

**The Bondage labor: A shackle of Shahariya's freedom
(A specific case of Baran, Rajasthan)**

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1.Context

Ironically, India is one of the world's dynamic democracy & second fastest growing economy, is still dealing with ages-old challenges questioning the fundamental rights of its people -such as **bondage labour**. According to International Labour Organization, in 2014 India had 1.17 Crores bondage labourers. The recent figures released by National Crime Record Bureau (NCRB) in 2016 over 8132 cases of human trafficking in India were reported.

One such human trafficked PVTG's in India are 'Shahariya's Tribe' of Baran, Rajasthan. The Shahariya's of Baran are not only alien to provision of article 23 of Indian Constitution, which states that human trafficking in any form is cognizable offence but are also devoid to any kind of mechanism to save them from oppressive *Jagirdars* (Landlords) of Baran. According to the Renke Commission (2008) Shahariya of Baran district, Rajasthan, is one of the most Vulnerable De-notified Tribe in India and also the largest Particularly Vulnerable Tribe Group (PVTG) in India¹.

The paper also highlights a case study of PVTGs based in Odisha (KutiaKondh Tribe) whose plight and developmental issues are similar to Shahariya's. Based on primary research, this is a sincere effort to recommend integrated livelihood model without compromising their cultural ethnicity for holistic development of the PVTGs.

2. Bondage labour & Shahariya's of Baran

The Shahariya's of Baran are socially and politically marginalized since independence. Despite the fact that a few among the largest population of PVTG's have studied and have become Govt. representatives, none of the Shahariya has ever been elected as Member of Parliament. Baran a district in south east part of the Rajasthan is infamous for its inhuman practices of bondage

¹To elaborate, PVTG is neither a constitutional category nor these communities are constitutionally recognized, but comes under classification of the Govt. of India, with the objective of enabling the improvement in status of certain communities with low development level. The Shahariya's are indigenous ethnic group mainly found in Morena, Sheopur, Shivpuri, Guna district in Madhya Pradesh & only in Baran district in Rajasthan. Shahariya's total population is close to 8 lakhs and among them 80% are found in MP & Rajasthan.

labour. Shahariya's of Baran are mainly found in Kishanganj & Shahabad blocks, minorly in Atru & Mangrol blocks. The population is concentrated mainly in 283 villages of the district. As per the survey by district administration, the total population of Shahariya's is close to 80000. And 90% of the total population are founds in Kishanganj & Shahabad blocks.

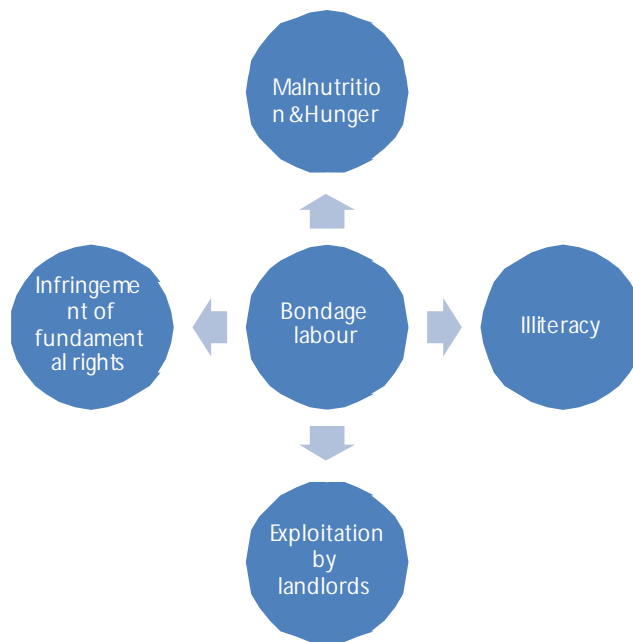
A study conducted in 2004-05 by Socio Economic and Educational Development Society (SEEDS) & Planning commission of India, **about rehabilitation of bondage labourers in five states of India.** The total numbers of rehabilitated bonded laborers surveyed for the study were 1879 in five states including Rajasthan. **In Baran 27 villages and 316 rehabilitated bondage labourer were surveyed.** The main findings of study about Baran were 94% of bondage labourers belongs to age group between 45-55 years, 96% of them were males. Almost 88% of them were having BPL cards but have not been able to avail government schemes and 87% of the population continue to live in Kutcha houses. The most alarming reason of the bondage labour was debt. 97% of them accepted loan as the biggest reason for becoming a bondage labourer. The loan amount ranges between Rs5000-Rs10,000 and 92.7% bondage labourers have taken the loan amount below INR Rs 10000.

As per annual report published by Ministry of Labour & Employment in 2008-09, since 1978 to 2009 in Rajasthan 7,488 bondage laborers were released, 6,331 were rehabilitated and INR. Rupees 72.42 lakhs were given as assistance.



Source- (Wikipedia, Baran District, 2019)

3.Problems of bondage labour



1.Illiteracy

As per 2011 census the literacy rate of Baran district is 80.35% compare to 2001, 75.78% . But the sad part is status of female literacy rate , as per 2011 census the female liteacr rate is 51.96 compare to 2001 , 41.56% which is still lowest in Rajsthan. The Shahariya's are major contributor to this low feamble literacy rate as bondage labour makes them vulnerable and devoid their basic fundamental right of education.

2. Exploitation by landlords

The powerful Sikh Sardars farmers of Kishanganj&Shahabad blocks who migrated four decades back from Punjab are the not socially but politically powerfull too. From drawing shahariya's out of main village center to engaging them as bondage labourers, sikhs farmers are the one of the main reason for their misery.

3. Enfringement of fundamental rights

The inhuman exlpotation by landlords such as Sardards&Dhakar, compromising their basic fundamental right, like right to speech and expression, to live life with dignity, right to education etc. Being bondage laborers shahariya's are not only compromosing with their health and to

nurture their future on their own terms, they are also losing the right to live healthy life. They are exploited in such a manner that they cannot eat and sleep as per their wish, which is not only an infringement of democratic right but also human rights too.

4. Malnutrition & Hunger-

In 2001-02 the starvation death of 47 shahariya's in Baran was the shock as well as a failure of government system. During drought in Rajasthan in year 2001-02, when the crops failed and there was no work, the villagers of Mundiari (Baran) began searching for food in the jungle. They didn't find any, they found grass and so for most of the summer, the village's 60 households got by eating sama - a fodder normally given to cattle. But humans are not supposed to eat grass, and soon the villagers, their cheeks increasingly sunken, got weaker. They complained of constipation and lethargy, finally they started dying. These incidents in Baran led to the death of 47 Shahariya's from hunger, majority of them were children under five years.

The factsheet of crucial indicators of Baran district is as following:

In (%)	Baran	Rajasthan	India
Literacy: Adult female literacy rate, 2001	31	34	47
Child mortality: Probability of dying under age 5, 2001*	99	93	70
Immunisation: Proportion of children fully immunised, 2002-04	23	26	52
Nutrition: Proportion of children who are underweight, 2002-04	67	59	47
Standard of living: Proportion of households with "low SLI", 2002-04	54	47	47

Sources: Census of India 2001 and District Level Household Survey 2002-04.

* = deaths per 1,000 infants and children under age five.

4.Challenges in eradication of bondage labour

The major challenges in eradication of bondage labour are;

1.Domination & exploitation by upper caste groups-

A study by The Hindu on February 2013 about BaranShahariya's states that pushed off agricultural land and vulnerable forest remains them indebted. The powerful communities including Dhakar & Sardar exploited them in against the small loan that was given. The land which was given by govt. as rehabilitation, upper caste have used multiple tactics to grab the land provided to Shahariya. The land which was given to Shahariya's as rehabilitation package by government, there were many reported cases of manipulation of land by upper caste.

2. Indebtness

Inter-generational transfer of debt is one of the major challenge of bondage labor. One of the study conducted in 2010 by Bela Bhatia, a well-known social activist states that indebtedness which was intergenerational as well as misinterpreted by multiple times by the corrupt practices of money lenders is one of the important reason for shahariya's into bondage labour. One of such victim was Babulal, from Shahabad block; he owed Rs 13,000 at the end of one year of work to a previous employer. Kuldeep paid those dues for him and asked him to work for him. At the end of two years Kuldeep told him that his Shahbad tehsil) debt had become Rs 21,000.

3.Lack of awareness of benefits from government schemes benefits and issue in availing

Lack of education is the major reason for Shahariya's being vulnerable till now, hence lead to lack of awareness on benefits from government schemes. SEEDS study in 2004-05 states that in Baran 95.9 % of rehabilitated bondage labourers were illiterate and 3.5 were below primary. This situation not only paralyzed them but also created a major issue in fulfilling the documentation for availing the benefits.

4. Lack of sustainable livelihood opportunity

Due to deterioration of traditional forest and lack of availability of forest produce was the main reason for Shahariya's vulnerability. Though government & civil society planned and assisted Shahariya's in many ways including livelihood, health, education but it was in isolation, hence results were also in parts.

5. Certificate of Release & Lack of actions against promoter of bondage laborers

In Shahabad & Kishanganj blocks it clearly shows that till today shahariya;s are looking for incentives which was supposed to given them by government as rehabilitation package. Social activist Bela Bhatiya's says that despite sporadic relief from the district

administration, no systematic arrangements had been made for the safety and “just and proper resettlement and rehabilitation” of the released bonded labourers, which is absolutely true. The second biggest challenge after rehabilitation is lack of action against promoter of bondage laborers, though FIR were filed against them but not a single landlord was punished by the law.

A Govt. School teacher, **Mr. Devendra Kumar Meena** was respondent of my study. He said in Hindi “*Shahariya logo ka bandhava majduri main jane ma man nahi hota hai, vo shuruvat se hi itane adim roop se pichade huye hai unko lagatar aajivika ke jariya milte hi nahi hai. Kisi sanstha or pariyojana ke madhyam se unko 4-6 murgiya va bakiya to mil jati hai lekin, unko ye nahi bataya jata ki aapko aajivika ka prabandha kaie kama hai, ek bar unko ye sab dene ke bad na to sanstha na sarkar ke log ye puchane nahi aate ki aapne un murgiyo or bakriyo ka kya kiya. Ye to yesha ho gaya ki, aapne ek garib to machali pakadkar dedi jissse usaki bhuk miti jay, lekin acha hota agar aap usako ye sikhate ki machali pakadi kaise jaye, jissase ki usaki baki jindagi ki bhuk ka intejam vo khud kar leta*”

(English Translation)

Shahariya's are reluctant to be part of bondage labour system but unfortunately they have been backward since independence. Neither they are aware nor they have any sustainable sources of livelihoods. If they receive some support through a NGO or Govt. For goatry or polutry farming through providing them with 4-6 goats or hens, they do not understand the intervention. No one puts in effort or take pains to teach them how to manage their livelihood. The dire need is to teach them fishing rather than providing a fish so that they can secure their livelihood for the rest of the time.

The PVTG's in Kalahandi are dealing with similar issues of lack of livelihood opportunities. The dependency of forest since ages is making it difficult for them to make both ends meet.

5. Policy advocacy for eradication of bondage labour

Based on the nature and requirement, Central and respective State Governments has introduced the various schemes for the welfare of bondage labourers. Based on Renke Commission classification, the classification of NT/DNT/ PVTG is as follows,

Classification of Shahariya's by Renke commission , 2008-

Srl.No.	State	Classification	Remarks
1	Chattisgarh	Denotified Tribe	
2	MP	Nomadic Tribe	
3	Uttarakhand	Nomadic Tribe	
4	<u>Rajasthan</u>	<u>PVTG</u>	<u>Only PVTG of Rajasthan</u>

In case of Shahariya's, multidimensional approach for eradication of bondage labour had been introduced by the cumulative efforts of Central Govt., State Government & Civil society Organisations. The three fold approach followed was as given below:

1. Efforts through Central Govt-**Development of Particularly Vulnerable Tribal Group's**

Govt. of India introduced PVTG scheme for 75 PVTG's including Shahariya's in 17 states & one union territory. The main focus areas of this scheme is, education, housing, land distribution, land development, agricultural development, animal husbandry, construction of link roads and installation of non-conventional sources of energy for lighting purpose, social security or any other innovative activity meant for the comprehensive socio-economic development of PVTGs and to fill in the critical gaps.

In past three years under PVTG's development scheme the allocation of fund is as following;
(Rs. in Crore)

Srl.No.	Year					
	2016-17		2017-18		2018-19	
	Fund released	Utilization report	Fund released	Utilization report	Fund released	Utilization report
2	338.00	319.96	239.46	223.19	250.0	12.30

Source-(Press Information Bureau, 2019)

Unfortunately even after respectable amount being spent, Shahariya's and KutiaKondh, both the PVTGs are dealing with challenges including vulnerable kutcha dwellings, lack of basic infrastructure, no social security et al.

Central Sector Scheme For Rehabilitation of Bondage Labour-

Ministry of Labour & Employment started this scheme in 1978 later amended in 2000 & 2016. Originally the Scheme provided rehabilitation assistance of a ceiling limit of Rs. 4000/- per bonded labour. The cost is equally shared between Central and State Governments on 50:50 ratio. This rehabilitation assistance amount was raised to Rs.6250 in February 1986, then raised again to Rs.10000 in April 1995 and finally raised to Rs. 20000 per bondage labour in April 1999. The scheme was last revised in May 2000 wherein survey component, awareness generation activities and evaluation studies were included as additional items in the existing scheme.

(Fund released from year 1978 to 2014-15)

(Rs. in Crore)

Srl. No.	Central Share	State Share	Total Fund Released	Bondage Labourer Rehabilitated	Annual Average Expenditure
1	81.826	81.826	164	280213	2.21

With the flaws, this scheme was not as fruitful as expected. The following are some of the major loopholes in the system:

1. Lack of regular monitoring mechanism.
2. Inadequate and insufficient rehabilitation package.
3. Non-redressal mechanism for the needs of special category beneficiaries including children, differently-abled and people rescued from organized and forced begging.
4. Lack of institutionalized mechanism to document other major benefits listed in the existing scheme such as agricultural land, dwelling unit, skill training, education etc.
5. Ineffectiveness of awareness generation camps.
6. Unseemly system for disbursement of funds.

2. Efforts through State Government of Rajasthan-

Rajasthan Government created the institutional mechanism to implement the Bondage Labour Act 1976 to eradicate the bondage labour but implementation has been a concern. The following steps were undertaken:

1. District level vigilance committee & fund for rehabilitation of the bondage labour was established.
2. Conducted a survey to identify bondage labour in various sectors.

Unfortunately without effective and efficient implementation at grassroot level, Institutional set up cannot work alone. A feasibility study conducted by PRAXIS in 2016-17 states that the Labour Department has already set up Vigilance Committees in all the districts of the Rajasthan but at grass root level, these committees were inactive. The discrepancy of the committees can be known from the fact that between 2004 - 2016 not even a single bonded labour was officially rehabilitated by the committees.

3.Efforts through Civil Society Organisation -

Being one of backward district of Rajasthan, civil society organisations (CSOs) have been actively working with Shahariya's since 1970s. With the help of CSO's Shahariya's got exposure to their rights and started rebelling against bondage labour. The major contribution of civil society organizations are as following:

Mahila Jagrut Manch –The only Shahariya's notable leader Smt. Gyarsi Bai was a community activist and worker of Mahila Jagrut Manch led the campaign to end the inhuman and decade old practice of bondage labour also a modern day slavery. Gyarsi Bai under the banner of Mahila Jagrut Manch successfully rehabilitated 150 bondage labourers and reclaimed the 120 acres of land.

The National Campaign Committee for the Eradication of Bonded Labour(NCCEBL)&Human Rights Law Network(HRLN)–NCCEBL in collaboration with the HRLN not only identified the bonded labour in Baran but also rescued and rehabilitated many bonded labour including Maangi Lal from Baran, who was among the first ones to raise voice against Bondage labour. The team rescued the entire family of Maangi Lal from employer's house and assisted in getting 'Certificate of Release' and rehabilitation package.

6. Comparative study between Kutia Kondha&Shahariya's- Based on primary research

Kaushal Bhaav's primary research on PVTG's (Kutia Kondh tribe) in Lanjigarh, Kalahandi district, Odisha highlighted commonality in plight of PVTG's in India. The purpose of the research was to find out the viability of introducing alternate livelihood opportunities through low cost housing opportunity (under PMAYG) without disturbing the built fabric of the communities. KutiaKondha is among the 75 listed PVTGs in India who are believed to be from the Proto-Australoid ethnic group, residing mostly in Lanjigarh block of Kalahandi district also known as tribal block. Due to advent of modernity and globalization KutiaKondha are struggling with forest rights, being shattered by rules & regulations imposed by the State. One of the very crucial similarity between Kutia kond & Shahariya's are, both are facing challenges in their own world, one via shattering of forest rights and another by inhuman practice of bondage labour.

Kutia Kondh have their roots in mother nature and since time immemorial they are dependent on forest, wildlife and non timber forest produce. Having subsistence agriculture system and shifting agriculture pattern, they are not dependent on market and it also reduces their linkage with modern world. The best way to address their problem is to not changing them traditionally but accepting them as they are and providing means of livelihood at their place as KBSS is revolutionising through its model.

Challenges of Kutia Kondh & Shahariya's

Srl.No.	Kutia Kondh	Shahariya's
1.	Demolition of economy through FRA restriction.	Lack of livelihood sources due to government regulations on forest rights.
2.	Lack of diversified sources of livelihoods.	Inability to avail the rehabilitation package.
3.	Inadequate interventions by the govt for their holistic development.	Lack of right skill development interventions by govt.
4.	Lack of sensitization and awareness about their fundamental rights.	Lack of monitoring mechanism by state government to review the schemes meant for shahariya's welfare.
5.	High level of illiteracy.	Lack of basic education.

KBSS' approach in addressing their issues-

Kaushal Bhaav adapted three fold model of upliftment which includes all four P's of development – People Public Private Partnership. Providing a low cost – sustainable housing through PMAY(G) and engaging the community especially beneficiary through self-building model not only helps them earning an extra income for the family but also incline them for building capacity and other other livelihood opportunities. It not only addresses SDG's but also fulfils govt's prerogative of Housing for All alongwith fulfilling the need of the beneficiary of housing. The skill development opportunity during and after the construction of house secure livelihood options for PVTGs and revival of women SHG's through brick making activity makes them self-sustainable

7.Way forward

Deriving Shahariya's out of this inhuman practices will be first step towards their development, in that case government role is very pivotal. Here are the some possible recommendations that might help shahariya's,

1. Policies and programs of Government

Creation of separate policies and program for Shahariya's holistic development can be a crucial step. In spite of being India's largest PVTG there is no Shahariya specific policy till now which can ensure their specific development and require need. Formation of Shahariya's centric welfare schemes on health, education, livelihood, representation can definitely ensure their welfare to a larger extends. Enhancement of days under Mahatma Gandhi NREGA from 100 to 250 in a year will help them in income generation and will save them from loaning and furthermore from vicious cycle of bondage labour.

2. Implementation of existing government programs

There are various schemes that had been formed and implemented till now but implementation is the real challenge. Following the Bondage Labor Act, 1976 Govt. of Rajasthan has formed District level vigilance committee and fund for rehabilitation of bondage labor but today not a single vigilance committee is active, secondly there is always an issue in receiving the rehabilitation package due to complex bureaucratic system and illiteracy of Shahariya's. The needy are still in search of Certificate of Release' with the compensation of \$367 as mandate by the ILO.

3. Initiatives by Civil Society for better participation of communities and best practice promotion.

Civil society role is very crucial in sensitizing and awareness about their fundamental rights, incentives and schemes provided by governments. Organizations like Mahila Jagrut Manch, can replicate their best practice of mobilizing people through mass hearing and can engage other organization like Majdoor Kisan Shakti Sangathan & People Union for Civil Liberties. This ecosystem will help in scaling up their initiatives and increasing their outreach, which will help in bringing people centric solutions.

The model adopted for Kutia Kondh in Kalahandi can be replicated to Shahariya's, as well as to any similar place. It will not only reduce their dependency on external world but will also make them self sustainable, as famously said by Mahatma Gandhi,

'Self sufficiency is the greatest of all wealth'

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