

BONDED LABOR

TACKLING THE SYSTEM OF SLAVERY
IN SOUTH ASIA

Siddharth Kara



Columbia University Press
New York

Columbia University Press
Publishers Since 1893
New York Chichester, West Sussex
cup.columbia.edu
Copyright © 2012 Siddharth Ashok Kara
All rights reserved

COVER IMAGE: Erik Messori / OnAsia.com

Library of Congress Cataloging-in-Publication Data

Kara, Siddharth.
Bonded labor : tackling the system of slavery in South Asia / Siddharth Kara.
p. cm.
Includes bibliographical references and index.
ISBN 978-0-231-15848-0 (cloth : alk. paper)—ISBN 978-0-231-52801-6 (e-book)
1. Peonage—South Asia. 2. Forced labor—South Asia. 3. Slave labor—South
Asia. I. Title.

HD48475.S567K37 2012
331.11'730954—dc23

2012008188



Columbia University Press books are printed on permanent and durable acid-free paper.
This book is printed on paper with recycled content.
Printed in the United States of America

c 10 9 8 7 6 5 4 3 2 1

References to Internet Web sites (URLs) were accurate at the time of writing. Neither the
author nor Columbia University Press is responsible for URLs that may have expired or
changed since the manuscript was prepared.

For Aditi, my endless all

{1}

Bonded Labor

AN OVERVIEW

The system of bonded labour has been prevalent in various parts of the country since long prior to the attainment of political freedom and it constitutes an ugly and shameful feature of our national life. This system based on exploitation by a few socially and economically powerful persons trading on the misery and suffering of large numbers of men and holding them in bondage is a relic of a feudal hierarchical society which hypocritically proclaims the divinity of men but treats large masses of people belonging to the lower rungs of the social ladder or economically impoverished segments of society as dirt and chattel. This system . . . is not only an affront to basic human dignity but also constitutes a gross and revolting violation of constitutional values.

—CHIEF JUSTICE P. N. BHAGWATI,
BANDHUA MUKTI MORCHA VS. UNION OF INDIA, 1983

A MAN NAMED AJAY

An elderly man named Ajay led me to his thatched hut to have a cup of tea.¹ We sat on mats in the dirt, amid his meager possessions and a small cot on which he slept. Dust, insects, and lizards abounded. I gave Ajay a bottle of water, which he heated in a dented pot over a small firepit dug into the ground. With shaky hands, he produced two small metal mugs. As we waited for the water to boil, Ajay rubbed his fragile legs. His skin was so brittle, I feared it would crack if he pressed any harder.

Depleted after a long day of research, I turned my gaze outside, toward the setting sun. A bright orange light set the heavens afire, and a resplendent golden hue radiated from the vast mustard fields. Sensing twilight was near, swarming blue jays erupted into song, and intrepid mosquitoes emerged to track down fresh blood.

The water warmed slowly, so Ajay added another piece of wood to the fire. It hissed and cracked as it burned to ash. Though his workday was completed, his two sons and grandchildren were still toiling not far away at brick kilns. His beloved wife, Sarika, was no longer with him. Barely able to make it through each day, Ajay's withering body and weathered face cried countless tales of woe. His frayed skin scarcely covered the crumbling bones beneath, and he labored to draw sufficient air into his lungs. He had no money, no assets, nothing of his own, not even the dilapidated roof over his head. The spark of life had long ago been extinguished from Ajay's body when I met him that day in the rural reaches of Bihar, India, after he had suffered almost five decades of exploitation as a bonded laborer. No one I ever met had been a slave longer than he.

The water did not quite come to a boil, but Ajay asked for the tea. I broke open a few tea bags from my backpack and poured the tea into the water. A few minutes later, Ajay poured two cups for us to drink. Interspersed with long pauses and painful recollections, Ajay shared his story:²

I took the loan of Rs. 800 (\$18) for my marriage to Sarika. My father and mother died when I was young, so it was up to me to arrange our wedding. I promised Sarika after we finished our *pheras*³ that I would make her a happy life. I felt so proud. I was only seventeen at that time. What did I know?

Since the time of our wedding, we worked in these fields for the landowner, who loaned me the money. When he died, we worked for his son. From the beginning, we were promised wages each day of a few rupees. I felt my debt would be repaid in two years at most, but the landowner made so many deductions from our wages, and each year we had to take more loans for food or tenancy. Sometimes, the landowner would tell me at the end of the season that I owe him this amount or that amount, but I could never know what the real amount was. He did not allow us to leave this place for other work, even when there was no work here to do. My brothers and I have worked in this area all our lives. My two sons will inherit my debt when I am gone.

When Sarika became very ill three years ago, the landowner refused to give me a loan for medicines. There was no doctor here, and he would not send us to a medical clinic. He said my debts were too high and I was too old to repay this expense. I pleaded with him to save Sarika, but he told me only God can determine her fate. I was desperate, but I did not

know what to do. Sarika did not want our sons to take more debts for her medicine, so she forbade me from telling them when she was ill. How could I deny her wish?

Our lives are filled with so much pain. I did not give Sarika a good life. For many years, I wanted to take my life. I told Sarika I had cursed us, but she said that the suffering in our lives was not so great as others. I told her she should have married a rich man and been happy. Maybe then she would still be alive.

I am old now, and I can no longer work. The landowner has little use for me. My life is almost over. I wait only for the end. No one in this country cares about people like us. We live and die, and no one but ourselves knows we have drawn breath.

WHAT IS BONDED LABOR?

Bonded labor is the most extensive form of slavery in the world today. There were approximately eighteen to 20.5 million bonded laborers in the world at the end of 2011, roughly 84 percent to 88 percent of whom were in South Asia. This means that approximately half of the slaves in the world are bonded laborers in South Asia and that approximately 1.1 percent of the total population of South Asia is ensnared in bonded labor.

Bonded labor is at once the most ancient and most contemporary face of human servitude. While it spans the breadth and depth of all manner of servile labor going back millennia, the products of present-day bonded labor touch almost every aspect of the global economy, including frozen shrimp and fish, tea, coffee, rice, wheat, diamonds, gems, cubic zirconia, glassware, brassware, carpets, limestone, marble, slate, salt, matches, cigarettes, bidis (Indian cigarettes), apparel, fireworks, knives, sporting goods, and many other products. Virtually everyone's life, everywhere in the world, is touched by bonded labor in South Asia. For this reason alone, it is incumbent that we understand, confront, and eliminate this evil.

In its most essential form, bonded labor involves the exploitative interlinking of labor and credit agreements between parties. On one side of the agreement, a party possessing an abundance of assets and capital provides credit to the other party, who, because he lacks almost any assets or capital, pledges his labor to work off the loan. Given the severe power imbalances between the parties, the laborer is often severely exploited. Bonded

labor occurs when the exploitation ascends to the level of slavelike abuse. In these cases, once the capital is borrowed, numerous tactics are used by the lender to extract the slave labor. The borrower is often coerced to work at paltry wage levels to repay the debt. Exorbitant interest rates are charged (from 10 percent to more than 20 percent per month), and money lent for future medicine, clothes, or basic subsistence is added to the debt. In most cases of bonded labor, up to half or more of the day's wage is deducted for debt repayment, and further deductions are often made as penalties for breaking rules or poor work performance. The laborer uses what paltry income remains to buy food and supplies from the lender, at heavily inflated prices. The bonded laborers rarely have enough money to meet their subsistence needs, so they are forced to borrow more money to survive. Any illness or injury spells disaster. Incremental money must be borrowed not only for medicine but also because the injured individuals cannot work, and thus the family is not earning enough income for daily consumption, requiring more loans and deeper indebtedness. Sometimes the debts last a few years, and sometimes the debts are passed on to future generations if the original borrower perishes without having repaid the debt (according to the lender). In my experience, this generational debt bondage is a waning phenomenon, though it does still occur throughout South Asia. More often, the terms of debt bondage agreements last a few years or even just a season. However, because of a severe lack of any reasonable alternative income or credit source, the laborer must return time and again to the lender, which recommences his exploitation in an ongoing cycle of debt bondage. This vicious cycle of bonded labor is represented in figure 1.1.

The term "bonded labor" is typically used interchangeably with "debt bondage," though the former term has been more often used to describe the distinctive mode of debt bondage that has persisted in South Asia across centuries. Beyond South Asia, there have been numerous variations on tied labor-credit economic arrangements spanning centuries of human history, commencing with the early agricultural economies. Aristotle wrote about bonded labor and other forms of slavery in his *Politics*,⁴ and various forms of bonded labor were prevalent in ancient Rome and Egypt. The medieval Western European economy from the ninth to the sixteenth centuries was typified by a manorial arrangement between a landed class of lords that exploited the unpaid agricultural labor of landless serfs. The agricultural system of Mughal India (1526–1707) constitutes an Indian variant of this traditional European feudalism. The economic system of Tokugawa

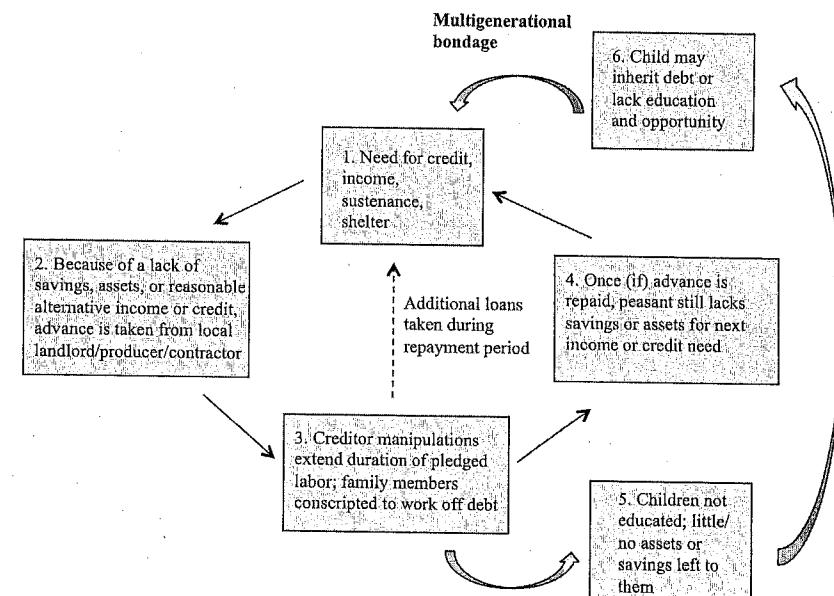


Figure 1.1. Bonded labor vicious cycle.

Japan (1603–1868) provides another example in which a landed class, the shogunate, exploited the bonded labor of landless peasants and untouchables (*burakumin*) within the structure of a highly stratified class society. Finally, the peonage system in the American South after the U.S. Civil War was also typified by exploitative debt bondage arrangements.⁵ These and other forms of debt bondage-based economic relations were almost entirely overturned throughout much of the world by a mix of social revolution and transition to industrialized market economies. No such revolution ever took place in South Asia. As a result, more than four out of five debt bondage slaves in the world today reside in the region. There are still informal systems of debt bondage throughout the world—in particular with the widespread practice of recruiting migrant domestic servants into debt bondage⁶—but only in South Asia can one still find a truly systemic, archaic, feudal system of slave-labor exploitation of one class of individuals by another. This system represents a severe and reprehensible violation of basic human rights. It is a form of slavery that is perpetuated by custom, corruption, greed, and social apathy. It is an oppressive arrangement that

degrades human dignity through the pitiless exploitation of the vulnerable and desperate. The phenomenon is complex and ever evolving, but there are several salient features that are almost always shared by bonded laborers in South Asia.

KEY FEATURES SHARED BY BONDED LABORERS

Perhaps the most important feature shared by bonded laborers in South Asia is extreme poverty. Each and every bonded laborer I met lived in abject poverty without a reliable means of securing sufficient subsistence income. Almost 1.2 billion people in South Asia live on incomes of less than \$2 per day, approximately nine hundred million of whom are in India alone (see appendix F). Adjusting the \$2 metric for inflation (especially food inflation) from its inception in 2000 results in a number that exceeds \$3 at the end of 2011, which would capture an even greater share of India's population as living in poverty, despite the country's stellar economic growth across the last two decades. Today, there are more billionaires in India than in the United Kingdom, but the number of people living on less than \$2 per day in India is more than fifteen times the entire population of the United Kingdom. This staggering chasm in income distribution utterly debases social relationships. This debasement, in turn, allows one set of privileged people to self-justifiably exploit (or ignore the exploitation of) the masses of "inferior" classes. Both sets tend to accept this formula, the rich with entitlement and the poor with fatalism. This self-entitlement may also explain the embarrassing lack of charity among rich and middle-class Indians. Individuals and corporations in India are responsible for only 10 percent of the nation's charitable giving, whereas in the United States the number is 75 percent and in the United Kingdom 34 percent.⁷ Unethical and unsustainable income asymmetries and acute and grinding poverty across South Asia are unquestionably among the most powerful forces promoting numerous forms of suffering and exploitation, including bonded labor.

The second feature shared by almost all bonded laborers in South Asia is that they belong to a minority ethnic group or caste. The issue of caste will be discussed in more detail later in this chapter; but, in summary, it is crucial to understand that there remains a stratum of human beings in South Asia who are deemed exploitable and expendable by society at large. Be they *dalits* or *tharu*, *adivasi* or *janjati*, minority ethnicities and castes

in South Asia are the victims of a social system that at best exiles them and at worst disdains them.

Almost all bonded laborers lack access to formal credit markets. This is primarily because, other than their labor, they typically have no collateral to offer against a loan.⁸ Coupled with an inability to earn sufficient income to save money, this lack of access drives poor peasants to informal creditors, such as exploitative local moneylenders, landowners, shopkeepers, and work contractors (*jamadars*), who capitalize on their desperation to ensnare them in bonded slavery.

Other common features shared by bonded laborers include a lack of education and literacy, which renders them easier to exploit, especially when it comes to keeping track of their debits and credits. Landlessness is another near-universal feature shared by bonded laborers. Without land, individuals have no security or means to cultivate basic food for consumption. As a result, they often mortgage their labor simply to secure shelter and food, and the threat of eviction is often used to ensnare them in severely exploitative labor conditions. Bonded laborers are almost always socially isolated, and they tend to be located a great distance from markets, which renders them reliant on lender-slaveowners to monetize the output of their labor (agricultural products, bricks, carpets, etc.), and these lenders do so inequitably in order to extend the bondage.

Finally, the most important quality aside from poverty and minority ethnicity shared by each and every bonded laborer I met is a *lack of any reasonable alternative*. The power of this force should not be underestimated, as it is the absence of alternative sources of income, credit, shelter, food, water, and basic security that drives each and every bonded laborer I met to enter into a debt bondage agreement with an exploiter.⁹ The lack of reasonable alternative also provides immense bargaining power to the lender; he can all but dictate the terms of credit, wages, and employment and manipulate the contracts at will, because the destitute laborer has no other option that would empower him to bargain for better terms or walk away. I believe this essential duress negates any argument that the bonded laborer is entering into the agreement voluntarily, which some have suggested as a reason that bonded labor is not a form of slavery. On the contrary, it is a well-established tenet of contract law that duress to person (physical threats), duress to goods (the threat to seize or damage the contracting party's property or, in the case of a bonded laborer, to evict him), and economic duress (forces of economic compulsion without a reasonable

alternative to the original agreement or renegotiations) render the agreement voidable.¹⁰ Consent is vitiated in the presence of any of these forms of duress, and in almost all cases of bonded labor that I have documented, one if not all of these forms of duress was present at the time of the supposed agreement. Accordingly, few if any of these agreements can be construed as voluntarily entered.

There are other qualities shared by many of the bonded laborers I have documented—such as an inability to diversify household occupations (which would help attenuate the lack of income when one sector is depressed or out of season), a propensity to migrate for income opportunity (migrants are inherently more isolated and vulnerable to exploitation),¹¹ a sense of fatalism that bondage is the only life available to them, and the tendency of male heads of household to abuse alcohol or abuse their family members.

Tables 1.1 and 1.2 provide a summary of some of the overall statistics from the bonded laborer cases I have documented across South Asia. Average initial debts range from \$151 in Pakistan to \$169 in Bangladesh, with a regional weighted average of \$161. The average debt outstanding for the laborers at the time of my interviews ranged from \$254 in Nepal to \$282 in India, with a regional weighted average of \$276. The initial debts in Bangladesh skewed slightly higher because of the disproportionate level of bonded laborers in aquaculture (shrimp and fish farming), who must take out very high loans to lease land on which they farm. The increase in overall debt outstanding at the time of my interviews versus the size of the original loan taken is caused by additional loans that were taken across time—as well as the accrual of interest expense. Nepal and Bangladesh had slightly lower durations of bondage at 5.5 and 5.7 years, respectively, while India and Pakistan were higher at 6.5 and 6.8 years, respectively. The average annual interest rates on loans were enormous, ranging from 51 percent in Bangladesh to 62 percent in India. Though it was difficult to confirm, my sense was that the lower level of interest in Bangladesh was partially a function of the proportionally higher availability of microcredit, whose interest rates tend to hover around 15 percent to 20 percent per year. In many cases, the annual interest rates on bonded labor loans exceeded 100 percent. By my calculation, the total aggregate debt of all bonded laborers in South Asia at the end of 2011 was \$4.5 billion dollars.¹² Of course, the solution to bonded labor is not as simple as coming up with \$4.5 billion and freeing every bonded laborer in South Asia. First, it is morally questionable

TABLE 1.1
Bonded Labor Cases Documented by Industry

Bricks	110
Agriculture	94
Construction	67
Carpets	57
Stonebreaking	55
Bidis	32
Shrimp	29
Domestic	18
Tea	18
Other	24
Total	504

The number of cases by sector that I have captured is not rigidly proportional to the incidence of bonded labor occurring in those industries in relation to the others, particularly for agriculture. Even though agriculture has by far the highest gross number of bonded laborers of any industry in South Asia, it has a comparatively low incidence of bonded labor, because there are at least 440 million laborers in agriculture in South Asia. There will be some bias in the data by virtue of the industry weightings of the cases I managed to document, but I do not believe that a strictly proportional data set would result in materially different metrics from the data I present in this book.

to respond to slavery of any kind by freeing slaves through the payment of supposed debts. Second, all bonded debts are specifically illegal in India, Pakistan, and Nepal. (Bangladesh, Afghanistan, and Sri Lanka do not have specific laws abolishing bonded labor.) Third, much more than \$4.5 billion would be necessary for the long-term training, education, asset acquisition, basic consumption, microcredit expansion, and other assistance (along with a host of systemic and social changes) that would be required to allow individuals to achieve a self-sustaining existence in which they are no longer vulnerable to exploitation. Having said this, the \$4.5 billion number provides a general sense of the overall credit needs of South Asia's bonded laborers. A significant multiple of this number would represent the overall credit needs that remain unmet by formal credit markets for the poor across South Asia.

TABLE 1.2
Summary Statistics on Bonded Labor Cases Documented

	No. of Bonded Laborers Documented	Average Initial Debt (\$) ¹	Average Outstanding Debt (\$) ²	Average Aggregate Duration of Bondage (yrs.)	Average Duration of Each Loan (yrs.)	Average No. of Loans Taken During Bondage	Average Interest Rate on Loans (%)
India	327	162	282	6.5	2.5	2.6	62
Nepal	76	153	254	5.5	1.4	4.0	56
Bangladesh	71	169	277	5.7	1.6	3.5	51
Pakistan	30	151	266	6.8	2.4	2.8	60
Total/Avg.	504	161	276	6.3	2.2	2.9	59

Dollar values in 2011 U.S. dollars.

These data represent averages of all the cases I documented across all industries. Even though there are wide ranges in the sizes of advances and interest rates from one case to another, in general there is remarkable similarity across industries and across countries in terms of the average size of advances, average interest rates, and average aggregate durations of bondage, which indicate at some level that there are efficient market forces at play within the bonded labor industry. Also, the number of cases I documented in each country is not strictly proportional to the overall incidence of bonded labor in each country relative to the others; however, I do not believe that extrapolating for data based on the proportional incidence of bonded labor in each country would yield materially different results.

¹ 2011 U.S. dollar valuation based on country-specific CPI adjustment from the date initial loan was taken.

² For those laborers still in bondage, calculated at the time of interview; includes 2011 U.S. dollar valuation on aggregate loans taken as well as aggregate interest accrued based on country-specific CPI adjustment. In many cases, these values had to be calculated based on data gathered from the laborers, as they did not have a sufficiently precise sense of debt outstanding.

KEY FEATURES OF BONDED LABOR AGREEMENTS

The specific mode of entry into bondage and the nature and function of bonded labor agreements vary by industry and region, though there are several common features to most agreements. For example, bonded laborers in construction will typically be recruited by *jamadars* who solicit them with advances in exchange for work at the construction site. Once on the site, the debt bondage begins, typically in the form of subhuman work conditions and severely underpaid wages. In the western Terai of Nepal, *kamaiya* bonded laborers enter into one-year debt bondage contracts each season during Maghi (early January), in which they are offered advances that can include a plot of land, paddy,¹³ cash, meals, and clothes, in exchange for one full season of agricultural labor, which may on rare occasions include

TABLE 1.3
Reasons for Taking a Loan

Reason	Percentage
Consumption	24
Income-generating activity	17
Repay previous loan	15
Wedding	12
Medicine or illness	12
Funeral	8
Repairs	6
Home upgrade	4
Other	2
Total	100

As with table 1.2, the data in this table represent an aggregate of all cases I documented across all industries and countries. The proportions of the reasons for taking a loan will vary from one industry or region to the next, but the aggregate data give a sense of the overall credit needs of the bonded laborers I documented across South Asia.

a small share of the output. The *kamaiya* almost always end the season in debt, which is carried over to the next season when they enter a new contract. In Bangladesh, many shrimp farmers take loans to lease land, but their yields are almost always below the prevailing lease rate—not to mention that they need additional advances for food or medicine, so they also enter into perpetual states of indebtedness from one year to the next. Seasonal brick workers in all four major South Asian countries similarly take advances of various kinds, including cash, food, and shelter, which they attempt to work off for seven to eight months during the brickmaking season. Manipulation of debts, underpaid wages, and exorbitant interest rates, among other tactics, exacerbate debt levels for these individuals at the end of the season, and the debt is carried over, year after year.

Since loans are the fundamental vehicle of entry into the condition of bonded labor, it is important to understand the spectrum of reasons for which the loans are taken. Table 1.3 shows the primary reasons that loans were taken among the bonded labor cases I documented. Once a peasant takes a loan, he must always pledge to repay the advance with the only asset he has—his labor. Typically, the labor of family members is added to

the bargain (including children), in order to meet exorbitant production requirements by the lender (a certain number of bricks per month, a certain number of kilograms of rice per season, etc.). The agreements are rarely written or put down in print, and when they are, the illiterate bonded laborer signs the agreement with a thumbprint, relying solely on the lender to describe the terms of the agreement. There are always high exit costs to the bonded laborer for breaking the agreement. Landless bonded laborers can be evicted, physically beaten or tortured, or denied future credit, and, in some cases, family members may be forcibly sold to human traffickers to repay the outstanding debts. Fellow bonded laborers may even apply pressure to finish repaying debts as a matter of custom or duty. Exploitative terms are almost always introduced into the agreement after it is formalized. Deductions of wages for debt repayment may exceed what was promised, along with deductions from wages for breaking rules or working poorly (according to the lender). Movement is restricted on threat of punishment, and no other employment or sources of credit are allowed. There is almost always highly asymmetric information between the lender and the laborer. The laborer rarely has access to any sort of balance of accounts or statement of his debits and credits. Even if he does, there is little he can do about any discrepancies. Where a share in the output of the labor (usually agriculture) may be the primary form of compensation, only the lender knows the final prices of the products sold at the market, and what is reported back to the bonded laborer is invariably much lower than reality.

In sum, bonded labor agreements are typified by numerous features that deeply disfavor the laborer and extend the term of his indebtedness and servitude. Ongoing labor pledged toward repayment of a fictitious debt becomes nothing less than slave labor.

THE ECONOMICS OF BONDED LABOR

From an economic standpoint, bonded labor agreements are highly inefficient for all parties involved, including society at large—except the exploiter. Total output in most any industry in which bonded labor takes place is by necessity less than it would be if free and fair market forces were allowed to prevail.¹⁴ This is largely because in a freer market environment, producers must compete for workers through the payment of competitive wages and benefits, and workers are in turn incentivized to perform well

(which increases overall productivity) in order to pursue better and more productive opportunities for themselves and society. The only party in the more competitive environment that suffers is the producer-exploiter, who enjoys less profitability, given the increased labor and recruitment costs that result from the absence of a tied and low-wage labor force that is readily available during peak production times. The compensation provided to the worker at the outset must only exceed the laborer's alternative less an insurance premium. The "insurance premium" means having the fixed wage in the form of an upfront loan, as opposed to a day wage for the same job, whose rate on a daily basis is usually higher than the amortized daily value of the loan but is not guaranteed from one day to the next. This is the insurance the bonded laborer receives, and because destitute peasants are highly risk averse and often exist at the brink of starvation, they place a high value on this premium. When the peasant's reasonable alternative is nothing or next to nothing, he values the perceived fixed wage and insurance as even greater, which empowers the producer-exploiter to offer the lowest possible terms, in order to entice the peasant into the bonded agreement. At that point, the insurance often transforms from a fixed wage for a period of time into outright enslavement. The more destitute the peasant, the more severe his absence of any alternative opportunity, and the more he values any level of fixed income in the form of a loan, the lower that loan has to be in order to secure a bonded agreement. In some cases, loans as small as \$20 or \$30 have resulted in years of bonded labor.

The producer-exploiter can, and almost always does, leverage his position in society to ensure that the peasant's alternatives remain almost nonexistent.¹⁵ With the help of an apathetic society and an ineffective, if not corrupt, system of law enforcement and justice, the landowner easily keeps the peasant's alternatives close to nil. Closing off access to other sources of income, credit, assets, unionization, or opportunities of any kind negates bargaining power for the laborer, which renders him readily available, pliant, and desperate to accept even the most exploitative of agreements. Reinforcing the lack of alternatives with a stratified caste (or gender) system that dictates a pathetic horizon of opportunity for the lowest stratum of society further consigns an entire subclass of individuals to slavelike exploitation. The system clearly benefits those who control land, local government, assets, and means of production in the rural and informal sectors, but the economy at large and each individual laborer suffer considerably. Fair opportunity to access reasonable wages, land, and credit

would not only increase overall incomes (because the lender must always exceed the laborer's alternate income, less the insurance premium, or credit, less the interest rate), but it also would incentivize production by providing the laborer with a stake in the output. In other words, if the laborer is working for himself rather than for the exploitative producer-lender, he will typically be motivated to work harder. Multiplied across millions of bonded laborers in numerous industries, overall output (and perhaps quality) would be significantly increased, boosting both the economy at large and the human-development potential of each and every laborer in the system. Only the producer-exploiter suffers in a scenario of fair and competitive labor agreements that are reinforced by the rule of law and more equitable bargaining power. It is an unfathomable mystery of modern times that South Asia's bonded labor exploiters have managed to repress the lives of millions of peasants across the region, as well as their overall economies at large, for so many decades, solely for the sake of maintaining their interests in maximizing profits through this ignoble and unlawful practice. Furthermore, when one sector of society is allowed to flaunt justice and basic human rights, the entire society suffers from a general disregard for the rule of law. This human debasement seeps into and permeates the consciousness and conscience of a society, rendering it more difficult to overcome the degrading systems that promote bondage and slavery. The Supreme Court of Pakistan put it best in the Court's first bonded labor case, *Darshan Mashih vs. State*: "This total degradation of this section of society is bound to affect the entire social fabric of our society if allowed to continue. The open violation of the Fundamental Rights of the supreme law of the land will give way to a 'non-respect' to laws of the country."¹⁶

THE BUSINESS OF BONDED LABOR

From its ancient beginnings in feudal agricultural economies, bonded labor has expanded to dozens of industries in the era of the global economy.¹⁷ Transnational competition to provide the lowest-cost production environments to both domestic and international businesses has resulted in the growth of informal, underregulated labor markets in developing nations—be it sweatshops or outright slavery. For almost any legitimate business in the world, labor is typically the largest component of that business'

operating expenses. Thus throughout history, producers have tried to find ways to minimize labor costs. Slavery is the extreme outcome of this impetus. Slaves afford a virtually nil cost of labor, which in turn reduces total operating costs substantially, allowing the slaveowner to maximize profit. Drastically reduced labor costs also allow producers to become more competitive, by lowering retail prices. The retail price of any product or service is largely based on the costs of producing, distributing, and marketing that product or service, along with the available supply of the product or alternatives and whatever brand premium the market will bear. If a major component of cost is stripped out of the production model, then producers can finely balance their desire to maximize profit and lower retail price. Because consumers in general almost always prefer the lower-priced version of the same product or service (if all other variables, such as quality, are the same), producers often compete with one another by minimizing price, and one of the most effective ways to do so while retaining profitability is to exploit labor. Bonded, forced, and child labor are three of the many faces of this phenomenon.

While agriculture, brickmaking, and construction are the industries that tend to exploit the highest number of bonded laborers across South Asia, I have also documented bonded labor exploitation in numerous other sectors, including carpet weaving, domestic work, stonebreaking, fish and shrimp farming/catching/processing, tea harvesting/processing, bidi rolling, leather processing, silk production, sari embroidery, glass bangle making, mineral mining, precious stone and gem cutting, and commercial sex. Other industries that often exploit bonded laborers that I did not personally document include pottery, coffee harvesting/processing, rubber production, rice mills, match manufacture, and fireworks production.

In appendix B, I provide sample profit-and-loss tables for some of the key bonded labor industries in South Asia. In appendix C, I provide supply chain charts for select industries, in which I have reliably traced goods tainted by bonded, forced, or child labor in South Asia to consumers in the United States and European Union. This profit and supply chain data is vital for identifying the most strategic points of intervention in the highly variegated sectors in which bonded laborers are exploited (discussed in more detail in chapter 8). The brickmaking sector is easily the most cash-profitable bonded labor industry in South Asia, with average annual net profits per bonded laborer of approximately \$1,990 U.S. dollars (see table B.3 in appendix B). At the other end of the spectrum, agricultural bondage

such as the *kamaiya* and *hari* (tables B.1 and B.2) generate average annual cash profits per bonded laborer closer to \$300 and \$380 respectively. Construction and glass bangle production are closer to the middle range of all bonded labor sectors, at approximately \$1,000 and \$900 in average annual net profits per bonded laborer, respectively (tables B.6 and B.10). The net profit margins for most bonded labor industries hover between 45 and 55 percent, with shrimp farming in Bangladesh being by far the most profitable, at almost 68 percent. Overall, I calculate that approximately \$15.0 billion in net profits was generated in South Asia during 2011 through the exploitation of bonded laborers (\$17.6 billion worldwide). On the one hand, this is a comparatively small sum that represents less than 1 percent of the combined GDP of South Asia in 2011. On the other hand, it is a considerable number for the producer-exploiters, a number that clearly motivates their ongoing demand to maintain this ancient system for their economic benefit.

A HISTORY OF SLAVERY AND BONDAGE IN SOUTH ASIA

Though bonded labor continues to evolve into the modern era, the contemporary manifestation of the phenomenon in South Asia is shaped by an ancient history of slavery dating back to Vedic times, up to and including the British colonial period. When discussing “ancient India,” this includes the territories that would become present-day Pakistan and Bangladesh after 1947 and 1971, respectively. Until that time, “India” refers to all three countries. Understanding the history of slavery in ancient India is vital for formulating more effective efforts in tackling all forms of bondage and servitude in the region.

Slavery in Ancient India

The concept of slavery in ancient India begins with the word *dasa*. This word appears often in Sanskrit, Prakrit, and Pali texts and is generally translated as meaning “slave.” However, it is a complex term that covers a range of subservient conditions, classes of individuals, and even certain tribes in ancient India. Aryan invaders identified the people they conquered and

forced into servile labor in the Indian subcontinent as *dasas*.¹⁸ Throughout ancient texts, different categories of *dasas* are described as being held in complete servitude or other forms of limited or conditional bondage. Certain categories of *dasas* could own property; others were listed as a master’s assets alongside animals.¹⁹ Unlike the ancient Western civilizations of Greece and Rome, there were no stark opposites of free and enslaved peoples in ancient India but rather a continuum of various degrees of subservience based on numerous qualities, including class, gender, tribe, economic condition, and caste. From these complex beginnings, a spectrum of servitude continues to the present day and evades more simplistic Western concepts or legal definitions of slavery and forced labor. This complexity necessitates a deeper understanding of the evolution of servile labor in South Asia and its treatment in the modern context.

While signs of slavery have been documented in South Asia as far back as the Harappan period (2600–1900 B.C.E.) at Mohenjo-Daro in present-day Pakistan,²⁰ it was not until the significant expansion of the agricultural economy in South Asia during post-Vedic times (after 500 B.C.E.) that a wide-scale class of servile laborers developed across the region. As agriculture expanded, land became an increasingly valuable asset whose ownership was concentrated in the hands of the upper-class *gahapati* (“householder”) stratum of society. This wealthy landowning class utilized the labor of landless *dasas* and *karmakaras* (laborers) to work their land. The *gahapati* had complete control over the *dasas* and *karmakaras* and could treat them however they pleased. Pali texts from the fourth and fifth centuries B.C.E. describe the extreme poverty and destitution of the *dasas* and *karmakaras*, who lacked assets, land, and capital and were forced to sell their freedom (*dasas*) or low-wage labor (*karmakaras*) in order to survive.²¹

During the Mauryan period of the second and third centuries B.C.E., the *Arthashastra* (“The Science of Material Gain” or “The Science of Political Economy”) as set down by the Hindu scholar Kautilya codified comprehensive regulations on labor and slavery for the first time. Kautilya defined nine categories of *dasas*, including the first definition of the concept of debt bondage (*ahitaka*) as an individual who becomes a slave upon acceptance of money from a master. The *Arthashastra* also refers to the *dasas-karmakaras* as *visti*, or “those who provide free labor.”²²

The next and perhaps most important development in the evolution of slavery and bondage in ancient India occurred during the post-Mauryan

period, with the Brahmanical scholars Yajnavalkya, Narada, and Katayayana. These scholars established caste as an increasingly forceful determinant of destiny among ancient Indian people, a force that continues today to shape the fates of tens of millions of low-caste South Asians. As part of their efforts, these scholars also expanded the number of *dasa* categories. Narada provides the most comprehensive classification, one involving fifteen different categories of slavery:

1. *grihajata*: One born at his master's house of a female slave
2. *kreeta*: One purchased by the payment of a price
3. *lubdha*: One received as a gift
4. *dayadopaguta*: One obtained by inheritance
5. *ankulabritta*: One whose life was saved during famine in exchange for enslavement
6. *ahita*: One pledged to be a slave upon acceptance of money by a master
7. *rinadasa*: One who becomes a slave upon release from a heavy debt
8. *joodhprapta*: One acquired as a slave during war
9. *punajita*: One won during a wager (i.e., "If I lose this bet, I will be your slave")
10. *oopagata*: One who voluntarily offers himself as a slave
11. *prubrujeabusita*: One who has faltered from the vow of asceticism
12. *kritakala*: One enslaved for a stipulated period of time
13. *bhuktadasa*: One who becomes a slave in order to receive basic maintenance
14. *burrubabhritta*: One who marries a female who is a slave
15. *atmavikrayee*: One who sells himself as a slave.²³

Categories 5, 6, 7, and 13 contain those that would later be called bonded laborers.

The Role of Caste in Ancient India

One of India's most revered crusaders against bonded labor, Swami Agnivesh, told me in the New Delhi headquarters of his organization Bandhua Mukti Morcha (Bonded Labour Liberation Front) that "India's abominable

"caste system" was the distinctive force that promoted the "parallel social and economic exploitation" of tens of millions of people in the country. The former lawyer and government minister who founded BMM more than thirty-five years ago explained that India's caste system was "abominable" because it consigned individuals to an inescapable fate, which may be fine if you happened to be born at the top of the hierarchy, but it proved a bleak sentence if you happened to be born at the bottom. Estimates vary, but most studies calculate that 95 to 98 percent of all bonded laborers across South Asia belong to subordinated castes and ethnic groups. My own data indicates the number is 97 percent. Along with poverty, caste is the single most powerful force that continues to promote the exploitation of bonded laborers in South Asia.²⁴

Each South Asian country has its own distinctive system of caste and social stratification, but these systems are largely based on the caste system that evolved in ancient India during the post-Mauryan period. Set down at some point between 200 B.C.E. and 200 C.E., the *Manusmrti*, or *Laws of Manu*, represent the laws of all social classes as ostensibly established by the Hindu god, Brahma, which he taught to his son, Manu, the father of mankind. Consisting of 2,694 verses, the text outlines legal rules to govern society. These rules include strict social stratifications based on four Varnas, or "types," which are said to be created from different parts of Brahma's body.²⁵ In descending order of prominence, the Varnas were: Brahmin (teacher, scholar, priest), created from Brahma's mouth; Kshatriya (royalty, warrior), created from Brahma's arms; Vaishya (trader, landowner), created from Brahma's stomach; and Shudra (craftsman, agriculture, service provider), created from Brahma's thighs. Shudras were created to serve the other three groups, and slavery was deemed innate to them.²⁶ Even if freed by their masters, they were still slaves, because this was their nature.²⁷ There was absolutely no mobility between castes, so if an individual was born to the servile caste, this was his destiny, and he should perform it dutifully in the hopes of being reborn to a higher caste in his next life.

Within this basic four-part system there are literally thousands of subdivisions, known as *jati*, or subcastes. These subdivisions are based on professional specializations, geography, and other factors. Beneath all castes and subcastes, subsisting even beneath the Shudras at the lowest level of all, are the "untouchables," deemed so because they were relegated to tasks

considered impure, such as clearing sewage, leather processing, and handling carcasses. Later called *dalits* and then Scheduled Castes,²⁸ there are at least three hundred million such individuals across South Asia. Along with the indigenous tribal people referred to as Scheduled Tribes,²⁹ these are by far the most severely impoverished, disenfranchised, and frequently exploited individuals in the region.

While the strict caste system that solidified in the post-Mauryan period may no longer be quite as forceful to day-to-day South Asian social life as it once was, legacies persist, particularly in rural areas. These legacies promote the exploitation of lower castes and *dalits* by upper castes, and they continue to limit access to reasonable income, opportunity, security, health, and justice for lower-caste groups. Across the centuries, the caste system has been increasingly internalized by South Asian society, resulting in its self-perpetuation, even among those who are most exploited. In speaking with numerous *dalit* bonded laborers, many told me that bondage and servility were their divinely ordained fates, which they must perform dutifully if they hoped to accrue a positive karmic balance that may elevate them upward in the next life. The sedimented and centuries-old fatalism inherent to the caste system of ancient India is a deplorable anachronism in modern times. In discussing India's caste system, the great anthropologist Claude Lévi-Strauss once wrote:

It is tragic for mankind that this great experiment failed; I mean that, in the course of history, the various castes did not succeed in reaching a state in which they could remain equal because they were different. Men can coexist on condition that they recognize each other as being all equally, though differently, human, but they can also coexist by denying each other a comparable degree of humanity, and thus establishing a system of subordination. India's great failure can teach us a lesson.³⁰

The inability to achieve comparable humanity for all people in South Asia is perhaps the region's greatest failure. In a time of rationality and the pursuit of basic human rights for all, the persistence of severe caste-based (and gender-based) asymmetries can only be construed as indicating that the preponderance of those in power in South Asia—if not the preponderance of South Asian society at large—deem these people to be less than human. So long as this is the case, the disgraceful exploitation of subcastes by upper castes will continue.

Bondage and Slavery in Medieval India

Across the next several centuries spanning ancient to medieval India, the Brahmanical tradition that took hold during the post-Mauryan period continued to evolve in ways that promoted caste-based slavery and bondage. In the tenth century, a new form of interest, called *kayika*, was levied against bonded laborers. This interest was paid by manual labor, and the labor could not be applied toward the principal. If the labor was insufficient to repay the accrued interest, another form of interest, *chakravrid-dhi*, or compound interest, was applied.³¹ The specific interest rate to be applied to a loan was determined by Brahmanical scholars based on the caste of the borrower. The lower the caste, the higher the interest rate. These and other tools helped create an expanding and permanent class of lower-caste, bonded laborers across India.

Beginning with the Turkish conquest of northern India in 1206, Islam was introduced to the region, but its comparatively egalitarian ideals (toward fellow Muslims) and more humanitarian approach to slavery did little to stem the ongoing expansion of slavery and bondage in India. On the contrary, domestic slavery, debt bondage, slave trading, and urban slave markets all expanded during this time. Turkish and later Mughal rulers centralized power in urban centers, developed efficient tax-collecting mechanisms, and increased the use of money in the economy. These and other developments promoted new urban slave markets, which were populated by trafficked, low-caste Indians as well as by Africans and other conquered peoples. New revenue policies under Mughal rulers specifically promoted the enslavement of peasants, whereby the inability to pay taxes could be punished by enslavement to the state. Entire peasant families were transported to urban slave markets and sold to secure the desired tax revenues. Droughts and famines throughout the sixteenth and seventeenth centuries were followed by massive increases in rural peasants being sold in urban slave markets. Slave labor was also used to construct Muslim monuments during this period, such as the Qutb Minar in New Delhi and the Taj Mahal in Agra.³²

Even though Muslim laws on slavery tended to be more liberal than the Hindu laws set down by the Brahmanical scholars (these differences are detailed in chapter 7), domestic slavery, slave markets, and the large-scale bondage of low-caste rural peasants expanded significantly during medieval India, right up to the arrival of European colonizers.

The Role of Colonialism in Expanding Debt Bondage in India

The Portuguese established the first European settlement in India at Calicut (southwestern India) in 1498. Numerous French, Dutch, and British settlements followed across the next century. The British East India Company (EIC) first took hold in India at Surat in 1612 and operated a trading monopoly for the British Empire until 1813 from the port cities of Bombay, Madras, and Calcutta, focused on exports of textiles, raw silk, and spices. The EIC had early aspirations of controlling the subcontinent, but Mughal rulers were too powerful for it to challenge until after the death of Aurangzeb in 1707. A series of internal wars and a major Persian invasion in 1739 weakened the Mughals to the point that the EIC was able to consolidate power across India. After its military victory in 1757 at the Battle of Plassey, the EIC controlled Bengal. It took control of Madras and Bombay provinces in 1803, and by that time it had also driven French and Dutch interests from India. The EIC controlled the subcontinent until the British government dissolved it in 1857, in favor of direct rule—the British Raj—which lasted until India gained its independence in 1947.

Despite Britain's global abolitionist leadership during the eighteenth and nineteenth centuries, the economic and legal policies of the British Raj very directly expanded slavery throughout India, in particular bonded labor. Bonded labor was utilized as a mode of slave labor exploitation deemed—thanks to contracts and advances of credit—to be something different from the chattel slavery that was abolished throughout much of the British Empire by the Slavery Abolition Act, 1833, and, similarly, the trading in such slaves that was abolished by the Slave Trade Abolition Act, 1807. One vital aspect of the 1833 act that is often overlooked is that the territories of the EIC were specifically excluded, which allowed slavery to persist legally in India for many years after 1833. When pressures finally arose to abolish slavery in India as well, bonded labor soon became a means of achieving the continuation of slavelike exploitation.³³

One must be clear, however, that the European colonizers did not introduce slavery to India. On the contrary, traditional caste-based slavery was firmly entrenched by the time the Europeans arrived, which by then mostly consisted of untouchables who provided a large and systemically perpetuated slave labor force. Even some Shudras owned untouchable slaves. These slaves were sold and bartered like livestock, and there was virtually no avenue for freedom or any alternative once an untouchable became a slave.

However, two specific expansions in slave levels in India can be directly attributed to British colonial rule: the expansion in urban slave markets and slave trading of Indians throughout the British Empire and the expansion and solidification of debt bondage as the primary means of securing slave labor across India and the British Empire.

The Expansion of Urban Slave Markets

The expansion of urban slave markets in India dates back as early as the 1600s straight through to the nineteenth century. During this time, British as well as Portuguese and Dutch colonizers vastly expanded existing slave-trading markets in port cities including Bombay, Calcutta, Goa, and Madras. For the British after the 1833 act, Indians became a primary replacement for lost African slaves. From the 1830s straight until the 1920s, much of the British Empire filled with millions of trafficked and indentured Indian slaves, including its colonies in Mauritius, Burma, Malaysia, Fiji, the Caribbean, British Guiana, East Africa, South Africa (after the Boer War), and of course throughout the Indian subcontinent. A vast human-trafficking network was established by the British from Indian port cities, a network more complex than the North Atlantic slave trade. To meet the needs of this network, Indian slave markets were expanded, and a multilevel system of licensed recruiting agents was formed, which reported to the British commercial entities that operated the slave markets to fill orders for specific types of Indian slaves required by specific colonies. For example, tens of thousands of Indian females were trafficked across five decades to Surinam beginning in the 1870s, specifically for domestic servitude.³⁴ At the bottom of the recruitment ladder was an unlicensed agent, called the *arkatia* (precursor to the modern-day *jamadar*), who used his knowledge of local villages, shantytowns, temples, bazaars, and railway stations to recruit the most vulnerable and desperate individuals. Recruitment in general was a sham, relying on outright deception and bait-and-switch tactics, with promises of shorter terms of work, comfortable living conditions, and higher wages than were provided. Deeply indebted individuals were specifically provided offers to purchase their freedom in exchange for favorable work conditions in a British colony. Transportation by ship was as deadly as the slave trade journey across the Atlantic, and exploitation in the destination colonies was brutal, violent, and designed to extend the servitude of the bonded laborer through spotty wage payments, arbitrary

wage cuts, and severe penalties for breaking rules (for example, £10 or one month's imprisonment in British Guiana for one day's absence from work). These and other tactics conspired to ensnare the trafficked slave in debt bondage for years, often until the slave perished.³⁵

Simultaneously and continuing well after the 1807 act outlawing the slave trade from Africa, Africans (called *coffreens* in India) were traded by the British into India from Africa and Arabia, where they were auctioned at the burgeoning Indian slave markets, usually for agricultural labor or domestic servitude. One article in the *Calcutta Journal* in 1823 noted the two-way slave trading of Africans to Calcutta and Indians back to the other way:

This great capital is in short at once the depot of the commerce and riches of the East and the mart in which the manacled African is sold like the beast of field to the highest bidder. . . . It is known too that these ships are in the habit of carrying away the natives of the country, principally females, and disposing of them in Arabia in barter for African slaves for the Calcutta market.³⁶

Economic and Legal Policies That Expanded Debt Bondage

The second expansion in slavery that can be attributed to British colonial rule relates to specific economic and legal policies that broadened caste-based debt bondage as a means of securing slave labor. First, the general commercialization and expansion of agriculture and textiles by the British strongly reinforced debt bondage in India. These expanding industries required a large and captive labor force, and this was increasingly secured through debt bondage of various forms. In Orissa, untouchable castes such as *mehtars*, *doms*, and *dhabis* were routinely ensnared in agricultural debt bondage, bartered, mortgaged, and rented out by their owners. In Bihar, untouchables such as *ghatwadrs* and *santals* were caught in debt bondage through loans for subsistence or life ceremonies. In Gujarat, *halis* were conscripted into generations of agricultural debt bondage in order to meet basic consumption needs. Across India, impure and untouchable castes that lived on the brink of starvation were provided the most meager of advances in exchange for contractual agreements to pledge their labor and the labor of succeeding generations until the debts were repaid.³⁷ In that way, two forces combined to expand bonded labor under the British: the

need for a large, captive labor force to support expanding British industrialization and the entrenched cultural subordination of untouchables. In essence, while the British accelerated industrial production throughout India, they did not alter the mode of debt bondage-based labor, which resulted in a massive increase in the levels of bonded labor. Further, as pressures from abolitionists back in England increased during the mid- and late 1800s to abolish slavery in India, slaveowners responded by substituting deeds for sales of human beings with contracts of pledged labor to repay debts. Legislation passed by the British reinforced this process, in particular the Workman's Breach of Contract Act, 1859, which made any breach-of-contract terms a legally punishable offence. Bonded laborers who had contractually agreed to pledge their labor until their debts were repaid could not escape servitude without harsh punishment (see chapter 7 for further details). The 1859 act gave British slave masters the legal ability to enforce bonded labor, which most masters viewed as being the same as chattel slavery anyway, simply under a different name.³⁸

The next force that expanded slavery and bondage in India under British rule has to do with British land-revenue policy during the 1700s and 1800s. These policies directly led to the mass dispossession of the peasantry of India (especially in the north), who were in turn forced to take loans for subsistence or to migrate for low-wage, debt bondage, or forced labor conditions in factories, mines, agricultural fields, and the rapidly expanding tea plantations in Assam and present-day Bangladesh. Surveying land plots and assessing taxes was a major revenue-generating activity of the EIC, resulting in a 10 percent increase in revenues generated from village units as compared to the land-tax policies under the Mughals.³⁹ This activity accelerated after the Permanent Settlement of 1793 under Governor General Lord Cornwallis. The Permanent Settlement was an effort to impose Western concepts of private property and land taxes in Bengal, northern India, and later Sindh and Punjab provinces in present-day Pakistan. Previously, *zamindars* were the wealthy landowners who owned the land and all the peasants who lived on it. Under the *zamindari* system, taxes were collected by the *zamindars* from the peasants on behalf of the Mughals, and the *zamindars* eventually assumed the same role for the British. It should be noted that the *zamindars* did not need any assistance in being ruthless toward the peasants living on their land, often exploiting them in debt bondage and forced labor. However, inconsistent and inefficient collections

(as perceived by the British) led to a new system of formalized assessment of land titles, valuations, and fixed taxes under the Permanent Settlement. The capitalist logic of the British was that once landowners felt secure in their ownership of private land and knew that taxes would be fixed, they would maximize the economic value of their land by investing in infrastructure and production. Unfortunately, the tax rates assessed were even higher than those back in England, and no concessions were made for times of famine or drought, which led to countless *zamindars* going into default, who were then forced to sell the land to officials within the EIC or to wealthy bankers and aristocrats back in England. *Zamindars* were subsequently reduced to revenue-collecting intermediaries between these new British landowners and the peasants still living on the land. Most peasants could not afford the tax rates (due in cash only) and were forced either into debt bondage in order to pay their debts or to migrate for work across the subcontinent, where they typically found equally, if not more, exploitative working conditions.⁴⁰ One of the worst examples of this phenomenon was the mass trafficking of destitute and landless peasants from Orissa and Bihar into the tea plantations of Assam and Bengal during the early and mid-1800s. On arrival, these individuals were met with outright slavery that eventually became legally enforceable under the 1859 act, including coercion to sign five-year contracts (in which the work conditions were invariably misrepresented), steep taxes and fines, beatings, torture, and a minimal compensation of five rupees per month (four for women, three for children), which was one-third the wages being paid to labor migrants in other British colonies.⁴¹ I witnessed the devastating outcome of this trafficking and exploitation more than 150 years later when I visited the tea plantations in Bangladesh near Sylhet and Srimangal (see chapter 4), all of which were populated by the exploited, isolated, and destitute descendants of these trafficked migrants from Bihar and Orissa a century and a half earlier.

Finally, one cannot complete a survey of the effects of the British colonial period on slavery and bondage levels in India without commenting on the massive extraction of wealth from India by the British and the concurrent increase in poverty levels across India, which naturally promoted bondage and slavery. From 1600 to 1947, India had an almost stagnant per capita GDP, whereas per capita GDP in Britain during the same period increased nine-fold. An amount of wealth equivalent to roughly one-fifth the entire net savings of India was extracted by the British Raj, contributing

mightily to the economic disparity between the nations. In 1600, India's economy was twelve times the size of the United Kingdom's, but by 1947 the UK economy was approximately 25 percent larger than India's.⁴² Of course, not all of this disparity was a result of the extraction of wealth from India by the United Kingdom, but the net flow of resources and income from India to the United Kingdom was a primary contributor to the United Kingdom's considerable economic growth from the 1600s to 1947, at the severe expense and impoverishment of India.

These increased poverty levels, combined with the economic and legal policies of the British colonial rulers, led to the wholesale ruination of India's peasantry, which caused the mass trafficking for extreme labor exploitation and debt bondage throughout India and the broader colonial empire. Dispossession of land, harsh revenue policies, and the acceleration of industrialization all catalyzed the expansion of debt bondage among low-caste groups, especially during the period after the 1833 act, when India became a primary replacement source of trafficked slave labor for the British colonies. Debt bondage became a technically acceptable way of securing slave labor, by virtue of the artifice of contracts and advances of credits. By the latter half of the 1800s, debt bondage had ascended as the primary mode of securing slave-labor exploitation across the Indian subcontinent. Devastating famines in 1876–1878 and 1899–1900 resulted in millions of new debt bondage slaves who traded survival for servitude. From that time, the system of bonded labor has ruthlessly perpetuated itself well into the twenty-first century, culminating in centuries of exploitation of an entire subclass of disenfranchised, low-caste, and utterly deprived South Asians.

IS BONDED LABOR SLAVERY?

Earlier in this chapter, I stated that bonded labor is the most extensive form of slavery in the world today. However, this begs the question of whether bonded labor is indeed slavery. Indeed, in the previous section we noted that the British utilized debt bondage as a supposed substitute for slavery after the latter had been abolished by the 1833 Slavery Abolition Act. The question of whether some or all forms of bonded labor are also slavery centers on whether debt bondage agreements are voluntary choices or not. No one is arguing that a child who inherits a debt from an antecedent

and is coerced to continue the debt bondage relationship is not a slave. However, some economists have argued that certain forms of bonded labor are in fact voluntary choices that are “welfare enhancing” to the laborer and that, in these cases, bonded labor is not a form of slavery but rather a reasonable agreement entered into by two rational economic agents: the landlord and the peasant. In the contemporary context, the majority of bonded labor in South Asia is no longer generational, caste-based debt bondage but rather takes the form of these potentially voluntary agreements between destitute laborers and wealthy principals who offer credit in exchange for labor. These agreements may last a few years or just a season, and the laborers may enter into many of them during their lifetimes. Are these people slaves? That is, are they entering into and out of slavelike conditions with each agreement? Or are they rational peasants who are making voluntary decisions not too dissimilar to agreements we may make in developed economies, when we take loans that we work off with income from our labor? The answer to these questions will substantially affect our overall assessment of the scale and nature of contemporary slavery, and it will also determine very significantly the kinds of tactics to be deployed in the fight against bonded labor.

WHAT IS SLAVERY?

To establish whether or not some or all forms of bonded labor constitute slavery, we must first define slavery. Article 1 of the League of Nations Slavery Convention of 1926 defines slavery as the “status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” This definition was followed a few years later by the International Labour Organization Forced Labour Convention no. 29 of 1930, which in Article 2(1) defined forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” From this early stage, a dichotomy between the term “slavery” and “forced labor” commenced, whereby the former was regarded as relating more to Old World chattel slavery and actual legal rights of ownership over another human being (which no longer exist in any jurisdiction), and the term “forced labor,” which focuses more on coercive and threatening conditions used to ex-

tract involuntary labor. The United Nations expanded its 1926 definition in 1956 with the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which included various other forms of slavelike exploitation, such as serfdom and debt bondage. Article 1(a) of the convention defined debt bondage as

The status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a 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.

Beginning in 1972 in India and following in other South Asian nations after that, bonded debts of all kinds were deemed illegal. Hence this 1956 UN definition is not as helpful in the contemporary South Asian context, as it is now largely irrelevant whether the services provided toward the liquidation of the debt are reasonably assessed or not. The mere existence of a debt securitized by pledged labor constitutes bonded labor and is illegal.

Following the United Nations’ expansion of its definition of the term “slavery,” the ILO’s Committee of Experts on the Application of Conventions and Recommendations also expanded its definition of the term “forced labor” to include the following eight categories:

1. Slavery and abduction for forced labor
2. Compulsory participation in public works
3. Coercive recruitment practices
4. Domestic workers in forced labor situations
5. Forced labor exacted by the military
6. Bonded labor or debt bondage
7. Trafficking in persons
8. Prison labor

These and other definitions have been internationally reinforced numerous times, including in the 1948 UN Universal Declaration on Human Rights, which held that “no one shall be held in slavery or servitude” (Article 4), and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (the “European Convention on Human

Rights"), which in Article 4 affirmed that "No one shall be held in slavery or servitude" and "No one shall be required to perform forced or compulsory labour." Nevertheless, the early dichotomy of the terms "slavery" and "forced labor" has led to confusion as to what these phenomena truly constitute. Is (chattel) slavery a form of forced labor separate from other forms such as bonded or prison labor? Is forced labor a form of slavery that encapsulates other similar practices, such as bonded labor and forced marriage? Or are all of these abuses different categories of servile labor exploitation that are generally agreed to be a violation of essential human rights? Without question, the absence of choice is critical to any definition of slavery or forced labor, and if certain categories of bonded labor are predicated on a voluntary choice, then those categories would be excluded from either slavery or forced labor.

Recognizing the long history of scholarship on slavery and forced labor, I would like to offer my thoughts as to what constitutes slavery in the modern context. My own thinking has evolved during my last several years of research, since I wrote my first book, *Sex Trafficking*, in which I also offered definitions of "slavery" and "slave trading" (the latter to replace the term "human trafficking").⁴³ In this book, I use the term "slavery" as a unifying term that captures three primary categories of contemporary servitude: forced labor, bonded labor, and human trafficking.⁴⁴ This usage is distinct from the original usage of the term, which focused more narrowly on legal rights of ownership over another human being associated with chattel slavery. I understand and to some extent agree with the reluctance in some circles to use the historically and emotionally charged term "slave." This emotionalism has often been sensationalized for personal or organizational gain by would-be activists focused more on fundraising or selling stories. We can either allow these individuals to take control over this important word and corrupt its usage for their own gain, or more genuine scholars and activists can reclaim this term and adapt it responsibly to the modern context. One could also select a different unifying term—such as unfree labor or human servitude—but I believe "slavery" may be the best choice for now. I do, however, remain circumspect about using the word, and I do so only as a synonym for these other unifying terms. I hope that additional scholarly efforts will be undertaken to clarify the term further and set the conditions of its responsible usage. In that spirit, the following is my current definition of slavery as applied to the modern context:

Slavery is the condition of any person whose liberty is unlawfully restricted while the person is coerced through any means to render labor or services, regardless of compensation, including those who enter the condition because of the absence of a reasonable alternative.

Bonded labor is the condition of any person whose liberty is unlawfully restricted while the person is coerced through any means to render labor or services, regardless of compensation, including those who enter the condition because of the absence of a reasonable alternative, where that person or a relation initially agreed to pledge his labor or service as repayment for an advance of any kind.

Per these definitions, bonded labor is a type of slavery in which the servitude commences with an agreement whereby credit is provided in exchange for pledged labor. While labor is the dominant mode of credit repayment, repayment may also occur through the sale of the bonded laborer to another creditor or the sale of family members to other exploiters such as human traffickers.⁴⁵ The nature of the credit is irrelevant, be it cash, payment in kind, tenancy, or other consideration. Unlawful restrictions to liberty primarily indicate restrictions to a person's lawful freedoms of movement and employment, as well as loss of sovereignty over self and family. Where any such restriction to liberty is linked to the coercion of labor or services, then the extent and duration of the restriction should be irrelevant—be it partially or fully restricted (extent), or be it restricted only a few weeks or for a lifetime (duration). Similarly, once coercion is linked to restriction of liberty, then the manner in which the labor or services are coerced should be irrelevant, be it coercion through physical or psychological violence or threats, conscripting additional family members or dependents to render labor, or coercion through means that extend the duration of pledged labor, such as wage deductions, manipulated debts or interest on debts, less-than-market prices for goods and services used to repay debts, or similar tactics. Where any exchange of credit for pledged labor is said to exist by an individual claiming to be a bonded laborer, it should be presumed that there was an agreement to do so, regardless of written evidence.

Depending on how one interprets and qualifies the key phrases "restriction of liberty," "coerced," and "reasonable alternative," the total number of slaves in the world can vary considerably. The most restrictive interpretation and narrow qualification of these terms would result in *22.4 million*

slaves in the world at the end of 2011. A more reasonable interpretation and qualification of these terms, which I believe is reflective of the broader nature of contemporary servitude, results in a tally of *30.5 million slaves* in the world at the end of 2011. In this case, “restriction of liberty” includes the qualification “unlawful” and can be partial or for various periods of time, so long as some degree of freedom of movement or employment is limited and some degree of sovereignty over self and family is limited; “coercion” includes the qualification “through any means” and can include forms of physical, psychological, economic, social, or cultural duress as well as manipulations to extend or increase bonded debts; and a “reasonable alternative” means, at a minimum, sustained subsistence-level income and security. The linked conditions of coercion of labor or services without the lawful ability to move freely or pursue alternate employment should always be sufficient to establish some form of slavery in the modern context, but the narrowness or breadth with which we construe these terms will alter our quantum of slavery significantly. Though I typically err on the side of conservatism in my estimates and definitions, I believe these terms should be construed as widely as reasonably possible, particularly given that every category of restriction tied to coercion that is excluded provides a loophole that shrewd criminals can use to exploit slaves to the fullest, while using their power and influence to make it appear that they are meeting the conditions of the loophole they have been granted. Defining slavery in the contemporary context is more than just an academic exercise. Real people are suffering real servitude every day, and our ability to identify, liberate, and protect such individuals can only be as effective (and broad) as is our definition.

Whether the number of slaves in the world at the end of 2011 was 22.4 million or 30.5 million, neither sum is large enough to justify the oft-repeated statement in sensationalistic antislavery circles that there are more slaves today than at any point in human history. This is a *false* assertion unsupported by historical fact. There are *considerably fewer* slaves today than at many points in human history (particularly when the same definition is applied to past and present), but there are certainly far too many slaves today *given that slavery is illegal everywhere in the world*, a fact that has not been the case for the majority of human history. The numbers I have provided above represent midpoints of 95 percent confidence intervals that I have calculated based on several years of data gathering around

the world, and I urge the reader to review appendix A in detail, where the logic of these calculations and further details on the definitions used are discussed.

A few words on “compensation” and “lack of alternative” are in order before proceeding to the discussion of whether bonded labor can be considered slavery. Most NGOs and activists working in the field of modern slavery use a definition of “slave” as a person held captive and coerced against their will to perform labor or services, where compensation does not exceed basic subsistence. I believe the inclusion of compensation as a consideration in whether a person is being exploited as a slave or not is largely irrelevant given the realities of modern forms of slavery. Where a person is held captive and coerced to perform labor or services, it is almost always the case that compensation is unreasonable, but it may often times exceed subsistence. Advances to bonded laborers can certainly exceed subsistence, and bribes or other payments provided to slaves or families of individuals caught in slave labor also often exceed nominal amounts. Where lawful freedoms of movement, employment, and sovereignty of self and family are restricted in conjunction with coerced labor, and where no reasonable alternative is available, then my experience tells me that this person is probably a slave, regardless of the level of their compensation in cash or in kind.

With regard to the lack of a reasonable alternative, I have previously discussed my reasoning for including this qualifier as crucial to the definition of bonded labor, and I believe it equally applies to all forms of slavery, especially for human trafficking, where victims often enter into agreements with traffickers knowing the risks but do so regardless, because of the lack of a reasonable alternative. Duress to person or goods and economic duress following from a lack of sustained alternative sources of subsistence income and security negate any potential for the voluntary entry into deeply exploitative or slave-labor conditions. Conversely, the presence of a reasonable alternative does not negate the possibility of a tied credit-labor agreement being construed as bonded labor, when liberty is still restricted and labor is still coerced through any means, including manipulation of debts. However, if a reasonable alternative is present, and if liberty is not restricted and coercion not used to extract or extend labor or services, then the individual would not be considered a slave of any kind. There are easily tens of millions of people in South Asia and around the world who would fall into this category.

My arguments on reasonable alternatives are perhaps the most aggressive in relation to what I consider to constitute and not constitute bonded labor, so additional discussion is in order.

BONDED LABOR AND SLAVERY: THE QUESTION OF VOLUNTARY AGREEMENTS

Some economists have posited that some or all forms of bonded labor are not forms of forced labor or slavery because they constitute agreements freely entered into by rational parties.⁴⁶ The economist Garance Genicot summarized the typical argument well:

Interestingly, bonded labour is ex-ante voluntary. In the case of debt-bondage, a tenant or debtor voluntarily places himself in a servile position, even though he may have little or no choice in the matter. Just as a serf is tied to his master by apparently voluntary acts of fealty, the bonded labourer is a technically free wage labourer whose state of servitude may be terminated on payment of the debt. So, although once bonded, a worker is unfree, the act of choosing to be bonded is usually one freely made to avert acute poverty or starvation.⁴⁷

By this logic, even if after a debt bondage agreement is entered by a laborer with little or no choice, and if the laborer is subsequently exploited in slavelike conditions, if he chose to enter into the contract from the outset, it is a free and rational choice that must not be considered involuntary, and, by extension, it cannot be considered slavery or bondage. The laborer's choice of debt bondage is deemed to be welfare enhancing, even if it is only the best choice in a spectrum of bad to worse options. This logic suggests that banning debt bondage agreements would cause harm to the peasant, as he would then have to select from a worse set of options. Thus, if an individual chooses the debt bondage agreement, it is because it is his best option, and this freely made and rational choice negates the element of coercion required to establish slavery or forced labor.

Certain categories of bonded labor would nevertheless remain outside the scope of this argument: bonded laborers who inherit debts and are forced to continue working to repay them, bonded laborers who would rather seek alternative employment but are prevented by the creditor-ex-

ploiter from doing so, family members of the contracting party who are forced to contribute their labor to work off the debt, and any other category whereby at the outset or before entering an agreement the choice is not strictly voluntary and no provision to escape the agreement is allowed.

Still, this "voluntary debt bondage" argument proposed by some economists would exclude millions of the bonded laborers in South Asia and around the world today, where season after season, or every few years, individuals appear to enter voluntarily into agreements in which credit is exchanged for labor for some period of time, because this is their best option. As previously discussed, the key error in this line of reasoning is the assumption that the peasant has made a fully voluntary and rational choice to enter an agreement—which he often knows will result in some sort of manipulation or exploitation by the lender—and that his entry regardless of this knowledge indicates that he has made a voluntary choice to enhance his welfare because the alternative will be worse. "Better" and "worse" are typically understood by economists to relate to levels of income, food, shelter, security, and other primary goods. While it may be true that the bonded labor agreement will provide enhanced income, security, and shelter for a period of time, this does not necessarily mean the individual is "better off." Were these economists to speak to current or former bonded laborers, they would hear a near-unanimous chorus of voices declaring that freedom is always preferable to coercion and abuse. The inherent value to these individuals of freedom, self-respect, and self-sovereignty—even if coupled with destitution, starvation, and abject poverty—far outweighs security of food and shelter in exchange for servitude and exploitation. Far from being evidence of a voluntary choice, the fact that the peasant selects the exploitation over freedom does not mean he rationally values food and security more than freedom; it simply demonstrates that he understands he must remain alive long enough to preserve the opportunity to attain what he values most: freedom. *The choice to enter bondage is a choice to preserve the opportunity to achieve freedom one day; it is not a choice to value food and shelter over freedom.* Time and again bonded laborers told me that, one day, they hoped to have freedom as well as survival. In the absence of this combination being possible, there is no truly voluntary "choice" of bondage, if that bondage is the best of a spectrum of miserable alternatives, most of which involve an inability to survive. Further, the assumption that the peasant is making his choice rationally is also misplaced. In addition to cogent arguments made by behavioral economists⁴⁸

that there are any number of irrational impulses that influence decision making for even the most free and empowered of us, a deeply destitute and desperate peasant faces numerous forces that can affect his ability to make rational choices, not the least of which is the highly prevalent sense of caste-based fatalism across South Asia, in which certain subordinated groups have been made to feel for centuries that bondage and servility are the best and only options available to them—and that they should be grateful to have them.

Perhaps the most important argument in this book is that the lack of a reasonable alternative to the exploitative debt bondage agreement directly negates the voluntary nature of the decision to make it. The decision may still be construed as voluntary from a classical economics standpoint, but I would argue that when an individual is faced with starvation, destitution, an oppressive social system, and no other opportunity for any mode of reasonable subsistence, that individual is hardly making a choice to enter servitude rationally and freely. Surely, any decent parent would “voluntarily” enter into abject slavery if they had no other means to ensure that their children could survive. Have they entered by choice simply because there was no alternative? Are they not still a slave? A former chief justice of India, P. N. Bhagwati, summarized this line of reasoning best in the Indian Supreme Court’s first case on bonded labor, *People’s Union for Democratic Rights vs. Union of India and Others*, 1982:

Moreover, in a country like India where there is so much poverty and unemployment and there is no equality of bargaining power, a contract of service may appear on its face voluntary but it may, in reality, be involuntary, because while entering into the contract, the employee, by reason of his economically helpless condition, may have been faced with Hobson’s choice, either to starve or to submit to the exploitative terms dictated by the powerful employer.⁴⁹

We must never forget that landowners and other producer-creditors possess near-complete control over all local resources, land, access to markets, and oftentimes the law itself. They work assiduously to ensure that the peasant has absolutely no reasonable alternative. Is this to be held against the peasant as reason to declare his agreement as being voluntary? Further, the fact that society at large has failed to provide any reasonable

alternative opportunity for subsistence and decent existence to the poor of South Asia should not be held against the poor as an argument that they are choosing bondage freely! On the contrary, society’s failure to provide adequate provision of resources and opportunities so that survival does not have to be traded for freedom is hardly an acceptable reason to argue that destitution-motivated debt bondage is not slavery. To do so provides a gaping loophole for ruthless exploiters to manipulate conditions so that the destitute always seem to choose debt bondage freely (or any other form of labor exploitation), which renders debt bondage and many other forms of servitude outside the scope of international and domestic laws against slavery, human trafficking, and forced labor and significantly diminishes those categories of agreements that would be captured by laws against bonded labor in South Asia. Where the parties to a debt bondage agreement are severely asymmetric in power and resources, the presumption must be that the peasant has not entered the agreement by choice, unless this presumption can be incontrovertibly overturned. Economists must appreciate the immense forces of poverty, deprivation, and fatalism that conspire to negate choice and rationality among the poorest and most needy of the world, as well as the immense power asymmetries that keep them enslaved once they enter bonded labor agreements. They should also consider expanding the scope of what is deemed to enhance welfare and utility to include considerations for fairness, freedom, and human dignity. Above all, the absence of any reasonable alternative must be construed as an element of coercion or duress that negates voluntary choice in any debt bondage agreement, rendering it, without question, a form of contemporary slavery.

TWENTY FORCES PROMOTING BONDED LABOR TODAY

Having traced the history of bonded labor in South Asia and explored the contemporary nature of debt bondage agreements, we must now identify those forces that promote the persistence of bonded labor in South Asia today. Most of these forces are common across the four countries covered in this book. These forces are centered on an essential thesis that is vital to understand if we are ever to eradicate bonded labor: *The persistence of bonded labor in South Asia is driven by the ability to generate substantial*

profits at almost no real risk, through the exploitation of an immense underclass of systemically impoverished and vulnerable people. The first half of this equation is promoted by *demand-side forces* of substantial profit at no real risk; the second half of this equation is driven by *supply-side forces* that promote the systemic availability of a vast pool of potential bonded laborers.

Both supply and demand forces combine to form an enormous system of human exploitation. The twenty specific forces that promote bonded labor can be sorted into these two categories. I have enumerated the forces within the categories by the order in which they should be tackled. The nature and effects of each of these forces will become evident in the chapters that follow. The forces that promote bonded labor are:

I. Demand-Side Forces (Substantial Profit at No Real Risk)

Demand-side forces are divided into legal deficiencies and systemic barriers.

A. Legal Deficiencies

1. INSUFFICIENT MINIMUM WAGES

Government-stipulated minimum wages for low-skilled and semiskilled labor in the sectors prone to bonded labor range from \$1.10 to \$2.60 per day. Even if these wages were actually paid, they are insufficient to meet basic subsistence needs, let alone allow for savings. The profit margins of the businesses that exploit bonded laborers can easily support substantially higher minimum wages. This may reduce profitability or slightly increase the prices of the products produced, but elevated minimum wages are compulsory.

2. INSUFFICIENT SCOPE OF VICARIOUS LIABILITY LAWS

The absence of a legal standard of strict vicarious liability⁵⁰ that includes the relationship between employers and labor subcontractors (*jamadars*) is a fundamental gap in the legal regimes of South Asia, one that

directly promotes risk-free labor exploitation. This absence allows producers in numerous sectors who hire *jamadars* to staff projects, manage labor, and disburse wages to remain almost entirely immune to culpability for the *jamadar's* exploitation, which is often sanctioned by the employer as a way to minimize labor costs.

3. LAND LAWS THAT PROMOTE THE ONGOING LANDLESSNESS OF PEASANTS AND AGRICULTURAL LABORERS

Because the poor, especially low-caste, tribal, and untouchable groups, lack rights of ownership to land, they are beholden to landowners for a place to live. The threat of eviction renders them easier to exploit, and the lack of land ownership means they have nothing to cultivate for their own subsistence or income.

4. DEEPLY INSUFFICIENT PENALTIES IN THE LAW FOR THE CRIME OF BONDED LABOR

The laws against bonded labor in all four South Asian countries covered in this book (Bangladesh does not actually have a specific law against bonded labor) prescribe penalties that are grossly insufficient as compared to the economic benefits of the crime.

B. Systemic Barriers

5. SEVERELY LACKING ENFORCEMENT OF LABOR LAWS, SUCH AS THEY EXIST, INCLUDING FLAUNTING OF MINIMUM-WAGE LAWS AND VIRTUALLY NO PROSECUTIONS FOR OFFENCES AGAINST BONDED LABOR

Labor laws across South Asia are largely unenforced. Minimum-wage laws in particular are flaunted with impunity. In addition to boosting profits, underpaid minimum wages also ensure that laborers are unable to accrue savings to use in times of economic need. Most important, there are almost no prosecutions anywhere in South Asia for the crime of bonded labor. The absence of prosecution helps create a high-profit, low-risk environment in which to exploit bonded laborers.

6. CORRUPTION IN GOVERNMENT, LAW ENFORCEMENT, AND THE JUDICIARY

Corruption at all levels of society allows bonded labor to persist virtually risk free, whether it is the local law enforcement official or revenue collector who turns the other eye in exchange for a bribe or district magistrates and judges who regularly side with landowners, contractors, and producers when it comes to any issue relating to bonded labor.

7. DIFFICULTIES WITH IDENTIFICATION AND FREEING OF BONDED LABORERS

Many bonded laborers do not want to be identified as such (for fear of eviction, beatings, or other reprisals), and numerous bonded labor situations are cloaked by the veil of "voluntary" agreements, which can render it more challenging to establish the existence of bonded labor.

8. REPORTING MECHANISMS THAT MAKE IT IMPOSSIBLE FOR BONDED LABORERS TO IDENTIFY THEMSELVES SAFELY

The poorly conceived complaint structure for self-identification of bonded labor is highly problematic. Any bonded laborer who wants to identify himself must typically do so in front of both the very individual exploiting him and a revenue collector or other bureaucrat who is usually well known to be the ally of the producer-exploiter.

9. THE JAMADAR SYSTEM OF LABOR SUBCONTRACTING

Labor subcontractors (*jamadars*) who recruit laborers with advances and then ruthlessly exploit them through bonded and forced labor are at the root of slave-labor conditions in numerous sectors in South Asia. The insufficiency of vicarious liability laws that capture the employer-*jamadar* relationship further promotes this wanton exploitation.

II. Supply-Side Forces (Promote Vulnerability to Debt Bondage)

Supply-side forces include:

10. POVERTY

With 1.2 billion people in South Asia living on incomes of less than two dollars per day, the pool of available individuals to exploit is virtually limitless. Until poverty is systemically and comprehensively tackled, there will always be individuals vulnerable to debt bondage and other forms of servitude in South Asia.

11. A LACK OF SUFFICIENT CREDIT RESOURCES FOR THE POOR, ESPECIALLY FOR NON-INCOME-GENERATING PURPOSES

Because the poorest of the poor are unable to access sufficient credit at reasonable terms,⁵¹ and because they are unable to access capital for non-income-generating activities (like food, medicine, or home repairs), they are forced into informal credit markets where landowners or *jamadars* are eager to lend them money in exchange for debt bondage.

12. A LACK OF REASONABLE AND SUSTAINED INCOME OPPORTUNITIES FOR THE POOR, ESPECIALLY FORMER BONDED LABORERS

Because the poor do not have alternative opportunities for reasonable and sustained income and security, they must return time and again to those who lend them capital in exchange for labor. Even those who return on a seasonal basis must accept deeply exploitative agreements because they have no alternative other than starvation.

13. INADEQUATE INFRASTRUCTURE OR MEANS OF TRANSPORTATION FOR RURAL LABORERS TO ACCESS MARKETS

Because laborers, peasants, and other rural workers typically lack access to markets, they are unable to generate their own income, even if they do possess their own land or have the means to produce some goods or products for sale.

14. A LACK OF COMPREHENSIVE LITERACY AND BASIC EDUCATION FOR THE POOR

A lack of education means that peasants cannot understand or even read the agreements they sign in exchange for credit and that they are not

able to keep track of the debits or credits of their accounts with the lender, which renders them easier to exploit. Lack of education also limits the alternative wage opportunities available to the peasant.

15. VIRTUALLY NONEXISTENT REHABILITATION OF IDENTIFIED AND FREED BONDED LABORERS, OR UNREASONABLE LAG TIME BETWEEN IDENTIFICATION AND REHABILITATION

Even when identified and freed, bonded laborers rarely receive the benefits of government-mandated rehabilitation packages, because of corruption and a painfully slow bureaucracy. Sometimes three or more years can pass before the first trickles of assistance come through, and by then the individual has migrated elsewhere or has been reenslaved into a new debt bondage situation.

16. POORLY DESIGNED REHABILITATION PACKAGES THAT DO NOT PROVIDE SUFFICIENT CASH INCOME AND RELEVANT VOCATIONAL TRAINING TO FORMER BONDED LABORERS

Many rehabilitation packages do not provide sufficient cash income to the bonded laborer in order to meet basic consumption needs for at least two years while training and other support is provided. As a result, former bonded laborers often go back into debt. The training itself may also be irrelevant to the laborer's skills and opportunities or may be incomplete and inadequate.

17. ISOLATION AND PAUCITY OF UNIONIZATION OF RURAL LABORERS

Isolation keeps peasants vulnerable and easy to exploit. Fewer ties to society limits opportunities, and an inability to unionize (often because of powers exerted by local landowners and producers) deeply diminishes the bargaining power of laborers, which often means they must accept heavily exploitative employment conditions.

18. ENVIRONMENTAL DISASTER OR TRANSFORMATION

Environmental disaster and massive environmental transformation attributable to climate change or other forces almost always expand levels of

destitution, human trafficking, and debt bondage. In the midst of these calamities, *jamadars*, traffickers, and other exploiters are often the first on the scene, with promises of work opportunities or monetary advances, and these quickly transform into bondage and slavery.

19. INSUFFICIENT ACCESS TO HEALTH CARE AND BASIC MEDICINES

Many bonded laborers enter into debt or exacerbate debt levels after an illness or injury. As a result of isolation, restrictions on movement, and insufficient savings, the only medicines available to most bonded laborers are through their exploiters, and these are provided at high costs through loans.

20. SOCIAL AND SYSTEMIC BIASES AGAINST SUBORDINATED CASTES AND ETHNIC GROUPS

Longstanding biases against minority castes and “untouchable” groups in South Asia are among the most powerful forces that promote the persistent exploitation of these people. As long as these severe asymmetries of rights and opportunities are tolerated in South Asia, there will be no end to the crime of bonded labor and numerous other forms of exploitation.

There are other forces that promote bonded labor in South Asia, including some that may be more country specific. However, these twenty forces are by far the most powerful and pervasive, and they allow the system to persist today. If these twenty forces were swiftly and comprehensively addressed by a fully resourced and sustained campaign across all levels of government, civil society, and citizenry, I am confident that bonded labor would become an offense consigned to history. To the extent that the commitment and resources are more limited, then, at a minimum, tackling the demand-side forces will provide a significant dent in overall levels of debt bondage, without having to alleviate in the near term the vast forces that promote the supply of potential bonded laborers.

In the hopes that there will be sufficient commitment and resources to tackle all of these forces, here are the ten initiatives I suggest that will help eliminate bonded labor.

TEN INITIATIVES TO ELIMINATE BONDED LABOR

The following ten initiatives, summarized in table 1.4, are intended to address the primary forces that continue to promote the system of bonded labor in South Asia. Tackling these forces will simultaneously address other forms of servitude, such as forced and child labor, as well as labor exploitation more generally. The logic and details of these initiatives will be discussed fully in chapter 8, after we have traveled across South Asia to bear witness to the extent and complexity of contemporary bonded labor. I believe each of these ten initiatives, deployed for at least ten years, will provide an optimal chance at eliminating bonded labor and other forms of slave-labor exploitation across South Asia. Initiatives 2 and 5 are clearly the most ambitious. India must be the nation that takes the leadership role in advancing initiatives such as these, given its overall resources and clear intentions of becoming a world economic superpower. While India's burgeoning economic might cannot be disregarded, the country can never become a legitimate global leader so long as more than 75 percent of its citizens live on poverty-level incomes of less than two dollars per day and as countless millions are exploited as exiles of humanity.

India has done more than any other country in South Asia to tackle bonded labor, but, by my account, it still has much to do. So long as bonded labor exists in South Asia, the current governments of the region are not very different from the European colonists who exploited the peasant labor of millions of Indians to boost their wealth and power. In fact, I consider today's governments in South Asia even worse, for they exploit not distant people in a time when human rights are less evolved but their fellow man in a time when slavery is rejected by all of humanity and basic human rights are supposed fundamental guarantees of every man, woman, and child on the planet. Bonded labor is a rejection of the most essential human rights to freedom and dignity, and its persistence is a rejection of any semblance of decent society. That lack of decency is not sustainable and will come at a great cost. Bonded laborers are growing angry, and extremists have begun to recruit among their ranks with some success. If nothing else, the risks to security inherent in mass poverty, injustice, exploitation, and suffering should move the powers of South Asia to tackle these issues with alacrity.

TABLE 1.4

Ten Initiatives Intended to Address the Primary Forces That Continue to Promote the System of Bonded Labor in South Asia

Initiative	Forces Addressed
1. Legal reform, including increase in minimum wages, expansion and enforcement of the legal principle of vicarious liability, redesign of land rights to achieve reasonable land ownership for the poor, and massive increase in economic penalties for bonded labor violations.	1, 2, 3, 4
2. Transnational slavery intervention force that frees bonded laborers, detains offenders, receives bonded labor complaints, enforces minimum wage and other key labor-law provisions, and monitors supply chains for tainted products.	5, 6, 7, 8
3. Fast-track courts for any bonded, forced, or child labor case, with independent observers and judicial review.	5, 6
4. Redesign of the <i>jamadar</i> system so that it can be fully and independently regulated or abolition of the system all together, to be replaced by labor recruitment solely by producers in charge of the commercial project.	9
5. Elevated scaling and effectiveness of select government antipoverty programs, focused on (1) massive expansion of microcredit, especially for non-income generating activities; (2) a global economy integration initiative for the poor in rural areas; (3) major expansion of rural infrastructure and manufacturing projects—all focused on achieving effective execution and delivery.	10, 11, 12, 13
6. Expanded and free rural education for all ages, with a particular focus on literacy and small business skills.	14
7. Rapid-response registration and rehabilitation teams for identified bonded laborers.	15, 16
8. Rural integration and information dissemination efforts, including distribution of mobile devices to promote information sharing.	17
9. Rapid-response environmental disaster teams focused on alleviating immediate economic and healthcare needs in disaster areas; also, the expansion of access to healthcare and basic medicines in rural areas in general.	18, 19
10. National awareness and educational campaigns focused on alleviating social and systemic biases against subordinated castes and ethnic groups.	20

WHAT CAN ONE PERSON DO?

In the face of the immense forces that promote the persistence of bonded labor in South Asia, it may seem daunting to contemplate what one person can do to combat these crimes. There are at least seven steps you can undertake today to join the fight against bonded labor:

1. Learn about the issue: Read this book and share it with others who are interested in learning more about bonded labor or child labor in South Asia.
2. Financial support: Each of the NGOs discussed in this book is working mightily to tackle various aspects of bonded labor in South Asia. More important, they are reputable and responsible. Any financial or volunteer support you can offer is of tremendous benefit to their efforts.
3. Contact lawmakers: For those of you not living in South Asia, do not forget that you purchase products every day that are potentially touched by bonded and child labor in South Asia. Demand that your lawmakers do more to ensure that corporations do their part to certify that their supply chains are not tainted by these exploitations. For those of you living in South Asia, do all of this and add to it direct campaigns to your lawmakers to ensure that they combat bonded labor more effectively, employing the kind of initiatives described in this book.
4. Contact corporations: any company that sources raw materials or low-end labor in South Asia must be pressured to investigate and certify that their supply chains are free of slave labor of any kind; consumers must also demand that companies whose products they purchase ensure that this kind of investigation and certification becomes a regular aspect of their operating model.
5. Community vigilance: for those in South Asia, organize yourselves into bonded labor community vigilance committees, identify a nearby geographic area where the kinds of industries described in this book are based, and work with NGOs to help identify bonded or child labor and promote the just and full reempowerment of these individuals. Push relentlessly for the effective prosecution of exploiters. Follow the guidance of NGOs on how you can be most helpful, as they have great experience in this area.
6. Tackle supply-side forces: while most demand-side forces are difficult for individuals to address, anyone in the world can form an organization

that directly combats one or more of the supply-side forces that promote bonded labor. In aggregate, such efforts can make a tremendous difference and will pressure governments to do their part.

7. Social media: use the power of social media to contribute to the fight against bonded labor. You can use these tools to spread awareness, organize community efforts and protest campaigns, or pressure lawmakers and law enforcement to do more. Make videos or documentaries that educate others on the issue; use GPS tagging on your mobile devices to record areas in which you feel bonded or child laborers might be working, then report back to NGOs or reliable law enforcement. Find other creative ways to fight back against slavery by using all forms of social media and technology tools.

If you take some or all of these steps, we will be much farther along toward creating an environment in which bonded labor can no longer exist.

For my part, it is and will remain my lifelong mission to see the end of these crimes. I will continue to research bonded labor, advocate against it, and do everything in my power to promote its elimination. Toward the end of my longest research trip for this book, back in September 2010, I wrote a letter to the chief justice of the Supreme Court of India, outlining some of the bonded labor violations I had documented and offering to share more information from my years of research. My hope was that the letter would be treated as a writ petition under Article 32 of the Constitution of India and would move the court to order an investigation and potentially take action against the exploiters. To date, I have not received a reply. Similarly, my attempts to contact the head of the Ministry of Labour in India to share my research findings have not received a response. For what it is worth, I will continue to combat bonded labor through any and all means available to me. To eliminate bonded labor is to eliminate the most extensive form of slavery in the world today, and though I did not foresee this as my life's calling when I took my first research trip in the summer of 2000, understanding slavery and promoting more effective efforts to combat it have become the fundamental occupations of my life. Despite considerable obstacles, I derive motivation from the thousands of slaves I have met—humbled by their fortitude, inspired by their dignity, and stirred to do justice to their courage. No matter how many times they are broken, no matter how much is taken from them, and no matter how forsaken they feel, they

display a strength of spirit that is more transcendent than any force I have witnessed. It is more powerful than the greed, the violence, and the barbaric qualities that are responsible for their enslavement. Their will to be free can only prevail, no matter how long the dark days of human indecency may last.

{ 2 }

Agriculture

KAMAIYA AND HARI

Bowed by the weight of centuries he leans
Upon his hoe and gazes on the ground,
The emptiness of ages on his face,
And on his back the burden of the world.

—“MAN WITH THE HOE,” EDWIN MARKHAM

THE KAMAIYA OF THE WESTERN TERAI

Few people travel to the remote western Terai region of Nepal, home to the majority of the caste-based debt bondage in the nation. I only managed to venture there on my third visit to Nepal, having spent the previous two trips in the central and eastern portions of the country. Nepal is a strikingly beautiful land. Try to imagine two continents colliding into each other in a sixty-million-year-old shoving match. The result is Nepal, and the Terai is the narrow strip of gently sloping flat land that borders the Indian state of Uttar Pradesh to the south. Above the Terai, the full drama of the shoving match is revealed, first with the steep folds of the Mahabharat Range, which rise up to nine thousand feet, followed by the wide valley called the Pahar, or Hill Region, in which half the population of Nepal lives. Finally, beyond the Pahar the landscape launches into the sky with the magnificent Himalayas. While the Himalayas rightfully capture the attention of most visitors to Nepal, the Terai possesses a serene beauty all its own. Verdant rice fields span the horizon, swaying gently beneath the mist-capped Mahabharat peaks. Historically, the Terai is the birthplace of the Buddha, at Lumbini, and Sita (the wife of Rama in the epic *Ramayana*), at Janakpur. For all the Terai's physical beauty and historic legacy, it is also

{3}

Bricks and Bidis

I have no more to give, all that was mine
 Is laid, a wrested tribute, at thy shrine;
 Let me depart, for my whole soul is wrung,
 And all my cheerless orisons are sung;
 Let me depart, with faint limbs let me creep
 To some dim shade and sink me down to sleep.

—“TO THE GOD OF PAIN,” SAROJINI NAIDU

BRICK BY BRICK BY MISERABLE BRICK

Fifty kilometers southwest of the holy city of Varanasi, India, I hiked through the searing summer heat deep into a remote area of numerous brick kilns. Standing up to two hundred feet high, the distinctive chimneys of the kilns lined the horizon in all directions. Sweat and dust combined to form a sticky paste over every inch of my skin. It was beyond reckoning how the brick kiln laborers could toil underneath the relentless summer sun for fourteen or more hours per day—and more unimaginable still how they could do so next to a kiln that was blazing with heat surpassing one thousand degrees centigrade. Bodies were bent and burnt. Faces were anguished. Children were broken. Though my mortal eyes could not see them, I was convinced there were devils hovering above, exacting this torture on man. The entire scene was a hell on earth.

Upon entering the first kiln area with my local guide, Sanjay, women covered their faces, men eyed us cautiously, and shy children hid behind their mother's legs. Once the workers saw that I was with Sanjay—someone they knew and trusted—they invited us to sit next to their brick huts to talk. One by one, the children came to touch my feet in a gesture of respect. I felt

deeply embarrassed and asked Sanjay to convey that I was not someone of such importance. “You are here,” Sanjay said. “That makes you important.”

The workers at this kiln, like most of the others I visited throughout the state of Uttar Pradesh, were all *dalits*, who have historically subsisted beneath India’s traditional four-caste system as outcasts or “untouchables.” The very term *dalit* is rooted in the Sanskrit word *dal*, which means “suppressed,” “crushed,” or “oppressed.” No words could better describe the living conditions of these brick kiln laborers. A skeletal man named Gaurav shared their story:

I was eight years old when my father took an advance for the wedding of my older sister. From that time, I have worked in this brick kiln with my family. In one day, I can make seven hundred bricks. To make a brick, we dig the clay from the earth, then we mix it with water. After that, we put it in the mold and remove it. This wet brick must dry for three days; then the bricks must bake in the kiln for fifteen days. The kiln is kept hot twenty-four hours a day. The firemen wake in the night to add coal to keep it hot. When the bricks are baked, other workers stack them in the field. More laborers come to transport the bricks once they are sold. My part is molding. I can do this work eight months of the year. In the rainy season, I try to find agriculture work near my home in Bihar, but it is very difficult.

After our initial conversation, Gaurav had to return to work in order to meet his minimum quota for the day. Later that evening after the work was completed, I spoke with him again. I asked him more about his story, and with a taut expression, he recounted a life of woe that left me speechless.

When I was eighteen, my father died and his debt was passed to me. No matter how hard I work, I am always in debt. I have taken so many loans through the years. Each season, I must take an advance to travel here from Bihar and live in this area with my family. I took a loan for my father’s funeral. I take loans for food and water and cooking oil. When I was younger, there was a time when I was so desperate to be free from these debts. I took my family from here and went back to my home, but the landowner’s men came to my village and forced us to return. They tied me to that tree there and beat me. They electrocuted me and did not let me eat. I was still tied to that tree when they sold one of my daughters

to a *dalal* (trafficker). They said, "This is payment for the work you have not done since the day you tried to cheat us." I could not believe God had done this. I wanted to take my life. You cannot imagine how much pain I felt. I never saw my daughter again.

In seven different states in India, across the Kathmandu Valley in Nepal, throughout central Bangladesh, and briefly in the Punjab province of Pakistan, I comprehensively documented the conditions at forty different brick kilns of varying sizes and conditions, out of a total seventy-two kilns I visited. The smallest kiln I documented was in Bangladesh, which had only twenty-eight workers from nearby rural areas. The largest I documented was in the Kathmandu Valley, with more than one thousand workers who were all from either the western Terai, rural districts to the east and west of Kathmandu, or Bihar in India. Aside from wage deductions that were up to 70 percent, this kiln is remarkable in that it used "Swiss technology" (as the workers described it) to stay open all year, even during the monsoon season. As near as I could ascertain, the "technology" involved a large building with an internal chamber for the drying of molded bricks even during the rainy season, which were then elevated to a second level into a series of four ovens where the bricks were fired, then lowered again. Among all the kilns I visited across South Asia and all the tales of exploitation I documented, Gaurav's story was without question one of the most heart-breaking I heard, but it was far from the only story of pain and torment I recorded. The conditions at South Asia's brick kilns are among the most corrosive and violent of any sector I have researched, and the corresponding mix of resignation in some laborers and simmering anger in others was also the most extreme.

A man named Durga from rural West Bengal sat with me at a brick kiln near a village not far from the Ichhamati River, which borders Bangladesh. Two years earlier, he lost everything in Hurricane Aila. Shortly after the disaster, *jamadars* descended on the area offering advances for work in agriculture, construction, and brickmaking. In a few of the destroyed villages, the landowners offered to rebuild the huts and allow the villagers to stay in them in exchange for a commitment to work in bidi rolling.¹ Homeless and starving, Durga accepted an offer from a *jamadar* for an advance of \$44 in exchange for work at a brick kiln at the promised government minimum wage of \$1.10 per thousand bricks molded.² Durga and his family traveled to the brick kiln and were given a thirty-square-foot brick hut

(roughly five feet by six feet) in which to live near the kiln. Here is what his life has been like since:

We wake at four in the morning to begin work. With my wife and two children, we can mold one thousand bricks each day. Usually we finish work at six or seven at night. At the end of each week, the *jamadar* takes count of our bricks. He gives us a ticket for each sixty bricks. Many bricks that we make are not counted because the *jamadar* says they are damaged. We give the tickets to the accountant, and he pays us on this basis each month. I keep count of my tickets, but the accountant always pays less than the promised wage. He takes half the tickets for repayment of my advance. With the remaining wages, we buy food and water from the landowner, but the prices are very high. The landowner does not let us leave this area, so we cannot buy our food any other place. We must also pay rent of Rs. 400 (\$8.90) per month for the hut, and we must also pay for electricity. I have taken more loans during the season just so we can pay these fees.

Durga was illiterate and had no accurate sense of his wages and debt repayment. When we walked through the math together, he began to realize in more detail what he had already known in his heart—he was being severely exploited. With roughly \$0.55 per day being deducted for debt repayment, in less than three months Durga should have repaid his debt. However, not only had he worked two full eight-month seasons when I met him, but as near as we could tell his overall debts were now more than twice the original \$44 he had borrowed. "What else can I do?" Durga explained, "There is no other work for me. I would like to do better work so I do not have to borrow money and I can send my children to school, but there is no opportunity for people like us."

From the far east of India in West Bengal to the far west in Rajasthan, not far from the town of Alwar, I interviewed several more bonded laborers, some of whom had been tied to brickmaking debt bondage for more than thirty years. Like Durga, they had little sense of their overall debits and credits, other than a vague notion that they were being underpaid. They worked from 4 A.M. to 6 P.M. in the winter. In the summer, they worked from 2 A.M. to 10 A.M., followed by an afternoon shift of 3 P.M. to 9 P.M. I sat down with the laborers and walked them through the arithmetic of their promised wages. Unlike most brick-kiln bonded laborers I met

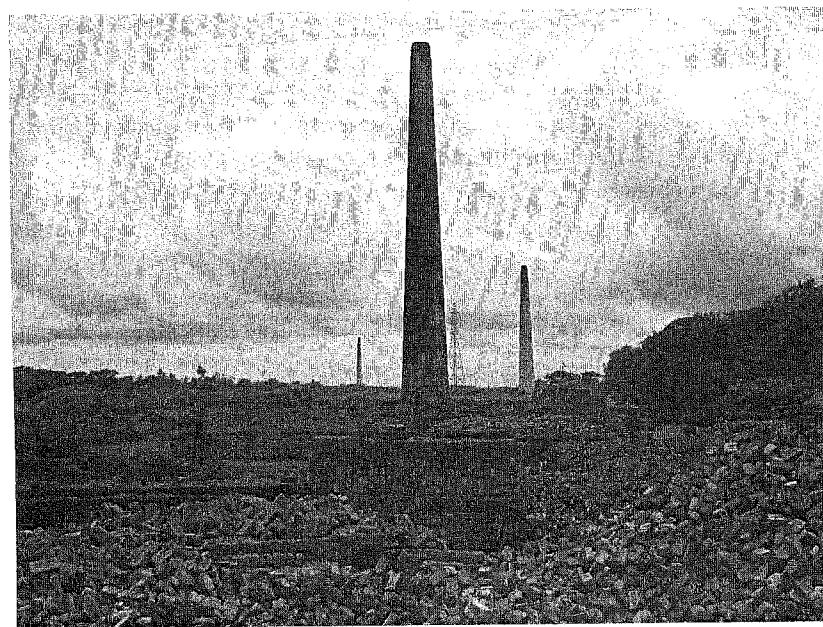


Photo 3.1. Brick kilns in central Bangladesh.

who were paid every two weeks or on a monthly basis, these workers were only paid in one lump sum at the end of the eight-month season. This major delay in payment tied the workers to the kiln for the full season. We compared the sum that the laborers were told they would be paid each year to what they reported actually being paid the previous year, after the 40 to 50 percent debt repayment deductions. Their actual payment was far below the promised sum less the wage deductions for debt repayment. I asked if they were told that their loans came with any interest rates, in order to explain the variance, but they said the landowner promised he was not charging interest. I asked if he made other deductions for breakage or for not meeting production amounts, and they said that he never talked about these types of deductions and that they always made as many bricks as required. After I worked through the numbers with the laborers, it was clear that they were either working for free almost half of each season, that they were being charged inordinate interest rates, or that there were myriad other deductions from their wages that the landowner had not dis-

cussed with them. One of the young men in the village, Sahadev, became particularly irate once the exact magnitude of the exploitation sank in. "You must help us get our wages!" he exclaimed. "The owner of the brick kiln never lets us see the accounts. We have no way to know what our wage should be. Every year we are more in debt. Please help us."

As much as I wanted to help the brick workers, I knew that one visit to the brick kiln's owner would hardly make a difference. More important, even if I took up the laborers' cause, the moment I left, they would be probably punished and evicted from their huts for stirring up trouble and thereby left homeless and without any means of subsistence.

The weathered elder of the group, Ranaji, knew this to be true: "If this man goes to the owner on our behalf, the owner will replace us with other villagers." The threat of eviction was a powerful force that prevented many bonded laborers from fighting for their rights. Still, once these workers had a more detailed sense of just how unfairly they were being treated, even Ranaji said, "Perhaps you can go some other day, without taking our names, and try to help us." Ranaji told me where the kiln owner's home was, and each of his fellow villagers, even the children, pleaded with me to help.

Receiving these earnest requests for assistance from the brick workers near Alwar made me feel extremely powerless and, at some level, even exploitative. I knew that one day I might be writing this story in a book and that very little good would have come to Ranaji and the other bonded laborers who contributed this narrative, other than some faint hope that one day, years from now, things may change for the better as a result of people learning about how they were being mistreated. It did not seem fair, or remotely good enough, given how much they had shared with me and how little I could offer in return.

That night in my hotel room back in Alwar, I deliberated on what to do. I had been asked by the people I interviewed to help many times before, and even when I was not asked, I had always felt the impulse to intervene during my research. One of the most difficult instances of this was with a victim of sex trafficking named Sunee, whom I met almost five years earlier in a Thai massage parlor not more than a thirty-minute drive from my home in Los Angeles.³ In that case, I reluctantly decided not to alert the authorities at Sunee's request, because of the credible risk of punishment of her parents. She was willing to endure extreme suffering rather than have any harm at all come to her family. There had been so many encounters like that one (but none so close to my home), and where I perceived any risk of accidentally

doing more harm than good, I chose inaction. It seemed the wisest policy to maintain in the long run, but it was also very dissatisfying, particularly at that moment, when the people who were suffering were also risking their safety to share their stories with me—and asking me for help.

Perhaps I did not exercise the same wisdom in the case near Alwar as I had done in many other moments. Perhaps I remembered all the other brick kiln owners that I could have confronted and chose not too, or perhaps I was just so frustrated at hearing (and benefiting from) so many stories of desperation from people in anguish that I decided that night in Alwar, I would speak to the owner of Ranaji's brick kiln.

ENCOUNTER WITH THE OWNER OF A BRICK KILN

I have met more than my share of slave exploiters and human traffickers across several years of research into contemporary slavery. This experience base, as well as being in a country in which I possessed considerable connections and knowledge about how things work, helped me feel relatively relaxed as my driver approached the brick owner's compound the morning after I met Ranaji. Once we spotted the owner's three-story whitewashed mansion in the distance, I asked the driver to stop the vehicle, and I continued the rest of the way on foot.

As I approached the owner's palatial residence, I could not help but think that one hundred of the huts in which Ranaji and his fellow villagers lived could easily fit inside it. Not satisfied with the home's immensity, the owner, Mr. Singh, appeared to be adding to his residence: six men, nine women, and eight children were in front of the mansion working with metal pipes and concrete. There were no guards present, so I told one of the women that I wanted to speak with Mr. Singh. She directed me to the front door, where I was eventually greeted by a male member of his staff. I explained that I was a researcher from the United States and that I wanted to speak with Mr. Singh about his brickmaking business. I was first told Mr. Singh was busy. When I said that I would wait, I was told he was not at home and would be back the next day. When I asked at what time, I was told no one knew. This fencing went on for quite some time before I was eventually brought in to meet Mr. Singh.

After another twenty-minute wait in an ornately decorated sitting room, Mr. Singh appeared. He was bearded, in his late fifties, and slightly hefty

for his frame. I knew that I was running a fool's errand and that the best I could do was conduct my conversation without raising any issues that could adversely affect any of his laborers, bonded, child, or otherwise. He offered me tea and Parlé biscuits, and we spoke for more than an hour. I told Mr. Singh I was trying to understand rural economies in India so that I could make recommendations on how to boost competitiveness. This approach must have appealed to him, and he freely opened up about his businesses. He told me he owned four brick kilns in the area as well as several hundred acres of agricultural fields. He spoke at length about pressures on his brick kiln's profit margins as a result of the increasing prices of coal, as well as higher taxes, which were not offset by increases in wholesale prices for the bricks, as a result of competitive pressures within India and abroad. He said that as a result he was looking into new technologies to help boost productivity. I took this occasion to explain very carefully that other brick kiln owners I had interviewed had expressed similar concerns about cost and competitive pressures to me and that I had heard that many laborers were being underpaid their wages as a result. "My workers are paid fairly," Mr. Singh assured me. "But yes, some owners may not pay full wages."

I calculated my next sentence very carefully. "I have heard that there is a high prevalence of child labor and bonded labor in many brick kilns in India, and I wonder what you feel can be done to tackle this problem." I knew it did not escape Mr. Singh that I might be suggesting there could be labor issues at his kilns. Without missing a beat, he responded:

You must understand something. Conditions in this area are not like America. Here, we have many poor laborers, and we do our best to give them shelter, food, and a good wage. When they need to borrow money, I am the only one who will lend it to them. The better they work, the more money I am willing to lend. They should be grateful for our assistance, but sometimes they are greedy and make allegations of wrongdoing. Many of them are lazy or take to gambling and drinking alcohol. When they squander their money, they must borrow again and put their children and wives to work. You tell me, is this a good way to behave? I try to teach them to be responsible and to work hard, just as I have. This is the only way to make the country strong.

I nodded at Mr. Singh and finished my last sip of tea. This was his version of the world and the nature of relations between people like him and

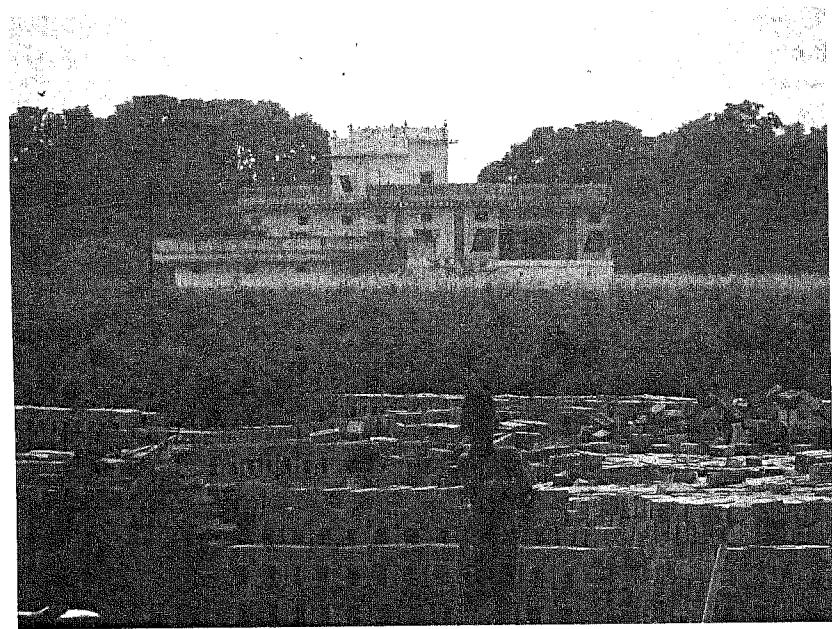


Photo 3.2. Child bonded laborer at a brick kiln in Bihar, India.

peasants like Ranaji, and I was not about to challenge him on any of these issues. We spoke a few more minutes about banalities relating to America and some of the cities Mr. Singh had visited, such as Washington and Miami. I thanked Mr. Singh for his time and took my leave. I knew there was little more I could do. Even if I were to go to the police or ask an NGO to intervene, I could reasonably assume that Mr. Singh was in complete control of his land—police, revenue collectors, judges, everyone—and little would come of such interventions other than harm to the laborers. The level of control kiln owners such as Mr. Singh have over their surrounding environments is as strong as any sector I researched—from India, to Bangladesh, to Nepal, to Pakistan. The Human Rights Commission of Pakistan made the point clearly:

In 2009, there were 13,000 brick kilns in the country where one million labourers, including women and children, were estimated to be employed. A very large number of them were bonded labourers through an

illegal advance payment system. Influential politicians and their relatives owned most of these brick kilns. It was common knowledge that the kiln owners, in collaboration with corrupt police officials, often got criminal cases registered against the labourers to keep them under their control.⁴

So long as brick kiln owners are able to maintain a high level of control over local police, law enforcement, and even members of the government, efforts to intervene in the labor exploitation at brick kilns will face significant challenges. Bricks are big business in South Asia, and to tackle it more effectively, one must first understand exactly how the business of bricks actually works.

THE BUSINESS OF BRICKS

By my calculation, there are anywhere between 55,000 and 65,000 brick kilns in South Asia, approximately 70 percent of which are in India.⁵ Pakistan has between 11,000 and 14,000 kilns, Bangladesh has five thousand to six thousand, and Nepal has around 1,500. In aggregate, these kilns produce between 330 and 380 billion bricks per year, worth approximately \$13.3 to \$15.2 billion. In certain parts of northern India, one can gaze upon dozens of brick kilns in any direction one looks. Brick kilns can be seen spanning the countryside as one flies into Kathmandu or Dhaka, and the Sindh and Punjab provinces of Pakistan are peppered with thousands of kilns. Approximately 4.4 to 5.2 million individuals in South Asia work at these kilns, including unofficial laborers such as the children and wives of male bonded laborers. My best estimate is that approximately 60 to 68 percent of these laborers are caught in some form of bonded, forced, or child labor, which is the highest ratio of any industry I have investigated in South Asia.

The structure of the brickmaking business is fairly simple. It begins with the recruitment of the workers. Recruitment is highly organized and surprisingly similar across South Asia. Kiln owners hire *jamadars* to staff the kilns each season. The *jamadars* recruit workers from rural areas with offers of advances for the season, promises of transport to and from the kiln, and guarantees of minimum wages, food, and shelter. Some agreements are verbal, though most are provided in some degree of written form, which the laborers sign with a thumbprint, since most of them are

illiterate. Advances are provided to male workers in all labor categories (see below), and the wives and children of the males who accept the advance are typically included in the bargain (though not on the official muster rolls of the kilns) in order to meet the owner's output demands. The size of the advances varies considerably, depending on the size of the family, the purpose of the advance, and the perceived working ability of the laborer. The cases I documented ranged from \$33 to \$444 in advances per season. Most of the workers who accept the advances are landless peasants, and 71 percent of all the laborers at the kilns I documented were migrants. Some traveled a hundred kilometers or less from their homes to the kilns; others traveled across international borders. Roughly 20 percent of the brick kiln workers in Nepal I sampled were from Bihar (most working in brick molding), and I also documented Indian migrants at kilns in Bangladesh. Despite this international migration for brickwork, most of the migration in the sector is from rural areas to destinations within the same country, be it rural Bangladesh to the kilns north of Dhaka or rural Punjab and Sindh province to kilns near Lahore and Hyderabad. Though the *jamadars* are tasked with managing the overall advances and wages of the laborers they have recruited, everyone knows that the loans come from the owner. From the owner's perspective, the system of advances is crucial, as it ensnares a captive labor force for the entire brickmaking season each year, which is especially important given the dangers associated with brickmaking work. Coercing debt repayment under deeply unfavorable terms also keeps wages heavily depressed and helps avoid wage competition among kiln owners. These forces in turn boost profits and competitiveness.

Once the workers are recruited, the *jamadars* typically use buses and trains to transport the migrants from their home areas to the kilns. One woman from Bihar, named Deepali, whom I met at a kiln outside Ludhiana in Punjab (India), told me, "The *jamadar* arranged five buses that took all of us from Araria to Ludhiana. More than two hundred of us come from our villages to these kilns each year." The migration typically takes place at the end of the monsoons, usually in September. The brickmaking season then lasts seven to eight months, until the monsoons start again.⁶ A medium-sized brick kiln will employ approximately fifty to one hundred laborers. A kiln with fifty laborers is capable of molding, drying, and baking four hundred thousand to six hundred thousand bricks in a single month. Smaller kilns might achieve half this amount, and larger kilns several times more. At a medium-sized kiln like Gaurav's, the steps of the

brickmaking process are divided among fifty laborers, with the following roles:⁷

1. *Brick molder (pathera)*: twenty-four individuals (usually full families) who dig the pits, make the clay by continuously sprinkling water brought in buckets (or pumped) from a local well or canal, and shape the rounds of clay into the brick molds. The molds usually have the name of the owner engraved in them. After the bricks are molded, women and children lay them out to dry in the sun. They regularly rotate the bricks so they can be evenly dried. This process typically takes two to three days, depending on the time of year. *Patheras* are always paid on a piece-rate basis.

2. *Loader (kumhar)*: six individuals who carry the unbaked, dry bricks to the kilns. Sometimes donkeys are provided. Women and children rarely perform this role. *Kumhars* are typically paid on a piece-rate basis. In some kilns, the role of *pathera* and *kumhar* may be combined.

3. *Stackers (beldar)*: four individuals who stack the bricks and coal inside the kiln in alternating layers up to a height of three meters. The top of the stack is covered with sand or coal ash. Women and children rarely perform this role. *Beldars* are typically paid on a piece-rate basis or monthly basis.

4. *Arrangers (rapaswala)*: four individuals who work alongside the stackers, arranging layers of soil between the bricks before the burning process, then removing them afterward. These layers of soil regulate the amount of oxygen exposed to the bricks, thereby producing different shades of red (more oxygen equals more red). Women and children rarely perform this role. *Rapaswalas* are typically paid on a piece-rate or monthly basis.

5. *Firemen (jalaiwala)*: six adult males who fire the kiln and watch over it twenty-four hours a day to ensure that the kiln's internal temperature is maintained at approximately one thousand degrees centigrade. The baking process takes fifteen days. Women and children never perform this role. *Jalaiwalas* are typically paid on a monthly salary basis. They are always regarded as being at the top of the brick kiln labor ladder, and sometimes *jamadars* will take this role for periods of time to ensure that the bricks are baked as properly as possible (since they are compensated on a per-brick commission basis).

6. *Unloader (nikasiwala)*: six individuals who remove the baked bricks at the end of the firing cycle and stack them for transportation. The fired

bricks emerge in different grades—some are high quality, some do not burn as well, and some are cracked or otherwise damaged. The bricks are stacked according to their grade. Better-grade bricks command a top price in India of Rs. 2.5 (\$0.05) each; lower-grade bricks are sold for Rs. 1.5 (\$0.03) each. The prices in Pakistan, Nepal, and Bangladesh are roughly comparable after adjusting for exchange rates. Women and children rarely perform this role. *Nikasiwalas* are typically paid on a piece-rate basis.

Approximately 19 percent of all the laborers I documented at brick kilns were children under the age of eighteen. The youngest child was six years old. More than 88 percent of the brick kiln bonded laborers I documented in India belonged to Scheduled Castes and Tribes. In Nepal, the low-caste groups prevalent at brick kilns include *tamang*, *magar*, *gurung*, *newar*, and *mahato*. In Bangladesh, *dalits* are the primary laborers found at brick kilns. In Pakistan, the minority groups most often exploited at the lowest rungs of the brick kiln labor ladder are Christians and Afghan refugees.

In addition to the six categories of laborers listed above, a medium-sized brick kiln typically has two to four *jamadars* and *chowkidars* (guards) and one accountant. The *jamadars* and *chowkidars* monitor work, ensure no one steals bricks, and mete out punishment when laborers break the rules or make mistakes. The accountant keeps track of the number of bricks baked and sold at each grade level and manages the debits and credits of the bonded laborers. Payments of wages, excluding deductions, are usually provided every two weeks, though sometimes it can be every month or only once, at the end of the season. Roles cannot be interchanged—molders are molders, stackers are stackers. I did, however, find some flexibility in roles at the kilns in the Kathmandu Valley. In all cases, brick kiln laborers are never allowed to leave the kiln area without permission.

Numerous pieces of equipment are used during the brickmaking process, such as the wooden brick molds, shovels for digging, buckets for carrying water, scales for measurement, scoops to fill the kiln with coal, pumps for water, and lanterns for work at night. Aside from labor, equipment, and an oft-underpaid or unpaid government royalty for land used to dig the clay,⁸ the biggest expense for a kiln operator is fuel. Diesel fuel is required to operate a pump that transports water from the nearest well to the dirt pits (when it is not transported by hand in buckets), and immense amounts of expensive coal are required for baking. To maintain an oven with a diameter of four hundred feet at a temperature of one thousand

degrees centigrade requires roughly sixty to eighty tons of coal per five hundred thousand bricks. Fuel costs are unavoidable, which is why minimized labor costs help boost profits. One kiln owner in the Daimura district of Bangladesh who owned three kilns each with six hundred workers that produced up to three million bricks per month told me point-blank that the high costs of purchasing and transporting coal from the northeastern town of Sylhet is the main reason why “I must take whatever steps I can to reduce costs for labor.” Finally, some kilns I documented also turned to burning rubber and plastic to lessen coal costs.

Brickmaking is highly hazardous, back-breaking work. The difficulty of the work is exacerbated by dangerous living conditions. Several brick kiln workers described fellow laborers who had lost a foot or a hand in the kiln. Some laborers lose their lives. *Jalaiwalas* typically wear nothing more than wooden sandals for protection, and one false step atop a kiln seething at one thousand degrees centigrade results in serious injury or death. The kiln owners also use the heat of the kiln to mete out punishment. If a worker is considered lazy, commits errors, or steps foot off the kiln’s territory, owners instruct the *chowkidars* to burn them as punishment. Sexual exploitation of women and children is all too common. Some laborers told me about owners who forcibly took sexual favors from the wives or daughters of bonded laborers as payment for advances of food and clothing during the rainy season. In Bangladesh, one of my colleagues named Mostafa, from an NGO called Shushilan (“working for a better future”), told me that the “abuse of women at brick kilns is a daily occurrence; sometimes these kilns are run like brothels for the owners.”

The toxic environment of the kilns also promotes severe illness. The workers either sleep in the open air or in small brick huts, inhaling the smoke and fumes of the kiln twenty-four hours a day. The fumes can be particularly noxious for those kilns that resort to burning rubber instead of coal. There is a high level of dust in the air, and most of the roles at the kiln involve constant lifting, squatting, and carting of heavy loads, which damages knees, legs, and spines. The living conditions are extremely unhygienic, with outdoor toilets and a serious shortage of clean water, which produces many cases of dysentery. Because the kiln workers usually only receive one day of rest every fifteen days, exhaustion runs high, and accidents are common. If a laborer is injured or falls ill, he must pay for the medicines out of his wages, which leads to greater debt. As one laborer in central Bangladesh named Rashid explained, “The main reason we are in

debt is because we are injured. Then we must borrow for medicine and we cannot work, so our debt is only growing."

Another factor that leads to injury and ill health among many workers is a serious lack of nourishment. At best, most brick laborers are provided two meals a day of rice and lentils—just enough carbohydrates and protein to keep them alive and working—and they must either purchase the food from the kiln owner at inflated prices or have the cost of the meals deducted from their wages.

When the debts finally get too high or a man becomes too injured or old to work, more extreme measures are taken to settle the accounts. In the worst cases, women and children are sold to *dalals* (traffickers) to recoup the remaining debt. Gaurav poignantly described the sale of his daughter earlier in this chapter, and two years before I met Gaurav I met a young girl, Neela, at a tier B brothel¹⁹ in Sonagachi, the red-light district of Kolkata, who told me that her entire family had been working at a brick kiln in West Bengal for several years when the owner suddenly sold her and two other girls to a *dalal*. "I have been in Sonagachi nine months," Neela told me. "I miss my parents so much. I want to go back to them, but the *gharwali* (madam, house manager) said if I try to leave, the landowner will harm my parents."

As debts are manipulated upward year after year, an overall sense of helplessness overcomes most laborers. While some may have family members forcibly sold to repay their debts, others give up and commit suicide. In Pakistan and parts of northern India, there has been an alarming increase in brick kiln laborers selling kidneys in order to repay their debts, or at least part of the debt. Many of the laborers I met actually knew that the system of advances pursuant to debt bondage was illegal and that they were entitled to receive minimum wages and certain standards of working and living conditions. However, they all felt powerless to enforce their rights. "We know what our wages are supposed to be," a bonded laborer named Ramesh, at a kiln in Punjab (India), told me. "The NGOs tell us these debts are illegal and our wages should not be deducted, but they do not give us any alternative. No one is helping people like us."

At the end of the long and arduous brickmaking season, the laborers are usually given some sort of farcical accounting of their debts. They return home for the monsoon season and attempt to secure casual labor in other sectors, such as agriculture, construction, or carpet weaving, sometimes with the same owner/creditor. When the next brickmaking season com-

mences, they take another advance and return to the kiln for another cycle of kiln work. Some of the laborers I met were in less debt than others; some had a reasonable sense of their accounts, and some had no sense at all. Some maintained that they actually cleared their accounts each season before taking a new advance the following year, while others said they had been trying to work off a single ever-increasing loan for as long as they could remember. Overall, the system of ensnaring a captive, coerced, and severely exploited labor force throughout the brickmaking industry of South Asia is widely prevalent and receives very limited intervention.

Aside from corruption, ignorance, and a general disregard for the destitute laborers who toil in South Asia's brick kilns, I suspect that a large part of the resistance to any meaningful intervention in the system of brickmaking is because this sector provides the highest net profit per laborer of any form of bonded labor in South Asia. Table B.3 in the appendix provides details on brickmaking economics at a medium-sized kiln. The paltry wages paid to the various laborers average out to approximately \$1.36 per day and are only paid for the eight-month brickmaking season, for a maximum annual salary of approximately \$330, up to half of which is deducted. This number is an outrage compared to the \$1,990 in annual net profits generated per year per laborer. It is also an immense return on investment, given the range of advances I documented of \$33 to \$444. Even the high-end number represents a tremendous ROI. The low level of wages is also a primary driver of the need to take out more loans from the kiln owner during the season, which forces the bonded laborers deeper into debt. To the extent that full taxes are collected, the net profitability of brick kilns would be cut by up to one-half; however, bribes to local tax collectors (*tehsildars*) and "cooked" books allow kiln owners to avoid the bulk of their tax burden. The brick kiln owners do not even have to pay for the costs of transportation from the kiln to construction sites, which are typically borne by the purchaser. The combination of maximum cash profitability compared to any other bonded labor industry, along with the deeply toxic and dangerous working conditions, results in some of the highest levels of physical suffering and exploitation of any sector in South Asia. Brick kiln workers are perhaps the most callously exploited, physically destroyed, and spiritually devastated of all the bonded laborers I met. These individuals are also among the most angry slaves I met, and this presents a potentially significant risk for security in the region.



Photo 3.3. Brick-molding (*patheru*) bonded laborer in Punjab, Pakistan.

A WARNING ON SECURITY

After my first visit to a brick kiln more than a decade ago, I felt utter despondency at the human ruination I witnessed. Skeletons had replaced people; despair had replaced hopes and dreams. Knock-kneed children wobbled under the weight of bricks carted on their heads. Pain and anguish were as thick in the air as the dust and stifling heat. As the years went by, the levels of debt bondage and resulting misery at the brick kilns I documented continued to grow. To this day, I struggle to find the words to capture the true plight of the brick workers I met. One of the most poignant expressions I encountered did not come from any narrative I actually recorded but in a telegram I read as part of the transcript of *Darshan Mashih vs. State*, a 1990 Supreme Court case in Pakistan. The brickmaking bonded laborers in this case sent a telegram to the Supreme Court beseeching their help. This is part of what they wrote:

Chief Justice Supreme Court of Pakistan, Rawalpindi. We plead for protection and bread for our family we are brick kiln bonded labourers. . . . Our children and women are living in danger. . . . We are hiding like animals without protection or food. We are afraid and hungry. Please help us. . . . We want to live like human beings. The law gives no protection to us.¹⁰

The poignant and tormented language of this letter captured the essence of all eleven years of my research into bonded labor. Protection, bread, and the desire to live like a human being—all the bonded laborers I met yearned for these basic necessities. It is an incontrovertible disgrace that the nations of South Asia have allowed such levels of caustic exploitation to persist in any industry, particularly one as pervasive and visible as the baking of bricks. If shame and ignominy are insufficient to motivate the governments of South Asia to ameliorate the slavelike conditions at the thousands of brick kilns across the region, perhaps self-preservation is.

Across the years, I have noted more anger in the brickmaking sector than any other sector in which bonded laborers are exploited. There is only so much exploitation people will take before some will find a way to strike back. Extremists in Pakistan and India know this formula well, and brick kilns appear to have become prime recruiting grounds for some of the more militant-minded individuals in South Asia. Like the traffickers and *jamadars*, they recruit among those at brick kilns who are suffering the hellish exploitation with promises of food, security, and a way to fight back. It should not escape anyone's attention that the lone survivor of the November 26, 2008, Mumbai attacks—Muhammed Ajmal Kasab—told authorities in India that his peasant father sold him to the people who ended up operating the militant madrasa where he was ultimately brainwashed and trained to execute the mindless attacks in Mumbai. Extremists capitalize on rural poverty, anger, and lack of opportunity, and they often find new recruits among these people. In some cases, they purchase children outright to serve their agenda. I am not aware of anyone who has conducted reliable research into this area, including myself. However, the anecdotes I have received across the years indicate that brick kilns especially are being targeted by extremists in India and Pakistan for recruitment. During my last two research trips, when I enquired about this practice among laborers at the brick kilns I visited, no one said that extremist recruiters had come to their kilns, but some said they had heard that this

kind of recruitment was happening at other kilns. In most cases, they heard that recruiters paid off the debts of the bonded laborers as part of the deal and sometimes even offered small advances that the laborers did not have to repay. Though tales of recruitment by extremists at brick kilns remain anecdotal, if these anecdotes are true and the trend expands, the risk to security is not insignificant, and the governments of South Asia must take note. As the great American abolitionist Frederick Douglass once said: "Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob and degrade them, neither persons nor property will be safe."¹¹

For my part, after more than eleven years of research and scores of narratives about the torment and anguish at brick kilns, I have come to detest the sight of a brick. The red rectangular block signifies suffering and affliction to me. I always inspect the walls of shops and apartment buildings to see whose name is imprinted in the bricks and whether it might be from one of the kilns I have visited. More than once, I have traced a supply chain from a brick kiln in a rural area to a construction site in a major city. I have often wondered if the multinational corporations know that their glitzy new offices in Bangalore and Hyderabad, Mumbai and Gurgaon may have been built with slave labor bricks. Do the burgeoning middle and upper classes of India know that their new flats and sprawling bungalows may have been built with bricks molded by the tiny hands of a shattered child?

After my penultimate investigation into bricks on my fourth research trip, I was traveling along the highway from Varanasi to Allahabad. Earlier that day, I had met Gaurav. Driving down the road, I gazed out the car window and noticed that thousands of small trees had been planted along the highway to beautify the countryside. Each plant was protected from roving cows and hungry goats by a conical brick lattice cage a few feet high. Rage ignited in my chest. Were these bricks from Gaurav's kiln? Was this the purpose of his immeasurable suffering? I asked the driver to stop the car, and I walked up to one of the lattices. The name Vijay was molded into the bricks. They were not from Gaurav's kiln, but it was possible that the bricks in other lattice cages further down the highway would be. At that moment, each and every tale of brickmaking woe that I heard flooded me in a tidal wave. I wanted to tear down every single brick cage one by one. I wanted to bulldoze every brick kiln I had ever seen and raid the bank accounts of their owners to disburse the funds to the men, women, and

children they had brutally exploited. I wanted to take an hour of prime-time television in every South Asian nation and let them know of the hellish agony that was baked into each and every brick that constituted their offices and homes.

As my anger cooled and I realized the futility of my emotions, I took a moment to count the number of bricks in each cage. There were 390. I climbed back into my car and continued my journey. With Gaurav's story still churning in my mind, I calculated that for each day of his life, he molded enough bricks to construct two of these lattice cages. Maybe in a lifetime he molded enough bricks to build a few upper-class bungalows. Such was the measure of his life. And what did he have to show after a lifetime of toil? No money, no savings, no freedom, no beautiful brick bungalow of his own. A lost daughter, an insurmountable debt, and dark memories of a world that took everything from him. This is the dishonor of a nation: that it would build its future on the broken backs of its most vulnerable and tortured people.

BIDIS IN BENGAL

When Durga told me that the devastation of Hurricane Aila had wiped out entire swaths of the countryside in West Bengal in 2009 (as well as in southern Bangladesh, which we will explore in the next chapter), I was curious to investigate the impact of this environmental disaster on the levels of debt bondage and human trafficking in the region. Just as the destructive monsoon season of 2010 that flooded vast expanses of Pakistan, Nepal, northern India, and Bangladesh directly elevated levels of bondage and human trafficking among devastated peasants, I imagined there might have been a similar outcome after Hurricane Aila one year earlier.

With the help of guides referred to me by the grassroots activist Anuradha Talwar, the president of the Paschim Banga Khet Majoor Samity (West Bengal Agricultural Worker's Union), I traveled by jeep along muddy roads deep into the rural areas in West Bengal where Hurricane Aila had caused the most damage, not far from the border with southwestern Bangladesh. This was also the area where Durga said that numerous villages had been completely destroyed. Landowners subsequently made offers to rebuild homes in exchange for work in various sectors, especially bidi rolling. The offers came through *jamadars*, who descended on the region and

recruited heavily among the devastated villagers, capitalizing on their suffering.

Several of the villages I visited throughout West Bengal were Muslim. Most of the villagers had new mud huts, and some of the larger families even had brick homes. In four different villages I toured, ones that had been completely rebuilt by landowners, a total of 2,900 villagers were caught in bonded labor for bidi rolling. In exchange for rebuilding the homes and allowing the villagers to live in them, the landowners required the villagers to work six days a week rolling bidis. They were not allowed to leave the village area nor take any other work. If they broke these rules or did not roll enough bidis, they would be evicted from their homes, and another family would take their place.

Here is how a young woman named Khadija Bibi described the process:

Every two weeks, the *jamadar* brings the tendu leaf and the tobacco. At this time he also collects the bidis we have rolled. We roll the bidis on Monday to Saturday, usually ten or twelve hours a day. To roll the bidi, we cut the tendu leaf to size with this slide. Each piece must be two inches by one inch. We roll a pinch of the dry tobacco into the leaf, then we tie a thread around one side. Using this thin metal piece, we press the tobacco down, then we fold the bidi closed. Our hands get very sweaty in the heat, so we use ash to keep our fingers dry. The *jamadar* demands that each family complete at least three thousand bidis per day. One person working all day can roll maybe eight hundred bidis, so several people in the family must work. This amount is very difficult, and our fingers are in pain. When the *jamadar* picks up the bidis, he gives us a wage of Rs. 40 (\$0.89) for every one thousand bidis. The government minimum wage is Rs. 58 (\$1.29), but he says the deduction is for living in these homes and also if we use too much tendu leaf or the bidis are uneven.

More than two dozen other villagers in this area that I interviewed described the system in exactly the same way. The villagers were well aware of their rights to the state-stipulated minimum wage of Rs. 58 per one thousand rolled bidis, but they had no choice but to accept the 30 percent (or more) wage deduction; otherwise, they would have no place to live. The youngest villager I documented rolling bidis was a five-year-old boy, and the eldest was a sixty-six-year-old woman. This same elderly woman,



Photo 3.4. Bidi-rolling bonded laborer in West Bengal, India.

Amina Bibi, described in vivid terms the desperation faced by the villagers after Hurricane Aila:

The hurricane destroyed everything. All our possessions were lost. Our home was gone, and we were living in the mud for days with no food or water. My grandchildren were starving. They were crying every night. We prayed to God to help us. After so many days, the landowner's men came to this area and told us they could rebuild our homes if we work for them. We knew they would take advantage of us, but we had no choice. We were all suffering so much pain in this place. God favors you that you do not live like us.

The anguish in Amina Bibi's voice was so palpable that I felt as if the hurricane had struck just a few days ago. Though the villagers in this part of West Bengal had very little, losing what little they had was utterly ruinous.

Since that time, Amina Bibi and thousands of villagers like her had no choice but to accept bondage or similarly exploitative conditions. They roll the bidis all year round, and at some point during the year just about every family needs an advance of some kind or another. The *jamadar* offers the advance, and the family is then much more pressured to roll more bidis to repay the loan. In addition, some family members were carted off by the *jamadars* to brick kilns or construction sites to work off the advances. It only took a few minutes to see how terribly monotonous and painful the labor of bidi rolling was. In addition to severely cramped fingers and neck and back ailments, many villagers were suffering from tuberculosis and other respiratory ailments from inhaling raw tobacco ten to twelve hours a day, at least 310 days a year. Tobacco also seeps through the skin on their fingers all day long. One can only imagine a few years down the road how many of them will end up with cancer of some sort and how many of the children will have stunted development and other serious health ailments as a result of the heavy exposure to raw tobacco.

As for the rolled bidis, the *jamadars* arrive every two weeks and transport them to the north of West Bengal, where they are sold to packagers on behalf of the landowners, who then package and distribute them for retail sale. The *jamadars* receive a commission of around \$0.22 per thousand bidis rolled. Most or all of the wage deduction they take from the villagers goes back to the landowners. Packaged bidis can be found throughout South Asia for retail sale at dirt-cheap prices of \$0.15 to \$0.20 for a pack of twenty-five. Table B.4 in the appendix shows just how profitable the wholesale production of bidis through debt bondage can be (typically a pack of twenty-five sells for \$0.10), with a per laborer net profit of roughly \$590 per year, leaving ample net margin to increase the minimum wage for bidi rolling substantially—as well as pay that wage in full. However, greed and callousness motivate the producers to use debt bondage to extract the cheapest labor possible. India is responsible for just about every bidi produced in South Asia, and approximately 98 percent of the nine hundred billion to one trillion bidis produced in India each year are rolled by hand by more than four million laborers like Khadija Bibi and Amina Bibi.¹² My best estimate is that approximately 47 to 55 percent of the \$3.6 to \$4.0 billion wholesale bidi market (\$5.8 to \$6.4 billion at retail)¹³ can be attributed to bonded, forced, or child labor.

Beyond the area of West Bengal that was devastated by Hurricane Aila, I also visited villages further inland in which individuals were similarly

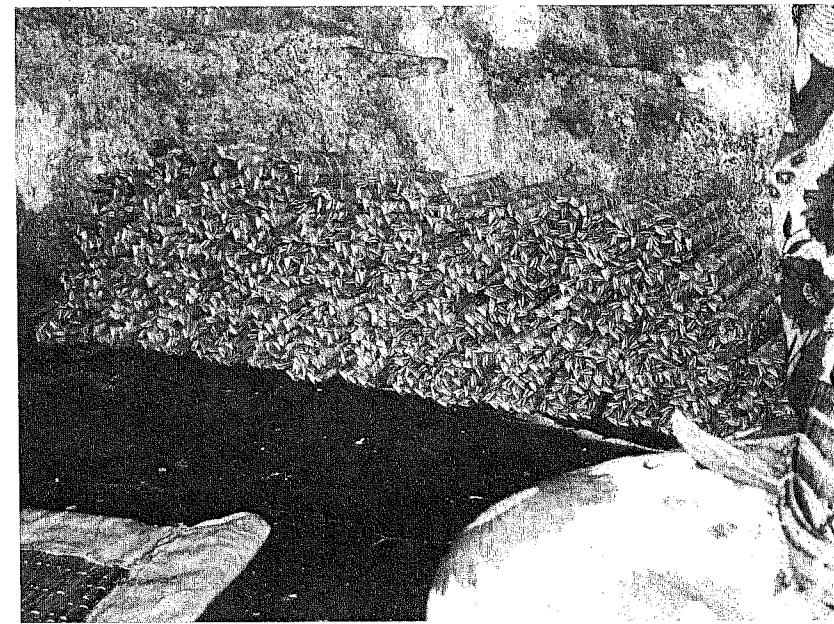


Photo 3.5. One day's rolled bidis.

caught in debt bondage for bidi rolling, not because their villages had been devastated but because they were simply landless and impoverished and needed loans in order to survive. Coercion, the threat of eviction, physical punishment, and a simple lack of any alternative consigned these villagers to a life of debt bondage as the only means of survival. I also managed to speak to two *jamadars* in this area. I told them the same thing I told Mr. Singh in Rajasthan: I was an American researcher investigating the nature of rural economies in India, and I made sure that I did not say anything that could lead to any suspicion that the villagers were revealing information that would be problematic for them or their employers. We spoke mostly about the supply chain for bidi manufacturing and overall wage rates, wholesale rates, and other costs built into the system of production. The *jamadars* explained the commission basis of their compensation and that they had both been doing this work for more than ten years. They each chain smoked at least ten bidis while I spoke to them, adding a few more shades of brown to their already mud-colored teeth. I asked if

they ever had problems meeting their production quotas, and they both said yes.

"What happens in that case?" I asked the *jamadars*.

"In this case, we have to make a wage deduction. Sometimes we have to find other work for the family."

The *jamadars*, of course, did not know that I had already been told by the villagers that whenever the *jamadars* were displeased with their production levels, they threatened the families with eviction from their homes. In fact, in the same village in which I met the *jamadars*, I was told that four families out of eighty-four had been evicted in the last year.

The *jamadars* claimed they paid the full minimum wages stipulated by the state of West Bengal and that the villagers found the work very easy. "All they have to do is sit on the floor and do this work," one of the *jamadars* explained. "We bring all the materials to them, and we fetch the bidis when they are finished. We must travel so much for our work. We have so many headaches. If the villagers do not work hard enough, we are punished, not them. The life of these villagers is much easier."

The *jamadars* went on to explain how lazy the villagers were and how if they were not forced to work they would not work at all. I knew what "forcing" the villagers to work really meant—threats, evictions, and physical abuse. Eventually, the *jamadars* moved on to the next village to collect more bidis. Whether they truly believed the villagers were lazy and led a comparatively easy life or whether they just said this to me as a way of perpetuating their false version of reality, there is no disputing what I saw with my own eyes, and that was the severe exploitation of the deprived and trampled people of this area for the purpose of rolling bidis at maximum profit. Deducted wages, the threat of eviction, and restrictions on any other form of employment or movement meant that these villagers were rolling bidis in what essentially amounted to outdoor prisons.

Similar to the brickmaking industry, after I saw the destructive, large-scale, and wanton exploitation involved in rolling bidis in West Bengal, it was difficult for me to see bidis the same way again. All across South Asia, every corner shop sells bidis to taxi drivers, students, day laborers, and professionals. Their quick tobacco buzz is enjoyed at the expense of millions of men, women, and children who work in deeply exploitative conditions. Through no fault of their own, consumers puff away, oblivious to the pain endured by their impoverished countrymen. I would like to believe that were they to know more about what it takes to deliver these penny-

costing bidis to them, they would demand that bidi producers provide decent treatment, freedom, and fair wages to the laborers at the bottom end of the supply chain. As for those specific producers who capitalized on the environmental disaster of Hurricane Aila to exploit the peasants who were driven to the precipice of absolute destitution—they know full well what they are doing, and I pray there is a special place in hell for scoundrels such as these.