1999. Social and labour issues in small scale mines, Report for discussion at the Tripartite Meeting on Social and Labour Issues in Small Scale Mines, Geneva, 17-21 May, 1999.

Jolly, S. and H. Reeves. 2005. *Gender and migration: Overview report*, Bridge, Development-Gender, Institute of Development Studies, Sussex.

Kalpagam, U. 1994. *Labour and gender: Survival in urban India*, Sage, New Delhi.

Kapadia, Karin. 1992. Every blade of green: Landless women labourers, production and reproduction in South India, *Indian Journal of Labour Economics*, 35(3): 266-76.

Kapadia, Karin. 1995. The profitability of bonded labour: The gem-cutting industry in rural South India, *Journal of Peasant Studies*, 22(3) 446-83.

Kar, Sarit Kumar and Jayanta Kumar Singh (2001) Gemstones in India: A conspectus, *Geological survey of India Special Publication No. 58*, pp 651-657.

Kosambi, D.D. 1956. On the development of feudalism in India, *Journal of Bombay Branch of Royal Asiatic Society*, 31/32, 258-69.

Krishnaraj, Maithreyi and Amita Shah, 2004. *State of the Indian farmer: A millennium study, Volume 25, Women in agriculture*, Government of India, Ministry of Agriculture and Academic Foundation, New Delhi.

Labonne, B., Gilman, J. 1999. Towards building sustainable livelihoods in the artisanal mining communities, paper presented at the Tripartite Meeting on Social and Labour Issues in Small Scale Mines, Geneva, 17-21 May, 1999.

Lahiri-Dutt, Kuntala, 2003. Not a small job: Stone quarrying and women workers in the Rajmahal traps in eastern India in Gavin Hilson (ed) *The socio-economic impacts of artisanal and small scale mining in developing countries*, AA Balkema, Swets Publishers, Netherlands, 2003.

Lahiri-Dutt, Kuntala, 2004. Informality in mineral resource management: Raising questions on community economies in Asia, *Natural Resources Forum*, May.

Lahiri-Dutt, Kuntala. 2005. Researching the livelihood strategies of artisanal and small scale miners in India and other countries of South Asia: Some lessons from the field, Paper presented in the *Philippines Learning Event of CASM Asia Pacific*, Organised by RMAP, ANU and Philippines Sustainable Development Network, Asian Institute of Management, Baguio City, Manila, 7-9 June, 2005.

Lerche, J. 1995. Is bonded labour a bound category? Reconceptualising agrarian conflict in India, *Economic and Political Weekly*, 22(3), April, 484-515.

Lerche, J. 1998. Agricultural labourers, the state and agrarian transition in Uttar Pradesh, *Economic and Political Weekly*, 28 March, A29-A35.

Mendelsohn, O. 1991. Life and struggles in the stone quarries of India: A case-study, [in Faridabad, near Delhi], *Journal of Commonwealth and Comparative Politics* (London), 29:1 (Mar 1991), 44-71.

National Commission for Women, India. 1993. *Proceedings of the National Workshop on Employment, Equality and Impact of Economic Reform on Women*, New Delhi.

National Sample Survey Organisation, 1994. *Sarvekshana*, Vol. 17, No. 3, January-March, New Delhi.

Olsen, Wendy K. and R. V. Ramana Murthy, 2000. Contract labour and bondage in Andhra Pradesh (India), *J_spot the Journal of Social and Political Thought*, 1(2), June 2000. pp. 1-25, available from <http://www.yorku.ca/jspot/2/wkolsenrvramana.htm> accessed on 6th February 2006).

Parthasarathy, M. 2004. Exploring the impact of chromite mining on women mineworkers and the women of Sukinda valley, Orissa: A narrative, in Sumi Krishna (ed) *Livelihood and gender: Equity in community resource management*, Sage Publications, New Delhi, pp. 214-225.

Pervaiz, MK. 2003. *Mining in Pakistan: A private sector point of view*. World Bank sponsored consultative workshop, Islamabad

Rao, Nitya. 2005. Displacement from land: Case of Santhal Parganas, *Economic and Political Weekly*, Jharkhand Special Issue, October 8,.

Saleem, Ahmad 2003. *Mines industry: A hotbed for bonded, child labour*, available from <https://www.dawn.com/2003/07/15/nat14.htm>

Shamasastri, R. (1956) *Kautilya's Arthashastra* (translated in English), Sri Raghuvir Printing Press, Mysore.

Sharma, Shiva, B. Basnyat and Ganesh, G.C. 2001. *Nepal, Bonded labour among child workers of the Kamaiya system: A rapid assessment*, International Programme on the Elimination of Child Labour (IPEC), International Labour Organisation, Geneva.

Srivastava, Ravi S. 2005. *Bonded labour in India: Its incidence and pattern*, Working Paper, International Labour Office, Geneva.

Susapu, B. and G. Crispin, *Country study report on small scale mining in Papua New Guinea*, MMSD, 2001.

Valdivia, Corinne and Jere Gilles, 2001. 'Gender and Resource Management: Households and Groups, Strategies and Transitions.' *Agriculture and Human Values* 18(1): 5-9.