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Oliver Mendelsohn



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LIFE AND STRUGGLES IN
THE STONE QUARRIES OF INDIA
A Case Study*

The characteristic face of poverty in India is still that of the landless agricultural labourer, but in recent years another image has insistently intruded itself alongside the familiar agrarian figure. This more recent image is of men, women and children labouring on roads, dams and quarries, carrying bricks in kilns or building sites, and living in 'dwellings' made of bits of scrap. The lineage is a kind of distorted mirror reflection of the urbanisation and economic growth which India is now undergoing. Urbanisation holds out the prospect of a better life for tens of millions of people in the countryside but for the labourers (most of them from untouchable castes or tribals) who arrive from the villages to build the towns and cities, it usually represents another version of a familiar poverty. This article is a study of a cluster of stone quarries in Faridabad, near Delhi, and the struggle to improve the life of the labourers there. The struggle has been a substantial failure, but much can be learnt from understanding its nature.

The pivotal figure in the Faridabad struggle has been Swami Agnivesh, at once Hindu monk and unconventional politician. Agnivesh was born a Brahmin in Andhra and received his university education in law at

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Calcutta University. While he was in Calcutta he came into contact with the Arya Samaj and later moved to Haryana to be admitted as a *swami* or monk of the order. Partly inspired by Mahatma Gandhi, he has pursued his religious life through political action. Agnivesh joined regular opposition politics and was for a short time Minister for Education in the Janata government of Haryana in the late 1970s. He remained a member of the Janata party until his ouster in the course of bitter internal struggles during 1985. For Agnivesh, though not always for others, there has been no contradiction or necessary tension between his two roles as politician and activist in the field.

Swami Agnivesh adopted the Faridabad quarries as an important example of what he takes to be the much larger problem of bonded labour in India. In 1981 he had set up his *Bandhua Mukti Morcha* (Bonded Liberation Front) to expose bonded labour throughout India and to work for its liberation. His definition of bonded labour is simply that of the Bonded Labour System (Abolition) Act, 1976.¹ The Act defines bonded labour as 'any labour or service rendered under the bonded labour system'. This, to paraphrase and shorten the definition in the Act, is the system of forced, or partly forced, labour, whereby in return for an advance a labourer agrees to work for no wage or a nominal wage, or to forfeit freedom of employment or movement. Agnivesh's contention was that the stone quarries of Faridabad operate predominantly as a 'bonded labour system'. His principal object was to have the bonded labourers released, sent home to their place of origin and rehabilitated there by the relevant State government.

The Bonded Liberation Front took up the issue in early 1982 after an earlier involvement with the brick industry workers of Haryana and western Uttar Pradesh and the sand quarries of Delhi Territory. It is not at all difficult to see why a political reformer would find this site compelling. Here within some 20 km of the capital, workers labour in conditions which can only shock even the most inured observer of Indian industrial conditions. The area has apparently been mined for most of the present century and now appears as a kind of dreadful moonscape. Access is by way of what are now raised tracks separating deep canyons of mined rock with jagged cliffsides. At the bottom of the canyons the workers can be seen smashing large quartzite rocks into smaller ones with the aid of sledgehammers up to 13 kilograms in weight. The large rocks have been produced by blasting the cliffside,

a job performed by the same rock choppers. They have to make a fast escape (usually barefoot) once the fuse has been lit, since the fuse is very short for reasons of economy. Smashed or merely injured limbs turn out to be a daily occurrence. Women and larger children work alongside the men, while smaller children play in the dust and dirty puddles. But what gives these quarries their almost surreal horror is the pall of snow-like dust that practically whites out vision when the crushers are operating. These are the large and primitive machines which shiver the small stones produced by the smashing process into still smaller stones for use primarily in road construction. There were in 1983 some 70 crushers operating within the one area and they produced an intense fog and level of noise which made speech difficult. Instinctively one could believe the claims of almost certain respiratory disease, including asthma and tuberculosis, for those who worked and lived here long. The houses of the labourers—a few of them relatively decent, others squat *kaccha* structures like piggeries, still others leaky shacks of iron scrap and plastic—are clustered throughout the quarries amid all the noise and dust.

Agnivesh's strategy has been built around a petition to the Supreme Court of India as part of an emerging 'public interest litigation' in India. This central judicial tactic has been buttressed by political action and by organising the workers industrially. Thus, almost simultaneous with initiation of the Supreme Court writ, a Stone Quarry Workers' Union was established in Faridabad in January 1982. This was an unusual union in that its primary object was not the improvement of industrial conditions but the liberation of workers such that they could leave the industry. Agnivesh recognised that some workers would freely choose to remain in Faridabad, so a secondary object was indeed the improvement of health and safety conditions and remuneration. Legal research revealed a number of pieces of progressive legislation relating to mining, inter-state migration, and health and safety standards which were apparently being ignored by the employers and by the Haryana and Union governments. Complaints of violation of this legislation were joined to claims under the Bonded Labour Abolition Act to constitute the legal basis of the writ petition to the Supreme Court.

By 1989, and despite a spectacular success in the form of the Supreme Court judgment, the Faridabad campaign had to be counted

a failure. Very few workers had effectively been rehabilitated as bonded labourers; wages had risen only moderately; and health and safety conditions were scarcely different from a decade ago. Swami Agnivesh concedes this failure himself and has now abandoned organising in the quarries, though he persists with the residual litigation. The reasons for the failure are several but at root is a variation of what one always finds in relation to exploitation of the poor in India: the overwhelming power of large employers and the unreliability of the state as an ally of the poor, despite the good intentions of elements within the judiciary and bureaucracy. But Swami Agnivesh, senior bureaucrats in New Delhi and the Supreme Court played a part in the failure by adopting too pure a view of bonded labour which derived from the superficial nature of the Bonded Labour Abolition Act itself. It is now possible to see that the primary emphasis on the bonded nature of the labour rather than on its more generally exploitative character was an unhelpful analysis given the real life choices of the labourers. In short, it has not helped the Faridabad labourers to be deemed *bonded* because there is no realistic hope that the government will provide the material basis for a life outside the quarries. It might have been preferable to devote more energy to the more narrowly industrial struggle for improved wages and conditions within the quarries, though it has to be said that this struggle is also scarcely more winnable.

The present study uses the Faridabad struggle for several interlocking purposes. First, I wanted to draw attention to the severity of problems represented by the Faridabad quarries as just one example of the kind of migratory labour increasingly undertaken by untouchables, tribals and a sprinkling of people from other communities. The development of this so-called unorganised sector is rapidly changing the character of the Indian poor. Secondly, this example of an effort to organise a segment of the poorest Indian labour is worthy of attention on the ground of its rarity. And finally, the Faridabad struggle can lead us towards relevant perspectives on the Indian state—in its statutory roles of industrial regulation and welfare provision; in its judicial role through the Supreme Court, labour tribunals and other judicial bodies; and in the functioning relationships between the state (including the police), the quarry owners and the labourers.

The Supreme Court Action and Its Aftermath

Shortly after his decision to take up the Faridabad case at the beginning of 1982, Agnivesh instituted the Supreme Court writ petition to free the bonded labourers and to enforce the relevant welfare legislation (*Bandhua Mukti Morcha v. Union of India and Others* or the Quarry Workers' Case).² From a legal standpoint the case was an important example of what has come to be called 'public interest litigation', a kind of judicial activism inspired by but not directly patterned upon models in the United States.³ This litigation was the joint creation of certain activist legal practitioners, academics and several receptive justices of the Supreme Court. Cases of abuse of underprivileged persons have been taken up in the form of writ petitions alleging breach of fundamental rights under the Constitution. For its part the Court was happy to ignore procedural niceties and even accept petitions written on scraps of paper. For a few years and in marked contrast to its previous history, the Court appeared at least in this jurisdiction to be more an instrument of the weak than the strong.⁴

When the Court delivered judgment in the Quarry Workers' Case on 16 December 1983 it already had the benefit of a 'socio-legal investigation' of conditions in the quarries performed by an academic sociologist (Dr S.V. Patwardhan of the Indian Institute of Technology) specially appointed by the Court. This device of appointing a fact finding agent had been employed in previous cases, though it remains controversial by virtue of what is seen by the defence to be the creation of biased evidence unchallengeable through the regular court procedures.

Dr Patwardhan duly reported at great length on what he took to be a dreadful situation of systematic law-breaking by the proprietors of the quarries.⁵ He found that there were indeed many bonded labourers and that the welfare provisions of the Inter-State Migration Act among many other pieces of legislation were not being enforced. The bonded nature of the labour flowed from the advances paid to the workers, usually through intermediary *jamadars* (labour sub-contractors), before they left their homes to come to the quarries. These sums were strictly repayable before their departure from the quarry. The workers therefore lacked freedom of movement. Their vulnerable position led

to exploitation of many kinds, including underweighing of stones for which they were paid on a piece-rate basis. The benefits they were legally entitled to as migrant labour and miners—proper housing, clean water, washing facilities, schooling for their children, creches, health facilities, sick pay—were systematically denied to them. The conditions of work—the dangerous physical presentation of the site, the lack of safety procedures and equipment—were extraordinarily bad and quite unlawful under the Mines Act and other legislation. The many government authorities required to take action under the relevant legislation were almost completely neglectful of their duties. In sum, the quarries 'show full signs of a reckless drive for stone extraction... In several places there the quarrying is nothing short of slaughter mining'.⁶

The Supreme Court agreed, contrary to the representations not only of the quarry owners but also the Governments of India and the State of Haryana. The major judgment was handed down by Bhagwati J.; the other two judges, R.S. Pathak and A.N. Sen J.J., did little more than express their agreement. Bhagwati J. was scathing in relation to the efforts of the State of Haryana to have the case thrown out on jurisdictional grounds. The Haryana argument was that even if what was alleged were true it would not justify a writ petition under section 32 of the Indian Constitution, since no breach of fundamental rights under the Constitution was at issue.

We can appreciate the anxiety of the mine lessees to restrict the writ petition on any ground available to them, be it hyper-technical or even frivolous, but we find it incomprehensible that the State Government should urge such a preliminary objection with a view to stifling at the threshold an inquiry by the Court as to whether the workmen are living in bondage and under inhuman conditions... [T]he State Government... is, under our constitutional scheme, charged with the mission of bringing about a new socio-economic order where there will be social and economic justice for everyone and equality of status and opportunity for all...⁷

These are unusually strong words directed from the bench to a government whose legal representative is engaging in the usual lawyerish pursuit of the technical, and demonstrate the extent to which particular members of the Court saw public interest litigation as distinct from ordinary kinds of adversarial litigation between private parties. Bhagwati J. was here enunciating a view of government in India as

a kind of trust for the downtrodden. Moreover, he was clearly disturbed that the Bonded Liberation Front had as its judicial opponents not only the quarry owners but also the State and even the Union governments.

The Court rejected the contention of the Government of India that the concerned workmen were not migrants under the Inter-State Migrant Workmen Act because they came to the stone quarries 'of their own volition and they are not recruited by any agent for being migrated from any State'.⁸ Bhagwati J. said that ordinarily he would be prepared to accept such a contention from so responsible a source as the Government of India, but in the face of an empirical report from Dr Patwardhan he could not. The judge concluded that many of the workers had been brought to the quarries by a *jamadar* (sub-contractor of labour) and as such they were clearly inter-state migrants within the meaning of the Act and therefore entitled to its protections.

As to whether the labourers named in the petition were bonded labourers within the meaning of the Bonded Labour Abolition Act, the judge did not feel competent to decide this central issue; he delegated the task to an official who could make on-the-spot inquiries. Instead, he limited himself to laying down some legal guidelines on the matter. Regrettably, these guidelines appear to be quite beside the point. Following some argument of the Haryana government, Bhagwati J. seemed to regard the central problem as the evident difficulty of discovering whether an advance had been given by the employer to the worker. Without such an advance there could be no bonded relationship, and he assumed that the employer would effectively cover up the existence of the loan. To meet this problem he laid down a rule that if a worker were obliged to provide forced labour, it could be presumed that the force proceeded from some economic relationship and that the labourer was therefore bonded. This rule would obviate the necessity to prove the fact of a loan in individual cases—the loan or other relationship could be induced from the fact of forced labour being extracted. But while Bhagwati J.'s presumption is reasonable enough, it quite fails to reach the central difficulty. The real problem is one of deciding just what constitutes *forced* labour in the first place, rather than whether the forced labour could be said to derive from a loan. Is the labour *forced* wherever the labourer owes money to his employer? Or is it possible to be so indebted and still not to be unfree within the

legal meaning? Bhagwati J. is silent on this question, which is the very core of the problem.

On perhaps the most natural reading of the Act's very broad definition, all loans from employer to worker do give rise to the relationship of bonded labour. The reason for saying this is our assumption that no labourer would ordinarily be free to leave his employer for another without having first discharged his debt. In terms of the language of the Act, such lack of freedom deriving from this economic source could easily be said to constitute an example of 'the bonded labour system'. Is this what the court intended? Bhagwati J.'s judgment gives no answer. Instead, he turned over what he took to be the merely technical task of discovering whether the labourers named in the petition were in fact bonded to the Director-General (Labour Welfare) of the Government of India. It is this official rather than the judge who provided the definition of what was *forced* labour, as we shall see shortly.

The judge directed that if any workers were found to be bonded, they should be asked whether they wished to go back to their home. If they did, the District Magistrate of Faridabad was to make the necessary arrangements for their release and transport home. The Director-General (Labour Welfare) was also to inquire into which particular employers were *prima facie* bound by the Migrant Workmen and Contract Labour Acts. The judge went on to observe that

the problem of bonded labourers is a difficult problem because unless, on being freed from bondage, they are provided proper and adequate rehabilitation, it would not help to merely secure their release. Rather in such cases it would be more in their interest to ensure proper working conditions with full enjoyment of the benefits of social welfare and labour laws so that they can live a healthy decent life. But of course this would only be the next best substitute for release and rehabilitation which must receive the highest priority.⁹

This passage suggests that Bhagwati J. was troubled by the extent to which it would prove prudent to move the workers out of the quarries, in view of the village situation from which they had originally come. This doubt was realistic and we will return to it later.

Finally, the Court ordered the Union and State governments to secure compliance with those legislative provisions requiring the employers to ensure safe working and living conditions. In all, the Court issued

21 directives for action into matters including the spraying of water over the crushers so as to reduce dust emissions; the provision of adequate supplies of clean drinking water, latrines, proper medical facilities and creches; and inspection of truck capacity to ensure that workers were not required to supply the contractor more stone per load than the 150 cu.ft they were paid for.

Clearly this was a great judicial victory for the Bonded Liberation Front. The victory was given substance when the Director-General (Labour Welfare), Laxmi Dhar Misra, went on to name 295 workers to be bonded within the meaning of the Act and to order their release by the Haryana government. These workers were among 352 who had been interviewed out of a total working population estimated by the Regional Labour Commissioner at Chandigarh to be 4,130.¹⁰ (The union's estimate of workers was up to three times this figure.) Mishra states that he was only able to interview a small proportion of the potentially bonded population: constraints of time and resources inhibited a more thorough job. As to the determination of who were 'inter-state workmen' within the meaning of the Act, he found that all his interviewees would qualify.

The approach taken by this Labour Department official was a highly expansive one. His criterion for the existence of *forced* labour was simple:

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?¹¹

This construction is consistent with the definitions in the Act, as we have seen above, and its effect is to make a very large proportion of migrant workers legally bonded, as well as a very high proportion of agricultural labourers. Most seasonal workers who travel from one part of India to another require an advance from their employer for their expenses. In law, at least part of this advance is not repayable but is a legitimate charge against the employer under the Inter-State Migrant Workers' Act. In fact, the common practice of employers is to recover advances of all kinds from the employees; without repayment it is no doubt difficult and perhaps impossible for the worker to leave

his employer. The same would apply to the common practice of making occasional loans to employees—this creditor-debtor relationship is endemic in agricultural labour.

What Laxmi Dhar Mishra has done here is to supply the definition of 'forced labour' which the Supreme Court did not. He has done so in the spirit of a judgment highly favourable to Swami Agnivesh's organisation and in a way that seems to make sense of the Act. But the interpretation is in fact far clearer than the Act itself and, if it were to be generally adopted, would convert the legislation into an instrument of extraordinary breadth. The Department official has in effect assumed that all labourers indebted to their employers are bonded labourers.

So far as the struggle was concerned, the matter did not end with the Mishra Report. On 31 October 1984 the Bonded Liberation Front petitioned the Court (Civil Miscellaneous Petition 3700 of 1984) that seven months after the Mishra Report the 295 labourers had still not been released or rehabilitated. Indeed the Front claimed that the labourers' situation was worse, in that they were no longer being given work and were being 'terrorised' by the contractors. On 29 November 1984 the Court ordered inquiries to be made into this and if some of the labourers deemed bonded were still there and desired to go home, 'the District Magistrate will promptly make arrangements for their repatriation to their respective homes at the cost of State Government'.¹²

This directive brought some action and on 16 December 1984 a total of up to 106 families were put into the charge of the authorities of Banner District in Rajasthan by the District Magistrate of Faridabad. But on 30 January 1985 the Front was back in the Supreme Court with a petition complaining that many of these families had wrongly been classified as not being 'bonded' but only 'inter-state workers' and therefore presumably not entitled to the benefits of debt cancellation and rehabilitation. There was also a recital of the failure of the State authorities to provide adequate housing or other facilities to the families, such that already three of the children had died in the cold of January. No action seems to have flowed from this petition.

Release of the Banner labourers at the end of 1984 effectively marked the end of the Front's success in relation to bonded labour. Many of the other labourers deemed bonded by Laxmi Dhar Mishra seem to have stayed on in the quarries, presumably for want of any

satisfactory alternative.¹³ Contrary to the instructions of the Supreme Court, no further inquiry into bonded labour was undertaken until the Court appointed its own Commissioner once more in 1989; by then it seemed too late to affect the situation favourably. No additional labourers have been declared bonded. Overall, then, the practical success of all the judicial action was meagre in juxtaposition to the soaring rhetoric and expansive legal definitions deployed by Bhagwati J. in his judgment.

Indeed, the fate of the 'liberated' labourers makes the practical achievement even less to celebrate. I was able to follow the Rajasthan contingent back to where they had been sent in January 1985; my own visit was in April of that year. Ninety-five families had been taken to Banner 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.¹⁴ 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 Banner 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 Banner. So they had no roots whatsoever in the area to which they were now 'repatriated'.

The families had been split into two almost equal parties and settled in different locations near the town of Balotra, one 6 kilometres from the town and the other 11 kilometres in a different direction. When I encountered them, their condition was deplorable. They had been delivered there some four months earlier, given a sum of Rs 500 plus some 'building materials' and basically left to fend for themselves. The first settlement was on a sandy, windswept plain where no-one would willingly choose to live. The winds of mid-April were already distressingly hot and dusty. Their 'houses' were flimsy structures made of grass, almost completely permeable to the weather. It had been bitterly cold in this arid desert when they arrived four months previously, and many of the children fell ill with pneumonia; one child was diagnosed with this condition in my presence. A tuberculosis patient had not received medicine since his arrival here. As to employment,

they were able to get a bit of labouring work here and there. One of the sources, ironically enough, was a nearby small quarry. Others found some work at a brick kiln, while some travelled the six kilometres into the growing town of Balotra to try to pick up some lifting or carting work. Everyone was eating poorly and they were unable to purchase the medicines which they now needed more than ever. Bad as their condition had been in Faridabad, they were unanimous that it was far worse in Rajasthan.

The other settlement told similar but worse stories. The major difference was that they were further from the town of Balotra and therefore unable to take advantage of labouring opportunities there. Their major source of income came from the (illegal) collection of sticks from a hill some distance away. They were able to sell bundles of these twigs in Balotra for use as fuel; the going rate was Rs 3 for a head-load. In order to earn this sum they had to walk 11 kilometres to Balotra and 11 kilometres back. They left at 4 a.m. and returned by 1 p.m. The bus was far too expensive to afford. One, two or three people from each family made the trek every day, while others went in search of the sticks. Again these people had suffered many illnesses since being brought to Banner and they produced large bills for drugs they were forced to purchase. In my presence a doctor in Balotra examined one of their sick babies and pronounced the illness to be 'either simple fever or malaria. I cannot make an exact diagnosis due to inadequacy of facilities.' Good medicine was further from their reach than ever.

These people were bonded to their employer by virtue of their borrowing from him. The figures they quoted as debts were mainly small sums of around Rs 1,000 but since they would not have been allowed to leave without repaying these amounts, they were clearly bonded within the meaning of the Act as interpreted by the Director-General (Labour Welfare). Moreover, they presumably received less than their due under prevailing piece rates—the deductions for their loans would have ensured this. But equally clearly, when I saw them rootless out in the Rajasthan desert they had by their own and anyone's reckoning been positively disadvantaged by having been declared bonded.

I have no direct information on what has become of these Bhils in the succeeding several years. But in the latest report on the Faridabad situation prepared in February 1989, yet another commissioner

appointed by the Supreme Court reports one of his informants saying that all the Banner labourers were now back working in the Faridabad quarries.¹⁵ This information may not be authoritative but it is credible. It is difficult to imagine, even with some sincere effort on the part of the government of Rajasthan (such as the provision of livestock and better housing), that the Bhils could have survived, let alone thrived, in the physical location to which they had been led. The most logical outcome is that they would return to the life that they knew in Faridabad.

Undoubtedly the body that has to take primary responsibility for this sad story is government at both central and State levels. But this experience is scarcely unusual. Government performance in relation to the 'weaker sections', as they are termed, can be seen to range from lukewarm assistance through indifference to callous opposition. This knowledge has simply to be factored into any programme undertaken for these people by activists outside government. We will return to this case after a discussion of several other cases which have not been the subject of judicial action but which are useful as a point of comparison.

Some Further Enquiries into the Labourers of Faridabad

The Case of Ram Prasad¹⁶

Ram Prasad is a Raegar, an untouchable leather-working caste, and was 38 years old when I talked to him in February, 1985. He was born into the quarries—his father worked there too—and he has been breaking rocks for the last 25 years. His family is from Jaipur but he does not know the particular locality or when they left for the quarries. He has never been to Jaipur and was therefore no longer really a migrant worker. Ram Prasad is married with four children, the eldest of whom is a 12-year-old boy studying in school. He wants to send the younger three children to school too—including the one daughter—but this possibility now seems beyond his economic reach. The reason is that Ram Prasad suffers a physical disability following an accident in the quarry. About a year before our conversation a rock fell on him, breaking his leg and smashing his foot. The foot is now permanently and seriously damaged, and he can no longer perform physical labour to the extent that he previously could.

It seems that Ram Prasad's employer paid for the operations on his foot and for the drugs and dressings he received during the period of his convalescence. But he received no money at all as compensation for his injury. Accordingly, his economic circumstances were now ruined. For seven months he could do no work at all and afterwards could work with only a shadow of his former vigour. He says that he and his wife together can now earn only Rs 300 a month, a sum quite inadequate to the family's needs. In order to live during the period he was unable to work, Ram Prasad was forced to borrow Rs 5,000 at the interest rate of '3 rupees' per month, as he puts it, or 36 per cent a year. His monthly payments are thus Rs 150. The loan is from a fellow Raegar in Delhi; he was forced into this loan because no other source was available to him. He made the connection with the lender through his wife, who originally comes from Delhi. 'Big people', he noted, do not lend to people of his kind. The rate of interest is quite standard for loans in the quarries, even for loans made by fellow quarry-workers, though not all such loans are made at these usurious rates. Indeed, it is not uncommon to find rates of '5 rupees' or 60 per cent on an annual basis.

Some three years before our interview Ram Prasad's wife had fallen ill and remained so for about two years. Since she could not work in the quarry—women are mostly employed to excavate earth from the site so as to expose the rock—they were forced to sell all her jewellery except for some light silver anklets and toe-rings. Barely had she recovered from this illness than Ram Prasad suffered his accident. After repayments on the loan, they now have about Rs 150 a month to live on. This is far too little for anything but the most meagre survival, if that. Ram Prasad was very bitter indeed but his wife was more resigned to their lot. The children were well fed and it was easy to believe Ram Prasad's statement that he denied himself for the sake of the family. Their one asset was a goat, but they were just about to sell this. The goat was bought with money from the Rs 5,000 loan and it will now fetch from Rs 300 to 350. The family had consumed all the goat's milk themselves as an accompaniment to tea, but they could no longer afford to keep the animal. In addition to bits of grass they could collect for it, they had had to purchase millet in the market. When I asked why he had not applied for a bank loan/subsidy under the Integrated Rural Development Programme, Ram Prasad said that none of the Raegars had any knowledge of such schemes.

Ram Prasad's case may not be entirely typical of the cases I collected in Faridabad—his situation was more immediately desperate than many, and he had waited impatiently to tell it to me. But the case does reliably represent the precariousness of life in the quarries. With good health and strength, it is possible to live up to and sometimes beyond the level of ordinary labourers in villages. But if a rock rolls the wrong way or if the cliff face slips, then life becomes even more of a nightmare than is usual among the very poor of India. And such accidents happen all the time; this is not an occupation of only ordinary danger. Even without catastrophic accident, the chance of sustaining good earnings over a long period of time is slight.

Despite the severity of Ram Prasad's situation this is *not* a case of bonded labour, for the reason that Ram Prasad borrowed money from a caste fellow in Delhi rather than from his employer. Presumably the employer would not have been prepared to make a loan to someone who could not be relied on to pay the instalments, and Ram Prasad's injury made him a dubious proposition. Since Ram Prasad was not a migratory labourer, he did not receive an annual advance to bring him back to Faridabad. But the source of Ram Prasad's loan was not necessarily advantageous to him. A loan from his employer might have made him vulnerable to being cheated further out of his legitimate returns for his piece-work, but this is not certain.

When I left Ram Prasad his outlook appeared to be one of unrelieved misery. More than a year later I learnt that he had become a *jamadar* or sub-contractor of labour. Since this position is usually an exploitative one, Ram Prasad may now be yet another example of those oppressed people who through cunning or necessity connive at the exploitation of their fellows. Ram Prasad would not have chosen such a role willingly. He had ambitions for his children; he did not want them to grow up to be as driven down as himself.

The Case of Jagdish

This is a case of no great complexity and is offered as an example of a quarry labourer for whom nothing has yet gone wrong. Jagdish is from the Balai caste of untouchable weavers, and his home in Rajasthan is only several hours away from Faridabad by bus. He is 29 years old, married for four years without children yet, and has worked in the

quarry for nine years. His father worked here before him for 25 or 30 years, he says. Jagdish had already passed tenth standard school before coming to Faridabad. By then there was insufficient money for him to continue study and he was unable to get a regular job. Although he was very sad about coming to the quarries, there was no alternative.

Jagdish's wife works alongside him, clearing earth to expose the stone. She is paid Rs 10 a day for this. When I talked to him she had just come back from his village, where she stayed for a month. He himself goes home twice a year for four or five days at a time. Otherwise he works all year round, including the rainy season. He does not need advances from his employer to make these short trips. But he has borrowed Rs 1,200 in his village at the favourable rate of 30 per cent a year. He took out this loan at the time of his marriage, four years previously. He services the loan at the rate of Rs 30 a month, which means that he is doing no more than paying interest. Since there are four or five at home, including his mother and father and a young brother who is studying in school, he has to send money back to the village. None of the family at home is earning, though they possess a little bit of unirrigated land which produces some millet if there is rain. Jagdish's 45-year-old father, now retired from the quarry, does the agricultural work. Four or five of Jagdish's extended family work in the quarry too; it seems that perhaps three-quarters of the able-bodied Balais of his village work outside the village. There are 21 Balai houses in the village and most of the residents are either old or children; some of the old people still do a bit of weaving. Agricultural work is no longer available in the village, since the caste Hindu cultivators have turned to tractor cultivation.

This, then, is a favourable case. Neither Jagdish nor his wife has suffered major illness or accident. Their position is not improving because of the burdens of the modest debt they incurred for their marriage and the support they provide for the remainder of his family. But thus far, and without children, they have not slipped into a decline. Of course this is also a sad case, typical of untouchable poverty. Jagdish attained a fair measure of education and had hopes. Now he is the most menial of labourers, living in a hut and an environment not fit for human habitation.

The Case of Shiv Lal

This case is again unremarkable except that it appears to be a case of bonded labour, whereas the two earlier ones are not. Shiv Lal is from the Vade community, a scheduled tribe rather than caste in Maharashtra. He is 30 years old, married with three children. He has four brothers, three of whom work in the quarries too; the fourth brother is only eight years old. Shiv Lal's wife and the wives of his two married brothers work alongside their husbands. The men are well educated, three of them to matriculation standard. This is the second generation of the family to work in quarries owned by their employer, a man named R.L. Sharma, one of the three major contractors of Faridabad. Their father had worked in a number of the Sharma family quarries in Maharashtra, Andhra Pradesh and Gujarat. Such a career is apparently common, since it is said to be the policy of large-scale contractors to move their workers around wherever possible in order to minimise the chance of labour organisation.

Shiv Lal and his brothers had hopes of getting a position 'in service' after their schooling and had not expected to be doing the same work as their father did. But there were simply no other opportunities and no agricultural land to fall back on. The youngest brother is said to be very bright and they have high hopes that he will go to college. The next youngest also has active plans to go to college and his brothers speak of him as if he is not really working in the quarry at all—he had been there only six months at the time of interview, but the likelihood of his escaping his brothers' fate seemed slight. Shiv Lal himself had been quarrying since 1973 and in this particular location for three years.

The whole family returns to the village in Maharashtra during the summer and rainy seasons, a total of some four months. They usually take with them a total of about Rs 1,200 which they have accumulated during the previous eight months—this works out at about Rs 200 per working person. This is insufficient for their needs during their stay at home and they try to supplement it with whatever labouring work they can find in the village. Shiv Lal says they can usually manage only 10 or 15 days' work throughout the four months. Invariably he is forced to take an advance usually from Rs 200 to 250, to come back

to Faridabad. This year he is further in debt to his employer, since he had borrowed Rs 150 to send to his parents in the village. The advance and any loans must be repaid before he can leave for home. In addition to these debts, Shiv Lal and his brothers say they are invariably in debt to Maratha or Muslim money-lenders in their village. This money is borrowed during the rainy season at rates of interest as high as 120 per cent. It is usually about four months after their return to Faridabad before the various loans are repaid and saving can begin. Hand to mouth as the cycle is, Shiv Lal and his brothers' situation would be far worse if there were serious accident or illness among the workers. They pointed to another man present at the interview who had had to pay Rs 2,000 over a period of time for treatment of his wife's tuberculosis.

A major difference between Shiv Lal and both Ram Prasad and Jagdish is that Shiv Lal has to travel a great distance at considerable expense to return home. Ram Prasad's home, such as it is, is now in the quarry itself. Jagdish can be home by bus within a few hours. Also, Shiv Lal's language and culture is different from that of Haryana and this may prompt his group to spend a longer time at home in Maharashtra. Since there is little work at home, the family group invariably has to take an advance in order to return. And the fact of taking this advance is sufficient to constitute Shiv Lal and his brothers bonded labourers within the meaning of the Act. By virtue of his debt Shiv Lal can be assumed to lack the freedom to change employers or to 'move freely throughout the territory of India'. On an ordinary reading of the Act, this is sufficient to constitute the state of being bonded. But presumably Shiv Lal is a bonded labourer for only a portion (usually four months) of the year, the period when he is actually in debt to his employer.

Forfeiture of freedom of action through the advance system is pernicious, though people like Shiv Lal tend to regard it as so standard as to be unworthy of comment. Some feeling did emerge when we got on to the subject of the *jamadar*, a man from their own community. The *jamadar* performs the task of annual recruitment by disbursing sums of money either from his own pocket or (more usually) as an agent of the contractor. He has a continuing role in the quarry as intermediary between contractor and labourer. Usually the contractor pays the *jamadar* for the crushed rock and he then passes the money on to the

labourer, less his own deductions for commission and any debts owed to him. The precise relationship between *jamadar* and labourer varies. In one instance I found a harmonious relationship between labourers from Madhya Pradesh and their *jamadar*, who professed to be closer to the labourers than to the contractor. He had taken what seems to be the characteristic path to becoming a *jamadar*, first working as a labourer himself. As this man (Prakash) told it, other people in his area asked him to arrange employment for them and his contractor agreed to take them on. When they came to work for the contractor, Prakash was made their *jamadar*. Prakash, rather than the contractor, provides advances to his workers to enable them to return to the quarries after their period at home. The advance is usually Rs 400 or 500, which is repaid (without interest, he claims) out of their wages. For his labour management in the quarries, Prakash is entitled to 10 per cent of the wages bill. He takes and passes on orders from the contractor as to what is to be done, but his workers are experienced and therefore the task is not onerous. Several years previously Prakash had apparently invested his own funds to build some mud brick housing for his workers. He did this in order to make work more attractive in the quarries—since he is paid on a percentage basis he has an interest in maximising his workforce. The houses may be an attraction to the workers but they are so small that one has to stoop low to enter them and sit or lie rather than stand up inside. The land on which the houses are built is owned by a nearby Gurukul (monastery) of the Arya Samaj, which charges the occupants Rs 5 per month for the privilege of occupying the site.

The Question of Bonded Labour

The above are only three of many cases I collected in the quarries but they will suffice to present a picture of individual labourers. Only one of the three cases can be seen to reveal bonded labour within the meaning of the Act as it was interpreted by the Labour Department official, and an obvious question is whether this is the 'worst' case. Pretty clearly this is not so, at least in the absence of any documentation of particular exploitation arising from the creditor-debtor relationship between Shiv Lal and his employer. Thus on its own the case of Shiv Lal would not warrant being placed in a category separate from that of Ram Prasad or Jagdish. My more general suggestion is that the

term 'bonded labourer' as it is defined in the act and interpreted by the Court and particularly by the Director-General (Labour Welfare) will not always do service in identifying the most downtrodden labour in India. Degrees of exploitation cannot be fixed with the definitional purity of legal language. And the worst examples of bonded labour do constitute some of the very worst labour situations in India. But Shiv Lal and his brothers work at the margins of what is a very broad category, and it may not greatly advance our understanding of their position to think of them first as bonded labourers rather than as ordinary migrant workers in the quarries.

Behind the questions of technical law lie crucial questions for public policy and political action. Just what is the principal condition which is sought to be cured? If the starting object is not simply the 'liberation' of bonded labourers but rather the more diffuse effort to maximise the welfare of poor and often migrant workers, then the emphasis of action may sometimes shift. Part of the shift may entail a less doctrinaire outlook on the matter of employers lending money to their workers. No doubt exploitation is facilitated where workers borrow from their employers, but it cannot be assumed that the initiative for the loan always comes from the side of the employers as a way of entrapping the dependent and ignorant worker. Often the employer may be the only source of a needed loan. Thus I discovered labourers in the Bhati sand mines of Delhi who responded very warmly when asked whether they were better off following nationalisation of those mines.¹⁷ They claimed they were actually worse off, citing their inability to get loans from their new employer. This was clearly a major issue for them. Undoubtedly they would not be persuadable that expenditure (and therefore borrowing) for marriage, death and other 'unproductive' activities was undesirable and that the government was really helping them by not encouraging such frivolous waste. True, employers do not lend to their employees out of altruism but the example of Ram Prasad shows that outside creditors may be no better. In the absence of cheap institutional credit for necessities (including marriage and death), it is not necessarily progressive to demand a cessation of all credit relationships between employer and employee in the name of ending bonded labour. The nature of these remarks should not be misunderstood. This is certainly not an argument for the benevolence of the exploitative quarry owners, only a caution about 'progressive'

stands which turn out to be rooted in somewhat elitist assumptions about the way poor people should lead their lives.¹⁸ Moreover, there is a danger that the very concept of bonded labour will be trivialised if it is to be reduced to the routine case of a credit relationship between employer and labourer.

The larger subject of bonded labour in contemporary India has not been approached at all uniformly by recent scholars. Naturally, most who have written on the subject are appalled by the indebted poverty of many Indians in the area of agricultural labour and related spheres such as brick factories. And since there is abundant evidence of bondedness and even outright slavery in the recent past, there is a tendency to conflate present conditions with this past. Jan Breman has recently delivered a sharp criticism of such thinking.¹⁹ Breman wants to delineate the contemporary condition of the Halpatis of South Gujarat from their historical status as bonded labourers. These people's very caste name, Halpati, reflected the *hali* system of bondedness which characterised the community. In return for small sums often taken out at the time of marriage, the *halis* became bonded to their employers for life. Usually the bonded relationship extended to wife and children as well, such that the whole family worked without pay for the bondsman. In return they got bare subsistence amounts of food but also a small plot of land and some *noblesse oblige* entitlement to care in adversity.

Breman says that this *hali* system is now a thing of the past and that it died sometime in the post-independence period. In his telling the system has been destroyed by the development of a capitalist labour market in the agriculture of South Gujarat. It no longer suits landowners to give labourers security by tying them as they did in the past. Now they play one set of labourers off against another. In particular, they have increasingly drawn on incoming migrant labourers from other regions of Gujarat in an effort to drive down wages. These developments have actually made the Halpatis even worse off than they were under the old order. Their situation is one of increasing *pauperisation*, whereby they live at increasingly sub-poverty levels without even the chance of a handout.

More generally, Breman notes that 'it is the conditions accompanying the debt, rather than the debt itself, which constitutes the coercive character of the service bond.'²⁰ So he wants to distinguish the farm servant tied to an employer for a particular period from the bonded

relationships of earlier times in South Gujarat and elsewhere in India. Breman's view is that labour in South Gujarat today is *free* rather than *forced or bonded*.²¹ His concept of freedom is not, of course, unlimited freedom to choose between desirable options. Rather, freedom is the absence of a particular style of coercion. 'I shall regard as unfree only that form of debt-labour which is rooted in non-economic coercion.'²² Breman wants to see the essence of the old order residing in a relationship of personal subjection and dominance which now lies in the pre-capitalist past.

Precisely the opposite view is put by Utsa Patnaik in her introduction to a book of essays on both historical and contemporary examples of the problem of bonded labour and slavery.²³ Patnaik notes that

No other society in the world, perhaps, is as burdened by the memories and material survivals of its ancient past, as is the Indian; anachronistic precapitalist social relations and ideology form an incubus on the new society painfully attempting to chart a capitalist path of development. Marx's prescient observation of a century ago remains as true today as then, that Indian society suffers not only from the development of capitalism, but also from its insufficient development.²⁴

The several essays in the above volume proceed on the basis that the contemporary forms of debt bondage—for example, in the brick kilns of Muzaffarnagar; Bihari labourers in Punjab; agricultural labourers and weavers in South Arcot—are instances of a more general and long-standing Indian form of bondage.

This article is not the place to consider at any length the divergent views represented by Breman and Patnaik, since it would take us too far away from our primary object of drawing attention to workers like those in Faridabad. Suffice it to say that Breman is on firm ground in pointing to the change from non-economic to merely economic coercion as characteristic of labour relations in the countryside.²⁵ This view coincides with some of the present writer's observations over a number of years in different parts of India, particularly Rajasthan and Bihar. The conditions for the old patterns of subordination are no longer generally present, though there are no doubt areas of persistence in various parts of India.²⁶ One of those conditions which has eroded is the lack of strong resistance on the part of the subordinated people themselves. To give one important example, the oppression represented by sexual

access to women from the subordinate families by local dominants is now widely resisted.²⁷

Secondly, there is a naivety in many of the accounts of contemporary 'bonded labour' (including that of the Bonded Labour Abolition Act itself) which seem to proceed on the basis of too sharp a distinction between tied or long-term contractual labour and more casual labour relations. This distinction may often be based on an idealised conception of the possibility of achieving significant wage rises in an open labour market. But as Breman and many others have shown, overall income for the labourer (as distinct from per diem wages) can fall in the 'free' market too. The contractual arrangements which often bind landowner and field labourer together for a year are, of course, exploitative. Characteristically, the labourer has to work longer hours than he would if he were being paid on a daily basis.²⁸ But the conditions of casual labourers are only marginally rather than dramatically better and they always receive less, usually very much less, work than the tied labourer. The labourers themselves know this. It is beyond question that many labourers deliberately opt for a tied relationship to a landowner which strips them of their capacity to sell their labour at high prevailing rates at peak periods of agriculture (chiefly harvesting). They choose this option because they value the security of a higher overall income.²⁹

At the same time, the views represented by Patnaik's essay are not to be dismissed out of hand. It is one thing to deny, as we are doing here, that it is possible to see the routine cases of bonded labour (using the legal definition) as contemporary examples of patterns of servitude prevalent a century or more ago. And yet the transformation of social relations within India has not yet proceeded systematically along individualist lines apparently familiar from European experience. Some contemporary exploitation in India appears familiar by virtue of its incorporation of incidents from an earlier time. Thus borrowing money from his employer by a labourer to stage his wedding was both a common historical practice in India—it was the basis of the bonding of the Halpatis, to give just one example—and continues today in many situations, including the Faridabad quarries. What is different is the consequence of such a loan today. Although the loan may be difficult to pay off as a practical task, its terms allow for its discharge on an arithmetically calculable basis. Bonding for life, or even into the

next generation, is not a consequence today for most such debtors and clearly not for the labourers of Faridabad.

From the perspective of political action, it does not seem crucial to adopt one view or the other of labourers such as those in Faridabad. I have tried to suggest here that any doctrinaire treatment of the problem should be avoided in favour of a more pragmatic approach. It turns out to be extremely difficult to 'rehabilitate' exploited migrant labourers by sending them back to their home village, and it does not matter for this purpose whether the labourers are to be termed 'bonded' or not. The case of the Banner labourers is admittedly not a fair test, since these labourers did not have a home village to return to. But it does seem likely that 'rehabilitation' at home will seldom work. First, any reliable observer of village India can see that dynamic forces are at work pushing/pulling people out of villages and into a variety of labouring situations connected with a developing capitalist India. This process of change will clearly continue. And secondly, no government can be relied on to put in place conditions which will guarantee the material well-being of large numbers of people selected for rehabilitation as bonded labourers. In these circumstances it would seem prudent only to attempt to rehabilitate the very worst examples of exploited migrant labour which can reasonably be thought capable of reinstatement at home (with resources such as the provision of land).

The Union Struggle in Faridabad

Even before the Supreme Court had handed down its decision at the end of 1983, Swami Agnivesh had broadened his activities in Faridabad to encompass the health and safety conditions, wages and social amenities of the labourers in Faridabad. He took on this role despite a marked reluctance to see himself as union organiser rather than liberator of bonded labour. In Agnivesh's own account, the change came about partly because of the 'moral embarrassment' of not being able to secure proper rehabilitation for labourers released prior to the Rajasthan group.³⁰ The later experiences of the Rajasthan people cannot have increased his confidence. It is not clear how long-term a role he envisaged for the union; perhaps originally it was conceived as little more than a short-term activity while the main business of discharging labour was proceeding with the aid of the Supreme Court. In the

event the Court took almost two years to hand down its decision and almost another year elapsed before the Barmer labourers finally went home. By then Agnivesh was committed to continuing action on wages and conditions for the labourers who chose to remain in the quarries. This gradually wound down in the late 1980s as solid progress proved elusive.

The union organisers were badly harassed by the contractors in the early period but as they achieved legitimacy through their association with the highest court in India and with Agnivesh's flair for publicity, the situation gradually eased. The workers became increasingly confident about asserting their claims, and Agnivesh regards dissipation of the 'fear psychosis' in the quarries to be one of the major achievements of the union activity.

By early 1985 there were said to be 1,500 financial members of the union paying dues of Rs 12 annually. Four organisers were paid a monthly wage of Rs 400 out of these dues but the principal organiser was paid directly by the Bandhua Mukti Morcha (which derives its operating expenses from a variety of sources, including foreign assistance agencies). The total cost of the union activity was said to be Rs 30,000, leaving a shortfall of Rs 12,000 between dues and expenses. Apparently this shortfall was made up from donations by members of the union. Some of the workers gave a monthly sum of Rs 5.

The progress of the union may more easily be understood by saying a little about the organisers. The principal organiser in the mid-80s was a 29-year-old man named Bharat Lal. He comes from a peasant caste and village background in Haryana, and was educated to MA standard in Political Science and Hindi. Bharat Lal had separated from his family in 1977 and has had little contact with them since—he says his values diverge from those of his father. He first encountered Agnivesh in 1977 and through him got a job managing an Arya Samaj hostel. He joined the Lok Dal, an opposition party, in 1980 and in 1981 he began working for the Bandhua Mukti Morcha. From July 1981 he began organising the union, which was officially inaugurated in January 1982 with Swami Agnivesh as President and Bharat Lal as General Secretary. Unlike the other organisers, Bharat Lal did not live at the quarry site but at Agnivesh's headquarters in New Delhi. He commuted daily, except when there was work at the Court, on a motor cycle.

The other organisers have come and gone—none of them has been an actual quarry worker, though this was an ambition of the leadership. Some have been more and some less likely union organisers, perhaps reflecting the difficulties of attracting outsiders to work and live in such unpropitious circumstances. For example, Krishnaji is an older man of adventurous spirit. In true Hindu fashion, he has now separated himself from his wife and grown-up children—he says he loves them in the same way that he loves all humanity. Krishnaji is a former employee of the Rajasthan Electricity Board, with which he was in bitter conflict for years. He says he would not connive at the corruption that was endemic there. In 1977 he rode his bicycle from Rajasthan to Kanya Kumari at the southern tip of India and later cycled to Kathmandu. In 1978 he became a *saddhu* and wandered around India for six years when he happened to meet Bharat Lal, who recruited him for his then position several months before our meeting. When asked why he had abandoned his religious search, he explained that he was now engaged in *jan sewa* (service to the people), which is a branch of religion.

Scarcely surprising, the issue that has caused the greatest conflict with the contractors is wages. The Union's strategy in this area has been a variant of its approach on the issue of bonded labour, viz. to use the appropriate judicial tribunal, which in this instance was an industrial arbitration body. This strategy has reflected Agnivesh's perception that what they had on their side was a body of progressive legislation and procedures and the necessary knowledge to take advantage of them. So in 1984 the Stone Quarry Workers' Union made a claim for increased wages before the Central Industrial Tribunal, Chandigarh. The matter started out in the conciliation jurisdiction of the Tribunal with the Union making application for a rate of Rs 100 over the allegedly current Rs 71 to be paid for every 150 cu.ft of broken stones delivered to the contractor. This amount was to be paid in addition to supplying the inputs—explosives, detonators, wicks and so on. It is not clear just what part the contractors played in proceedings but clearly they played at best a minor part. Their tactic seems to have been largely one of avoidance. The tribunal made a determination on 10 September 1984 which seemed to be even-handed—it rejected the Union's claim for Rs 100 but decreed that the deductions by the employers for the inputs was unlawful as determined by the Supreme Court in the Quarry Labourers' Case. In short, the workers were to get Rs 71 net of all costs.

The Union was jubilant at this result. In fact, the employers were paying amounts far less than Rs 71 (Rs 48 and less was standard) and deducting significant further amounts from this to cover the cost of the input. So in putatively confirming the amount of Rs 71 and also decreeing the cessation of deductions, the Tribunal was actually benefiting the Union twice over. It is not clear whether the figure of Rs 71 came from the employers' or the Union's side—it may have been a tactic on the part of the Union in order to achieve a confirmation of this amount but with no allowable deductions.

The employers, needless to say, did not accept this result. In a response to litigation initiated in the Supreme Court by Agnivesh's organisation, R.L. Sharma claimed that his Company had been disbanded and was no longer working in the Faridabad area. Indeed, Sharma does seem to have taken some legal steps to terminate his company and form a new one. But the object was not to effect any physical change or cessation of operations but to be able to claim that the corporate body against which the industrial award was made no longer existed. This issue does not seem to have reached the stage of decision by the Court. Meanwhile, the Pioneer Crushing Company (another of the contractors) moved the High Court of Punjab and Haryana on 3 May 1985 for a writ quashing the award on a number of grounds, including breach of natural justice to the contractors by virtue of having been insufficiently heard. But on 27 July 1985 the Court declared this action premature, since it was available to the contractors to move the Industrial Tribunal itself that the award be set aside.

No further legal action directly on this matter took place, though there is still a matter pending in the Supreme Court which could conceivably overturn the award. But again, the favourable legal outcome did not lead to any large rise in the rates of pay for the quarry workers. The employers simply declined to pay the rates enjoined on them by the tribunal. Agnivesh says that privately the Arbitrator advised them to negotiate and fix on a mid-way point between the prevailing rate and the Rs 71 with no deductions decreed in arbitration. But Agnivesh does not seem to have taken up this suggestion, perhaps for a number of reasons. As we have suggested, Agnivesh has always been uncomfortable in the role of union leader—despite the other organisers on the ground, all the policy decisions have been made by him. He is not the person to sit down with employers for whom he has no respect

and proceed to hammer out a compromise. Moreover, as a lawyer he is bemused by the almost impotence of even the highest court in the land on the matters he has battled for over such a long period.

On a number of occasions throughout the years of the struggle there have been serious clashes between workers and the employers. The Union has staged several strikes and numerous marches. In one clash a worker was killed early in 1985 and in the ensuing processes Agnivesh himself was arrested in apprehension of a breach of the peace. Characteristically, Agnivesh instituted another Supreme Court action following these events alleging contempt of court on the part of the employers for their several failures to conform to the orders of the Court. Regrettably delays resulted in the retirement of Bhagwati J. before this petition reached judgment, and it has had to be started afresh.

In the second half of the 1980s the workers' struggle has slowly been disintegrating. The principal union organiser, Bharat Lal, left amid recriminations, and the lack of dramatic improvement has tended to rob the movement of enthusiasm. Agnivesh noted in an interview in June 1989 that he was no longer going to the quarries because in conscience he could no longer ask the workers to undertake any action.

From the beginning, his most vehement denunciations have been reserved for governments at the centre and State levels. Early on it seems to have come as a surprise to him to learn how callously indifferent the authorities appeared to be in the face of the lawless exploitation of labour in the Faridabad quarries. His analysis has proceeded on the basis that there was collusion between the contractors and the highest level of the state government of Haryana, such that in return for favours to the ruling party the state government would not cooperate with even lawful directives favouring the workers. The central government has not been seen to be quite so tightly connected to the contractors but it has also been negligent in failing to discharge many of the duties it has under national legislation. He has been critical of even the Supreme Court. Though this body has been favourable to the workers' cause when it has handed down judgments, these have often taken so long to come out that the workers' movement has been robbed of momentum.

For their part, the employers too have been critical of the central government. Their persistent complaint has been that the system of

quarrying rights conspires against good management and the capacity to pay higher wages. The prevailing system has been to auction quarrying rights for a period of three years, and this tenure is said to be too short to justify major investments needed to improve profitability and therefore amenities in the quarries.³¹ Since there are no figures readily available, such claims are difficult to evaluate. It may well be that a period of three years is too short for economic efficiency, but this is clearly not the root of the problem in the quarries. Agnivesh is likely to be far closer to the truth in his claims about the relationships between contractors and political parties and the awful neglect of legal duties on the part of officials for a number of reasons, including sheer moral indifference.

The Concrete Achievements

After some eight years of struggle in Faridabad, the gains have been meagre. The latest commissioner appointed by the Supreme Court reported in February 1989 that 'the mine lessees and the crusher owners and others have failed to implement' the original twenty-one directives of the Supreme Court, 'which is reflected in the sub-human conditions in which the quarry/crusher workers of Faridabad find themselves till date'.³² This finding stands in the face of evidence submitted to the Court by both the Haryana and Union governments showing substantial compliance with the Court orders. The commissioner reports that there has been little or no improvement on matters like the provision of fresh water, toilet facilities, safety equipment, health facilities, the reduction of dust emissions, and so on. Perhaps the judgment of the commissioner is somewhat too sweeping—there is now, for example, a bit more fresh water available than there was before the struggle. Evidence tendered to the Court by the central government suggests, too, that sprinkler mechanisms have been installed on the crushers, though it may well be true that these have not actually worked to reduce dust emissions significantly. The commissioner's own report together with information from Swami Agnivesh's organisation shows that there has been a modest rise in wages paid to the labourers over the period—presumably at least partly due to the strenuous activity of the union. But there is no doubt that these improvements are strictly marginal.

A table reproduced but not commented on in Commissioner Jain's report suggests that none of the above is the major change to have come over the Faridabad quarries during the 1980s. Table 1 of the report shows that the quarry workers have been reduced from 4,050 in 1984 to 1,300 in 1988. These are said to be official figures obtained from the Department of Mines Safety and the Labour Enforcement Office, Ghaziabad. During the same period the number of crusher workers has risen from 480 to 639. The most likely explanation for the reduction in quarry workers is that the old quarries have become increasingly unproductive and that operations have started to move elsewhere. But it is barely possible that the major effect of the union activity and the modest government measures aimed at securing compliance with the Court orders has been to drive the contractors away.³³ Either way, the workers have clearly not gained from the change.

Conclusion

This account of the Faridabad struggle is offered as a case-study of some of the conditions of migratory labour (most of it untouchable and tribal) and also of the difficulty of intervening to ameliorate these conditions. Perhaps the most remarkable aspect of this case is the abject failure of the Supreme Court to have its decrees enforced: nothing much has changed in the quarries as a result of the Supreme Court's decisions.

The contractors have had everything but law on their side, and law is simply deficient in the face of that degree of power. The workers may have come closest to some kind of victory when they staged a strike in 1984, but almost inevitably they went back to work without having achieved any solid results. Severe poverty in the context of a state government favourable to large contractors defeated them. In this and other encounters the Haryana police force was not neutral but rather an obedient servant of the contractors' interests. The workers could be portrayed as disturbers of the peace and selected workers and organisers imprisoned at strategic moments. Nowadays Swami Agnivesh suggests that the workers will not get anywhere until they administer a 'brushing' (beating) to the employers and their 'muscle-men'. But it takes a climactic moment after a long struggle for the workers to reach this point of boldness. The possibility of reaching

such a moment is now long past. Clearly the actions of the reformers cannot be immune from criticism. Their major institutional success was the release and 'rehabilitation' of the Banner labourers, but this success was transformed into a pathetic failure by their eventual return to Faridabad. I have come close to suggesting that the Banner exercise was doomed from the start, given the special nomadic history of this group and their lack of any but a fleeting connection with the area they were sent back to. And throughout I have adopted a severely critical—some might think cynical—stance in relation to government in its dealings with the poor. But, of course, it is too easy to be critical of organisations like that of Swami Agnivesh. He himself was genuinely optimistic that, with the support of the Supreme Court in its new 'public interest' jurisdiction, the tide could be turned against a group as powerful as the quarry contractors. And he has had to learn as a painful discovery that government (particularly the bureaucracy) has a severely limited willingness/capacity to intervene decisively in support of the workers.³⁴ It should be said that Bhagwati J. of the Supreme Court of India seemed to evince the same optimism that government could intervene effectively.

Organisation of the Faridabad workers was also flawed, as Agnivesh recognises. He attributes part of the problem to the sheer difficulty of organising migrant workers who are far less secure than workers living at home. Many of them come and go, destroying continuity of organisation. And clearly their capacity to absorb the hardship of loss of income during industrial action is specially limited away from home. But clearly there were also faults that arose from Agnivesh's less than enthusiastic role as union organiser and his pursuit of a wider political agenda as a national opposition figure. Still, it would not be appropriate to dwell on these limitations. What Agnivesh accomplished was to make migrant workers like the Faridabad quarry labourers visible for the first time. And he pursued with admirable and skilful energy a strategy of judicial, political and industrial action which looked immensely promising for this particular group of workers. In the end it is highly doubtful that any other organisation could have achieved more.

What stands out above all is the sheer difficulty of intervening in processes like that represented by the Faridabad quarries. Effective intervention entails an elaborate and energetic effort by government

to enforce admirably progressive health, safety and labour legislation. The employers must be forced to pay the transport costs of their workers without deducting these costs from future earnings of the workers. Most important, means must be found to provide loans to poor workers so that they can spend modest amounts on life-cycle events such as marriage and death without becoming hopelessly indebted at usurious rates of interest. The mainstream Indian trade unions need to be interested in areas of labour other than the most organised and most privileged; it is not reasonable to expect makeshift organisations such as that of Swami Agnivesh to undertake the arduous long-term process of industrial organising. Such a list is obviously forbidding and represents an antidote to naive optimism. At the same time, it is unreasonable cynicism to believe that no useful intervention is possible. It seems to this writer that the task becomes more feasible in the context of an overall political culture (like that of Kerala) which places a high value on organising the poor. Kerala, after all, is the only State where there is an effective union of agricultural labourers.

Notes

1. This legislation was enacted during the so-called Emergency of 1975-77. Liberation of bonded labour and a renewed emphasis on land reform were two of Indira Gandhi's '20 points' programme of economic and social policy which were designed to demonstrate a seriousness about attacking poverty. The Bonded Labour Abolition Act was not strictly necessary to outlaw the bonded labour system, since section 23 of the Constitution had already abolished all forms of slavery and forced labour. It was essentially a symbolic affirmation of official concern, though it had some small concrete core in purporting to extinguish all bonded debts and providing a legislative basis for rehabilitation of the affected labourers.
2. AIR (1984) SC 802. Henceforth the 'Quarry Workers' Case'.
3. For an account of this litigation, see Upendra Baxi, 'Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India', Upendra Baxi (ed.), *Law and Poverty: Critical Essays* (Bombay: N.M. Tripathi, 1988).
4. One of the most famous of these cases was the *Asiad Construction Workers' Case* (AIR (1982) SC 1473) which arose from the feverish construction of stadia and facilities for India to stage the Asian Games of 1982. The Court (again with Bhagwati J. as principal judge) pronounced

- in the language of outraged morality as well as law against the labour practices of the construction authority. This body was found to have infringed numerous legislative provisions, but by the time the judgment was handed down, the construction was complete and the Games were over.
5. Unpublished report submitted to the Supreme Court, 28 June 1982: social action litigation in the Supreme Court of India's *Third World Legal Studies*, Ann. (1985), pp. 107-32.
 6. *Ibid.*, p. 74.
 7. 'Quarry Workers' Case', p. 811.
 8. *Ibid.*, p. 821.
 9. 'Quarry Workers' Case', p. 829.
 10. Unpublished report of Laxmi Dhar Mishra (27 February 1984), p. 5.
 11. *Ibid.*, p. 15.
 12. Unpublished order of Court.
 13. In an affidavit to the Supreme Court, 1 July 1988, the Government of Haryana stated that 93 of the 295 labourers declared bonded by the Mishra Report were 'not willing to go'. Of the others, 73 were declared to have been 'released and repatriated' and 124 to have 'left of their own'. The latter note seems particularly unsatisfactory, since it suggests that these people were given no help despite being declared to be bonded. Their later experience can safely be assumed to have been unfortunate. (Copy of affidavit reproduced in Mahaveer Jain, 'The Stone Quarry and Crusher Workers of Faridabad—A Study of Their Condition and the Implementation of the 21 Directives of the Supreme Court', unpublished report commissioned by the Supreme Court under writ petition 2135 of 1982, New Delhi, February 1989, Appendix II.)
 14. No community census has been done for the Faridabad quarries but clearly the untouchables (scheduled castes) far outnumber the tribals (scheduled tribes). Together, these two groupings account for the great majority of quarry workers in Faridabad.
 15. Mahaveer Jain Report, p. 179.
 16. This and the following names of quarry workers and union organisers at Faridabad are fictitious, to save possible embarrassment.
 17. I was taken to the Bhati mines by Inder Mohan, whose help I gratefully acknowledge.
 18. For an argument along these lines, see Nirmal Sengupta, *Destitutes and Development: A Study of the Bauri Community in the Bokaro Region* (New Delhi, 1978).
 19. Jan Breman, *Of Peasants, Migrants and Paupers—Rural Labour Circulation and Capitalist Production in West India*, (Delhi, 1985), pp. 306-13.
 20. *Ibid.*, p. 307.

21. Ibid., p. 311.
22. Ibid.
23. See also Tom Brass, 'Unfree Labour and Capitalist Restructuring in the Agrarian Sector: Peru and India', *The Journal of Peasant Studies*, 14(1) (October, 1986), pp. 50-77. Brass sees 'debt bondage' (even where the debt has been voluntarily assumed by the employee) as 'a modern form of slavery'.
24. Utsa Patnaik, in Utsa Patnaik and Manjari Dingwaney (eds), *Chains of Servitude-Bondage and Slavery in India* (Madras, 1985), p. 25.
25. Two of the best accounts of slavery or agrestic servitude in the old order in the early European period in India are Benedicte Hjejle, 'Slavery and Agricultural Bondage in South India in the 19th Century', *The Scandinavian Economic History Review*, 11(1 and 2) (1967), and Dharma Kumar, *Land and Caste in South India* (Cambridge, 1965).
26. Cf. the view of the study conducted under the auspices of the Gandhian Institute in the late 1970s: Sarma Marla, *Bonded Labour in India* (New Delhi, 1981). This study purports to locate many hundreds of thousands of bonded labourers in India, but it does so on the basis of concepts and research which are questionable at many points. To give just one example, it has a category of labourers who have been bonded for 'less than one year'. In many regions a majority of the identified bonded labourers fall into this category. Now, there may well be strong normative arguments against the system of tying agricultural labourers to particular landowners' households, but it does not make sense to treat short-term (e.g. one year) contracts of agricultural service as if they follow in a straight line from, say, the slavery of the Pulaya caste of Kerala in the nineteenth century. In the State of Haryana (which the Sarma Maria team did not investigate on the ground that it was unlikely to find bonded labourers there) it is still common, though becoming less so, to find one-year labour contracts for field servants. Where these contracts entail a loan component, they would have to be regarded as examples of bonded labour. (Source: fieldwork in Kaithal District, Haryana, April 1985.) The field-servants of the irrigated districts of Haryana are among the best-paid labourers in India: in one case I found a labourer to be receiving Rs 2,400, plus some green fodder for a buffalo and 2 quintals of wheat and padi in both the kharif and rabi seasons. In addition, the landowner had supplied advance money of Rs 5,000 at 'nominal interest' (which amounted to about 18 per cent p.a.) so that the labourer could build his own pukka house. This loan was seen by the landowner as an extra benefit to the employee, who would otherwise have sought to claim a higher wage. Indeed, another labourer of this same owner received Rs 3,000 because he did not have access to the fringe

- benefits of cattle fodder and loan. Of course, the loan in question would render the labourer bonded within the meaning of the Act.
27. At the same time as being committed to a view that there has been a fundamental change of outlook among the subordinates over a period of years (particularly following Indian independence), I would not want to discount the important perspective of James Scott articulated most fully in *Weapons of the Weak—Everyday Forms of Peasant Resistance* (New Haven, 1985). Scott draws a picture of poor-peasant resistance as ubiquitous across region and time, against a view centred on the necessarily rare acts of violent rebellion. The figure of the poor peasant as an essentially accepting figure disappears in Scott's account. It is possible to accept this view without abandoning an idea of historical growth in consciousness of exploitation.
 28. I have used the masculine gender here because the tied relationship is arranged between the landowner and a male labourer. Sometimes the arrangement involves other members of the family but very often it does not.
 29. This changes in those rare instances where there is effective labour organisation. Thus in Kerala union organisation has ensured the payment of high daily rates of pay and the local workers apparently refuse to work in any system which would reduce this rate. One of the consequences of this is that the Kerala labourers are consistently underbid by migrant labour (mainly from Tamil Nadu), where it is feasible for employers to utilise this. The influx of migrant labour contributes to the overall poor availability of employment in Kerala, which means that the income of agricultural labourers is much lower than in many other States.
 30. Interview with Swami Agnivesh (12 March 1985), New Delhi.
 31. This claim was made in an interview with Kartar Singh, one of the major contractors at Faridabad, and his assistant Mr Ojha, Faridabad (10 March 1985). It also appears in various representations of the employers. The period of the lease seems now to have been extended to five years. Mahaveer Jain Report, Appendix VII.
 32. Mahaveer Jain Report, p. 196.
 33. I have been advised by letter in November 1989 that the Faridabad quarries have recently been nationalised. Whether conditions for the workers will now improve is a matter for the future.
 34. Agnivesh is by no means the only reformist politician to learn of the severity of the governmental system in relation to the poor. In an interview on what turned out to be the night before he died, Karpoori Thakur (sometime Chief Minister of Bihar and a leading opposition politician over many years) observed that what shocked him most about the situa-

tion in Bihar was the violence done to the poor by the state itself rather than other citizens. See Oliver Mendelsohn, 'Last Interview with Karpoori Thakur', *Times of India* (18 February 1988.) Substantially the same point was made by a renowned reformer within the Bihar cadre of the Indian Administrative Service, the elite body of bureaucrats. None of these three people is by nature a cynic but each has been genuinely disabused of his belief in the potential of government to intervene effectively in support of the poor.