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### The Study Abroad Research Context

From my perspective growing up, the world looked pretty good: I lived in a middle-class suburb of Dallas in a safe neighborhood with loving parents. My Southern Baptist church, my all-girls prep school, and the local Starbucks were all familiar locations. As a high school sophomore, my greatest concern was whether I would be allowed to study abroad in France.

During my freshman year of college, I began to appreciate how privileged I was compared to the rest of the world. I became aware of world-poverty, the worldwide AIDS epidemic, and the Rwandan genocide. In face of global tragedy and injustice, it struck me that there was much more to the world than the middle-class America I knew. I decided to confront this world with which I had been unacquainted.

The following summer, I worked with a prison reform organization in Russia. My experience there would change my life. It transformed my view of human rights abuses, connecting familiar statistics and generalizations to the struggles of individuals with faces and names. My work in Russian prisons brought to my attention a need that seemed to be largely unmet by the human rights community — the need to release innocents from prison. During this time, I read *Good News about Injustice* by Gary Haugen. Haugen, founder of the International Justice Mission (IJM), had been able to release victims of wrongful imprisonment through individual casework and strategic use of pressure and incentives. I was eager to partner with the IJM in their efforts to serve victims of oppression.

I joined the International Justice Mission on a two-week trip to India in March of 2002. The trip was devoted primarily to interviewing individuals identified by IJM investigators as possible bonded slaves. By the end of the trip, we had compiled over a hundred affidavits of interviewees working under bonded slavery conditions. According to India's Bonded Labor System Abolition Act, these

affidavits or testimonies shift the burden of proof to the bonded laborers' owners. This law dictates that the government must assume that anyone who makes a sworn claim (an affidavit) of bonded labor is indeed a bonded slave unless that person's "employer" is able to prove otherwise. The prospect of seeing the individuals I had met and interviewed released from bonded slavery propelled me to return to see the cases to completion. In time, the IJM Chennai director and IJM headquarters offered me a position as a full-time volunteer for the upcoming summer.

The University of Texas provided funding to cover the costs of returning to India. For enrolled students, it offered a number of grant opportunities, most requiring that recipients undertake a research project for course credit, supervised by UT faculty. I arranged an independent study course with an Asian Studies professor, Dr. Martha Selby, and drafted a research proposal based on my existing knowledge of bonded slavery interventions. My proposal was granted sufficient funding to cover my travel and living expenses.

In my work with IJM in Chennai that summer, I participated in all areas of bonded slavery intervention. The bulk of my time was devoted to organizing care for released victims by developing partnerships with non-governmental organizations (NGOs), and to compiling victim testimony into intervention reports detailing the conditions of each bonded slave we interviewed.<sup>1</sup> I was involved in bonded slavery investigations, intervention strategy planning, and meetings with government officials. Through this work and through interaction with bonded slaves, I began to understand the dynamics of bonded slavery, the deception and coercion used by moneylenders to acquire and retain bonded slaves, and the strengths and weaknesses of intervention methods employed by various non-governmental organizations. It became clear that deeply-rooted institutional obstacles often impeded various NGOs' efforts to release bonded slaves.

Seeing the work of NGOs thwarted at every turn prompted me to research methods of combating bonded slavery in hopes of finding more effective procedures. I visited the major libraries in Chennai and spoke to a leading scholar on human trafficking in India in search of scholarship on bonded slavery intervention, but came up empty-

handed. Most of the articles described the bonded labor system without offering insight into cultural reasons for its existence or describing power structures, institutions, and policies that can be leveraged on bonded slaves' behalf. In response, I set out to write a paper that would account for the prevalence of bonded slavery in India, examine the strengths and weaknesses of intervention methods currently employed, and suggest modifications in intervention strategy. My primary concern while I was in India was positively impacting the lives of bonded slaves; my research questions grew out of a desire to see greater effectiveness and efficiency in organizations' efforts to secure the release of bonded slaves.

The time I spent in India was critical to my research. Some of the material included in my paper came from online and library resources, but that information was supplemental to the key outcomes of my research. Achieving my research goals would have been impossible without talking to bonded slaves or observing NGOs' intervention efforts. For example, my assessment of the factors that contribute to existence of bonded slavery in India was drawn largely from an analysis of dozens of interviews with bonded slaves about the circumstances that led to their bondage. While library or internet research may have shed light on some of the causes of bonded slavery (e.g. poverty), the underbelly of coercion and deception may not have come to light without observing patterns in the circumstances of individual bonded slaves. Likewise, the existing literature on bonded slavery provided insufficient insight into the complexities of bonded labor intervention for an in-depth analysis of intervention strategies. Only by observing and participating in NGOs' intervention efforts was I able to evaluate the obstacles to intervention and draft an interventions proposal. In short, without field work, this paper would not have been possible.

# India's Modern Slaves: Bonded Labor in India and Methods of Intervention

## Introduction

Slavery flourishes in the modern world. In nations plagued by debilitating poverty, individuals unable to afford food, clothing, and shelter may be compelled to make a devastating decision: to sell themselves or their children into slavery. Nowhere in the world is this more common than India. Conservative estimates suggest that there are 10 million bonded child slaves in India alone.<sup>2</sup>

The story of Shama's descent into bonded slavery is representative of many others.<sup>3</sup> Shama was seven years old when her mother gave birth to her baby brother, Mubarik. There were problems during the birth, and the family needed the equivalent of \$35 for the doctor's services. The only way to obtain funds was to go to a local moneylender who let them borrow money on the condition that they sold Shama to him as collateral for the advance. Shama's family, desperate for cash, agreed. From the age of seven, Shama spent six days a week in the same spot on the floor rolling cigarettes. For 12 to 14 hours of work a day, Shama was compensated with less than the equivalent of 50 cents per week. If Shama arrived to work late or failed to meet her quota of 2,000 cigarettes per day, she could be beaten or burned. Shama had been sold into bonded slavery which, although illegal in India, is how Shama will spend her childhood.<sup>4</sup>

## Characteristics of Bonded Slavery

Bonded slavery refers to the situation in which a debtor is forced to work exclusively for a creditor in order to repay an advance. There are additional characteristics that are commonly associated with bonded labor but are not essential to its definition. For example, bonded slaves are generally forced to work long hours for six or seven days per week. They frequently receive wages well below those of workers in the same industry who have not taken an advance. Their 'owners,' called *mudalalis*, often take weekly deductions from their earnings to cover the cost of equipment and materials or to cover some of the interest on their loan. Interest rates are frequently exorbitant, with percentages in the thousands, and moneylenders often require that the advance be repaid as a lump sum. Given the extreme poverty of the laborers

and their families, it is difficult, if not impossible, to accumulate savings. If a person is unable to repay the loan (as is commonly the case), that person's bondage is passed to a member of his/her family, and may stay in the family for generations<sup>5</sup>

Deception and coercion are at the roots of the bonded labor system in India. Because most bonded laborers are illiterate, they easily fall prey to deception by *mudalalis*. Only rarely does a written agreement between the laborer and their *mudalali* detail how much money was borrowed, how much interest will be charged, and other relevant information. These factors allow *mudalalis* to manipulate interest rates and other details to force laborers to work well after the value of the laborers' work has exceeded the amount of the advance.<sup>6</sup> For example, R. Prabu, a bonded laborer in Puddokottai District, Tamil Nadu, reported that his *mudalali* takes weekly deductions from his wages, promising to credit the money toward his outstanding debt. However, R. Prabu is unaware of any documents recording the deductions, and to the best of his knowledge, the principal on his loan has not decreased.<sup>7</sup>

*Mudalalis* also deceive the bonded slaves by falsely claiming that some of their laborers' work is faulty and therefore cannot be sold. *Mudalalis*, in turn, deduct the entire wholesale cost from the workers' wages for the unsatisfactory goods but still sell the merchandise at a reduced price. Many laborers in the gem industry reported that they must pay their *mudalalis* for damaged stones. Deductions for damaged stones may reduce laborers' weekly wages by one half to one third.<sup>8</sup> Although laborers often compensate fully for the cost of damaged stones, *mudalalis* still sell the damaged stones at a reduced cost. Bonded slaves in other industries have similar stories. A. Rathinasamy, a stone quarry worker, told interviewers that his employer regularly inspects the quality of his work and sets aside stones, calling them unacceptable. Later, the *mudalali* takes the stones to market and sells them at full price, never paying A. Rathinasamy for his work.<sup>9</sup>

Despite *mudalalis*' unfair labor practices, bonded slaves continue to work for them because they are coerced. Coercion, as related to bonded labor, can be divided into three categories: social or cultural, psychological, and physical. In India, social and cultural norms exert an enormous influence on individuals' beliefs and behavior. Many people are so compelled by societal customs that they sell themselves or their children into slavery to pay for traditional ceremonies such as maturity parties, weddings and dowries, and funerals.<sup>10</sup> Social pressures great enough to lead many families into slavery are often great enough to hold them there.

It is common for a bonded slave to take loans subsequent to the initial loan in order to be able to afford certain cultural rituals — festivals, celebrations, ceremonies. This perpetual borrowing keeps bonded laborers in slavery indefinitely. For instance, nearly all the bonded laborers in Kandrathur, Tamil Nadu take an advance at the time of *Pongal* — an annual celebration of the harvest and the most important festival in Tamil Nadu and Andhra Pradesh. The workers complain that they hate borrowing money. However, they report that they must take out a loan each year for *Pongal*, because if they do not celebrate, they will suffer severe heart problems. This deeply entrenched societal belief keeps bonded laborers borrowing year after year, making the possibility of being freed increasingly distant.<sup>11</sup>

Additionally, Indian culture values respect, particularly respect toward elders. Because *mudalalis* are usually older than the laborers they own, many bonded slaves, out of consideration for their owner, will not testify against him before government officials even though doing so might result in their release.<sup>12</sup>

Hinduism also engenders respect among laborers for their *mudalalis*. One Hindu family believed that their owner was a god because he fed the whole family. When the family learned that their testimonies could be used against their *mudalali*, possibly resulting in imprisonment or a fine, they asked to retract them. Further, they claimed that if their *mudalali* were harmed in any way, the whole family would commit suicide. While this is an extreme case, many Hindu bonded laborers come from the lowest castes and respect their owners, who generally come from a higher caste. In some cases, Hindu bonded slaves refuse to take action against their *mudalalis*, believing they should be satisfied with their lot in life.<sup>13</sup>

Threats of violence are one of the most severe forms of psychological coercion faced by bonded laborers. In mid-June of 2002, a *mudalali* at a rock quarry in Kal Tatchan Patti Village did not provide his laborers with work because there were no explosives available for rock blasting. After a week without work, five of the laborers, unable to forgo wages any longer, sought work at a different quarry. When their *mudalali* learned they were skipping work, he sought them out and found them at another quarry. The victims report that he cursed at them and “threatened to tie them to a tree and beat them.” Furthermore, he ordered them never to seek work elsewhere, even if he does not have work for them at his quarry. The victims report being very frightened; they immediately returned to work for their *mudalali*.<sup>14</sup>

When accompanied by physical violence, the effects of psychological coercion are multiplied. That was the case for N. Chandrasekaran, a quarry laborer who, against his *mudalali's* will, sought alternative employment. When his *mudalali* found him, he beat him and “threatened to take off his hand or leg if he worked elsewhere.” By physically punishing Chandrasekaran, the *mudalali* indicated that his threats should be taken seriously; this, in turn, intensified the victim’s fear as well as his commitment to obey the *mudalali*.<sup>15</sup>

*Mudalalis* exert control over their laborers by manipulating Indian social and cultural values and exploiting bonded slaves’ naivete. Because *mudalalis* are not punished for their actions, they have no incentive to employ a voluntary labor force.

## **I n d i a ’ s L e g a l O b l i g a t i o n s t o E r a d i c a t e B o n d e d L a b o r**

India does have domestic laws criminalizing bonded labor. Further, it has entered into numerous international agreements requiring that it respond to bonded slavery.

### **I n t e r n a t i o n a l L e g a l O b l i g a t i o n s**

In March of 1954, India signed the Convention on the Suppression of Slave Trade and Slavery of 1926. Signatories of the convention agreed to “prevent and suppress the slave trade [and] to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.”<sup>16</sup> Furthermore, each party agreed to “take all necessary measures to prevent compulsory or forced labor from developing into conditions analogous to slavery.”<sup>17</sup> In 1957, the International Labor Organization (ILO) specifically included debt bondage in its definition of forced labor.<sup>18</sup> By ratifying the ILO’s Forced Labor Convention, India is obligated to “suppress the use of forced or compulsory labor in all its forms within the shortest possible period.”<sup>19</sup>

India also ratified one of the most important documents in international humanitarian law, the International Covenant on Civil and Political Rights (ICCPR). The ICCPR states, “No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited ... No one shall be required to perform forced or compulsory labor.”<sup>20</sup> In addition, as party to the International Covenant on Economic, Social, and Cultural Rights (1966), India promised to “recognize the right of everyone to the enjoyment of just and favorable conditions of work.”<sup>21</sup> The covenant specifies that “just and favorable” work conditions include fair wages, safe and healthy work conditions,

and reasonable work hours. Most bonded slaves lack at least two, and often all three, of these conditions.

In the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, India committed to take “all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of ... debt bondage.” The convention formally considers debt bondage to be an institution similar to slavery; defined 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 toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”

Clearly, India has numerous international obligations to make every effort to eradicate bonded slavery within its territory.

### Domestic Legal Obligations

India’s Constitution (1950) guarantees social, economic, and political justice. Article 23 of the Constitution explicitly prohibits “traffic in human beings and *begar*<sup>22</sup> and other similar forms of forced labor.”<sup>23</sup> Violations of this provision are punishable by law, and, in Article 35, the Parliament of India is given the authority to execute the law. Section 374 of the Indian Penal Code also prohibits forced labor and lays out the scope of possible punishments for the offense. It reads, “whoever unlawfully compels any person to labor against the will of that person shall be punished with imprisonment ... for a term which may extend to one year, or with a fine, or with both.”<sup>24</sup>

Rulings of the Indian Supreme Court have reinforced Article 23 of the Constitution. For instance, after the government of Tamil Nadu filed an affidavit claiming that “only stray cases of bonded labor are noticed in Tamil Nadu,”<sup>25</sup> a commission, appointed by the Supreme Court, investigated bonded slavery in the state to determine the accuracy of the local government’s claim. Following a lengthy investigation, the commission established that “in Tamil Nadu, there were a minimum of one million bonded laborers.”<sup>26</sup> In response to this determination, the government of Tamil Nadu promised before the Supreme Court to release and rehabilitate all the bonded slaves in the state, and the Supreme Court, in *PUCL v. State of Tamil Nadu*, requested that the National Human Rights Commission supervise their efforts.<sup>27</sup>

In 1976, landmark legislation was passed in both houses of India’s Parliament. The Bonded Labor System (Abolition) Act (“the Act”) declared that



“on the commencement of [the] Act, the bonded labor system shall stand abolished and every bonded laborer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labor.”<sup>28</sup> While this Act serves a valuable purpose as an official statement of the Indian government’s stance on bonded labor, the Act’s passage alone was not sufficient to bring about the abolition of bonded slavery in India. Only years of proactive investigation and enforcement (including the release of bonded slaves and the prosecution of *mudalalis*) could effectively move toward this goal. Regrettably, Indian local government officials, who are given responsibility for the execution of the Act, seem to have failed to make bonded labor a priority. As a result, the responsibility to protect individuals suffering injustice under the bonded labor system lies in the hands of non-governmental bodies.

### The Bonded Labor System Abolition Act and Effective Intervention

In India, non-governmental bodies can seek the release of bonded laborers and the prosecution of their owners in three ways: (1) by invoking international treaties, (2) by bringing cases through the Indian justice system, or (3) by motivating local government officials to exercise the authority imparted to them by the Bonded Labor System (Abolition) Act to rescue laborers and bring *mudalalis* to account. India’s commitments to international agreements have not been vigorously enforced, and the country’s failure to uphold treaties has not negatively affected the nation in any significant way. Thus, reminding India of its responsibility toward bonded laborers under international law is not likely to inspire action. The Indian court system is exceedingly congested, so bringing cases to the courts is likely to consume time and expense, with a low probability of success. Using the last approach, working through the Bonded Labor System (Abolition) Act seems to be the most effective method of intervention. It provides for third-party intervention, the burden of proof rests upon the creditor, and it defines bonded labor broadly.

The Bonded Labor System (Abolition) Act specifies that any third person or non-governmental organization interested in the affected party (i.e. the bonded laborer) may lodge a complaint with the Revenue Divisional Officer, the local government official responsible for the release and rehabilitation of bonded laborers in his/her district.<sup>29</sup> When a case of bonded labor has been brought to the attention of the RDO (by the affected party or a third party), he/she is obligated by law to investigate the matter and release the laborer if he/she is found to be bonded.

The Act's definition of bonded labor is broad, classifying individuals in a wide variety of coercive labor situations as bonded slaves. The legislators who drafted the Act recognized that bonded laborers often lack documentation of their agreements and transactions with their *mudalalis*. Therefore, to enable any person who is bonded to be released (whether or not they have proof of their bondedness), the laborer is required only to testify to his/her conditions. The employer, were he/she innocent, would need to supply evidence to the contrary.

The Act's definition of bonded labor is broad. Individuals in a wide variety of coercive labor situations would be classified as bonded laborers according to the Act. First, the Act includes not only forced labor, but also "partly forced" labor.<sup>30</sup> While partly forced labor is not defined, it presumably describes labor perpetuated by social/cultural coercion. In other words, the laborer chooses to continue working for their *mudalali* based on their culturally engrained perception of their duties or their perception of others' expectations of them. Forced labor, then, would constitute employment that the laborer does not terminate because of their legitimate fear of harm.

Secondly, the Act enumerates a wide variety of conditions that are judged to be coercive. Chapter 1, Section 2 of the law enumerates diverse sources of coercion, including money owed to the employer by the laborer, "customary or social obligations," membership (by birth) to any particular caste or community, inherited obligations, and inherited debt.<sup>31</sup>

Third, the nature of the employment must fit only one of four criteria to constitute bonded slavery. According to the Act, the conditions must be such that (1) the laborer is working for free or for nominal wages,<sup>32</sup> and/or (2) the laborer is not free to work elsewhere, and/or (3) the laborer lacks freedom of movement within India, and/or (4) the laborer does not have the right to sell his property or the fruit of his labor.<sup>33</sup> Given that any combination of the specified coercive elements with the specified labor conditions falls within the Act's definition of bonded labor, a large scope of people in a wide variety of job circumstances could be helped by the enforcement of the Act.

## **Four Elements of Effective Bonded Labor Intervention<sup>34</sup>**

### **Emergency Relief**

The first step in an intervention strategy is emergency relief—removing a victim from his/her abusive situation. To bring rescue to a bonded slave using the Bonded Labor System (Abolition) Act, the agent of intervention

must obtain a claim of bonded labor from the victim. Minimally, the statement must testify to the existence of (1) an agreement between a debtor and a creditor, (2) at least one coercive factor specified in the Act, and (3) at least one unfair labor condition as described in the Act.<sup>35</sup>

By interviewing individuals who the agent of intervention suspects to be bonded, the agent can determine whether the laborer has a valid claim under the Act. If the interviewee is bonded according to the Act, the agent must obtain the victim's sworn testimony about his/her conditions in an affidavit. Once the victim's affidavit is presented to the RDO in the victim's district, he/she is duty-bound to investigate. In the event that the RDO cannot obtain evidence to discount the victim's testimony, they must release the victim and provide them with a rehabilitation amount of 20,000 rupees (approximately US\$425).<sup>36</sup>

Agents of intervention find suspected bonded slaves to interview in a number of ways. For instance, NGOs that intervene on behalf of bonded laborers often receive referrals from other nonprofit organizations who are aware of bonded labor in their communities or from individuals who know victims of bonded labor. Additionally, organizations may employ professional investigators to obtain information about bonded slavery. Because certain trades are notorious for widespread bonded labor, investigators may begin by conducting an industry-based inquiry. For example, in Tamil Nadu, bonded slavery is rampant in brick kilns and stone quarries. While referrals and industry-based investigations are often an effective means of uncovering bonded labor, they commonly result in interventions on behalf of hundreds of unrelated victims. Government officials may be overwhelmed by the sheer quantity of victims as well as the effort required to locate laborers and *mudalalis* throughout their district.<sup>37</sup>

Consequently, *mudalali*-based investigations and interventions may be preferable to victim-based investigations and interventions. Instead of stopping at victim identification through referrals and investigations, organizations should use victim information to identify and investigate *mudalalis*. The goal should be to locate *mudalalis* who own large numbers of laborers and who are particularly exploitative or abusive.<sup>38</sup> Acquiring detailed information about the *mudalali* and his labor practices prior to interviewing victims provides the intervening body with a standard of comparison for determining the credibility and accuracy of victim testimony. Moreover, by interviewing only a portion of the *mudalali*'s victims and turning over their cases to government officials, organizations may be able to release all of the *mudalali*'s laborers while interviewing and compiling the appropriate documents for comparatively few.

*Mudalali*-based interventions facilitate numerous releases with few cases, provide investigators' with facts by which to judge the accuracy of testimony, and increase the likelihood of releasing particularly exploited victims. Evidence gathered through *mudalali* investigations, supported by victims' collective testimonies, also helps in the prosecution of the *mudalalis*.

## Perpetrator Accountability

Ensuring that perpetrators of bonded slavery are brought to account for their crimes is the second element in an effective intervention strategy. *Mudalali* prosecutions and convictions serve important retributive purposes. Those who use their power to exploit the most vulnerable members of society deserve punishment. Perhaps more importantly, *mudalali* convictions function as a valuable deterrent. An employer's decision to use bonded laborers is essentially a cost-benefit analysis. Currently in India, a person can be reasonably certain that using slave labor as a means of production brings little to no risk of punishment. While the law provides for a prison sentence of up to three years for those who violate the Bonded Labor System (Abolition) Act, few *mudalalis* are brought to the attention of local law enforcement, and those that are usually escape with only a small fine or an evening in jail.<sup>39</sup> Because successful *mudalali* convictions accompanied by appropriately severe punishment are extremely rare, bonded slavery effectively involves no risk. Thus, employers are faced with a choice between a voluntary labor force, which they must pay and keep happy, and a coerced labor force, which is inexpensive and risk-free. *Mudalalis* driven by a desire to maximize profits will invariably choose the latter. In order to ratchet up the costs of using forced labor, perpetrator convictions must be frequent and well-publicized.

## Structural Prevention

Successful prosecutions constitute a portion of the third element of effective bonded slavery intervention: structural prevention. By making and implementing constructive changes in legislation and policy, it is possible to reduce the occurrences of bonded labor. For instance, one cause of bonded labor is the lack of alternative sources of credit for India's poor.<sup>40</sup> Bonded slavery flourishes in part because an economically disadvantaged person in a financial emergency has nowhere to turn but to the local moneylender. Policies that would provide a means for the poor to receive small-scale loans through rural banks, government agencies, or corporate credit schemes could significantly decrease individuals' vulnerability to bonded slavery. Additionally, many

NGOs have organized groups in poor communities that allow members more financial options during times of great need. To become a member of a group, a person must contribute a specified minimum amount of money. The capital generated from members' contributions collectively serves as collateral on bank loans or as a source of credit itself.<sup>41</sup>

Another structural change that may minimize occurrences of child bonded slavery would be to make education compulsory through age 18. Since many young children do not attend school, they are available for employment, albeit illegal. Parents who need money urgently may justify selling their children's labor, believing that it is better for children to be productive and learn a trade than to waste their days playing in the streets. If children were required to attend school, parents could not use this rationale. Moreover, children's absence from school would likely be noticed, so parents would face additional public pressure to ensure their children comply with compulsory school attendance. Fear of accountability under the compulsory school law may prevent adults from selling young children into a life of slavery.

Finally, bonded labor would not exist were it not for extreme poverty. Thus, effective poverty-reduction measures would contribute to the eradication of bonded labor in India. While it is undoubtedly difficult for a country to increase the income of its lower class, the tactics might be useful starting points:

- Introduce public works projects in order to generate employment opportunities for the unemployed.
- Institute far-reaching job training programs for unskilled workers.
- Increase the minimum wage.<sup>42</sup>

These aforementioned policies would clearly not eliminate poverty or bonded labor, but they would make significant headway in decreasing the vulnerability of the poor to those with more money, and consequently, more power.

## Victim Care

Until perpetrator accountability and structural prevention completely eliminate bonded labor in India, there will be a need for emergency relief. Emergency relief can only be effective when accompanied by victim-specific aftercare. It would be futile to remove individuals from their oppressive conditions without making significant efforts to ensure that they do not return to their abusive situation.

Released bonded laborers are particularly vulnerable to return to a *mudalali* because they are often so destitute that they need money to meet their basic needs for survival. While bonded laborers are paid almost nothing, they depend heavily on their meager wages to purchase enough rice to sustain them. Upon their rescue, they have no earnings, and most do not receive the promised rehabilitation amount of 20,000 rupees. Unless they find a source of income, they will be forced to borrow money again from a *mudalali* to purchase basic necessities.

To prevent released victims from being in this position, they must be equipped to generate income, and/or they must be able to borrow money from a body that will not require human labor as security on the loan. There are two ways in which rescued bonded slaves can be equipped to earn money: either they can find a job in a trade that they already know or they can be trained to work in other industries. To help rescued victims find a job in an industry with which they are familiar, some NGOs organize groups of bonded slaves who were released from the same line of work. Together, these individuals, most of whom have been in the industry for many years, are able to start profitable micro-enterprises.<sup>43</sup> For released laborers who are unable or averse to working in the same trade as when they were bonded, organizations must provide vocational training to prepare them to enter the workforce in another field.

In addition to equipping rescued individuals to generate income, effective aftercare strategies incorporate micro-lending schemes. As released victims rebuild their lives, many need loans to sustain themselves until they establish a steady source of revenue. Those who collaboratively set up small businesses often require money to meet start-up costs. Others have difficulty finding employment and need funds temporarily to cover their living expenses. Still others are able to provide for themselves until they encounter a financial emergency—sickness, a death in the family, etc. The bottom line is that, to prevent individuals from being forced into bonded slavery again, every released person must be able to borrow money without the loan being conditioned upon human labor.

Released child bonded slaves, particularly those who are too young legally to be employed, should be enrolled in school. Not only will this prepare them for well-paid jobs in the future, but it will also allow them to learn, pursue their interests, and socialize with other children.

## Obstacles to Effective Bonded Labor Intervention

In theory, this four-pronged intervention strategy provides prevention, relief, and care to victims and potential victims of bonded slavery. However, carrying out such an intervention strategy successfully in India proves difficult because numerous obstacles alienate victims from the assistance of others.

### Government Obstacles

Local government officials who are responsible for the release and rehabilitation of bonded slaves can easily block efforts to free bonded laborers. Often, they thwart organizations' attempts to provide emergency relief to victims by judging cases according to a very narrow definition of bonded labor. For example, the International Justice Mission collaborated with police officers to raid Marina Beach, Chennai District. The bonded child slaves retrieved during the raid were transported to the District Collector's office for an inquiry, supervised by the Collector and the RDO. At the end of the day, only one of over forty suspected victims was determined to be bonded and subsequently released. While the vast majority of cases conformed to the Bonded Labor System (Abolition) Act's definition of bonded labor, local officials ruled not according to law but according to their own subjective understanding of bonded labor. Those who conducted the Marina Beach inquiry rejected victims' claims of bonded labor on the grounds that their cases failed to satisfy one or more of the following conditions:

- Bonded labor always involves physical violence.
- Bonded labor always involves restricted freedom of movement.<sup>44</sup>
- No child bonded laborer attends school.
- Every bonded laborer must have a monetary debt large enough to constitute compulsion.
- All child bonded laborers live with their *mudalalis*.
- No bonded laborer's debt can be repaid in installments.
- No bonded laborer's *mudalali* can be a neighbor or relative.<sup>45</sup>

Each of these tenets is more restrictive than the legal definition of bonded labor in the Act. However, local government officials have free reign in the enforcement of the Act because they are not held accountable for improper implementation of this law.

The RDO and his staff can also misapply the Act by failing to value appropriately the victims' sworn testimony and failing to shift the burden of proof to the *mudalali* once a claim of bonded labor has been made. At the investigation into child bonded labor on Marina Beach, victims testified to their conditions under oath. Instead of requiring *mudalalis* to supply proof that their employees were not bonded as the Act requires, the officials allowed others' testimony to trump that of the victims. Parents of bonded laborers interrupted their children's statements to plead with officials; they claimed that their children were working voluntarily and begged to take them home. Although parents, as participants in the criminal act, have a strong financial incentive to lie about their children's work conditions, officials allowed parent testimony to override victim testimony without hesitation.<sup>46</sup> To be fair to victims and remain true to the Bonded Labor System (Abolition) Act, officials must assume that victims' testimonies are factual until they possess opposing evidence.

Government officials may also lie, denying the existence of bonded slavery in their state, to protect their reputation. The affidavit the government of Tamil Nadu submitted to the Supreme Court grossly understating the magnitude of bonded labor in the state is not an isolated incident. When approached by bonded individuals or third parties, governments repeatedly insist that their district or state is free of bonded labor. Indian Supreme Court Justice Bhagwati commented on this phenomenon:

It is not uncommon to find that the administration in some states is not willing to admit the existence of bonded labor, even though it exists in their territory and there is incontrovertible evidence that it does so exist. We fail to see why the administration should feel shy in admitting the existence of bonded labor because it is not the existence of bonded labor that is a slur on the administration but its failure to take necessary steps for the purpose of putting an end to the bonded labor system by quickly identifying, releasing and permanently rehabilitating bonded laborers.<sup>47</sup>

Administrations that do not even acknowledge the problem pose significant obstacles to those seeking relief on behalf of bonded slaves.

Additionally, many of the most brutal and abusive *mudalalis* exert considerable influence over the local government. Owners have power because of their wealth; commonly *mudalalis* with lucrative businesses bribe poorly paid or money-hungry politicians to look the other way. Sometimes



*mudalalis* are involved in government themselves—they are prominent politicians or high-powered law enforcement officials, confident that they can operate a business using slave labor with impunity.<sup>48</sup>

Despite the many obstructions created by government officials, it is certainly possible to find public servants of goodwill within the Indian government. It is more difficult, however, to motivate them to act sacrificially to protect the vulnerable.

### Resource-Related Obstacles

Even officials driven by a desire to affect positive change may not release bonded slaves due to a lack of resources. Time, personnel, and money are all severely limited within the Indian government. Since all government efforts consume finite resources which could be spent on other tasks, prioritizing other cost-intensive issues above bonded labor amounts to a decision to allow bonded laborers to continue suffering under an oppressor who goes unpunished. If officials had access to unlimited resources, they could address bonded labor while meeting all their other goals. However, since this is not the case, local officials are forced to make tough decisions—often between good and good. Many times, even well-intentioned government leaders will overlook bonded labor due to their diligent commitment to other matters. In Puddokottai District, the District Adi Dravidar Welfare Officer, a local government official, admitted that the RDO's office released a total of only 94 bonded laborers between 1996 and 2001 (inclusive).<sup>49</sup> An average of less than 16 released victims per year is remarkably low for a district saturated with bonded laborers. The small number of releases should not be attributed to ill will on the part of the RDO, who has shown himself to be a devoted and well-liked public servant, but rather to the combination of few resources and the relatively low priority given to bonded slavery.

Bonded labor may be relatively unimportant to government officials because the Indian public tolerates the practice, and many Indian citizens are not even aware that it is illegal. Since India is a democratic country in which government officials come to power through elections and enforcing bonded labor laws offers few (if any) political benefits, there is little incentive for government leaders to make strides in combating this inhumane practice. This is not to say that politicians who let electoral politics guide their decisions are bad, for even government leaders who hope to impact the world for the better must stay in power to do so. Instead, it speaks to the sacrifices that politicians must make in order to advance the eradication of bonded slavery.

Releasing bonded laborers is particularly costly to local governments. In addition to paying government workers for the time they spend processing paperwork and conducting lengthy inquiries, the government must provide each victim with a rehabilitation amount of 20,000 rupees.<sup>50</sup> Theoretically, some funds must be set aside for the sole purpose of bonded labor rescue and rehabilitation in order to keep other interests from trumping bonded labor. Practically, this is rarely the case. When members of a local administration need money to pursue other objectives, they withdraw from the bonded slavery fund.<sup>51</sup> As the money allocated toward bonded labor intervention diminishes, fewer victims can be rescued and rehabilitated. While the rehabilitation amount serves a valuable function, it also drives up the cost of bonded labor releases, thereby discouraging government intervention.

Limited resources constrain even the most dedicated officials. Mr. P. W. C. Davidar, Special Officer for Bonded Labor for the state of Tamil Nadu, said that the 400 bonded slaves is the greatest number of individuals he could release in a year when he was a District Collector. Although bonded labor was his top priority, he simply did not have the time, the finances, or the staff to handle a larger caseload.<sup>52</sup>

In some cases, government officials may be so overwhelmed by the magnitude of the problem and the amount of time and money required to make significant progress toward the elimination of bonded labor that they do not act at all. An NGO operating in India has found it difficult to motivate government officials to take action when hundreds of cases are turned in simultaneously. Officials are more responsive when fewer cases are brought to them because they believe that they can manage a more discrete set of cases effectively.<sup>53</sup> For this reason, *mudalali*-based interventions are likely to meet great success; they allow for minimal expenditure of resources while maximizing victim releases.

## Legal Obstacles

To reduce their caseload to a manageable size, public officials may manipulate their interpretation of the law such that most cases brought to them are automatically rejected. As discussed previously, the Bonded Labor System (Abolition) Act favors bonded laborers. Compulsion and force are defined very broadly, money does not have to change hands, and nearly any substandard treatment constitutes unjust working conditions. While seemingly advantageous, the comprehensiveness of the Act can be detrimental. Many officials seem to believe the Act is too inclusive. They often dismiss the legal definition as absurdly far-reaching, substituting it with their own narrow notions of bonded labor.<sup>54</sup>

## Investigative Obstacles

Bonded slavery investigations are challenging because of the many falsities that surround bonded labor. One organization found that some suspected victims, who were not in fact bonded, fabricated lies during intervention interviews<sup>55</sup> in order to secure government assistance. International NGOs may encounter this problem more frequently than NGOs staffed with Indian nationals because there is a widespread belief that Westerners have money to give away. However, even local organizations are not exempt from this problem as Indian citizens are becoming increasingly aware of the 20,000 rupee rehabilitation amount promised to all released bonded laborers.

Often those who make false claims to NGOs about being bonded do not have the courage to lie to government officials. While they freely deceive NGOs with elaborately constructed stories of their suffering, at the time of the government inquiry, their boldness fades and they tell a different story.

The reverse situation is also common. Individuals who are truly bonded share with NGOs the circumstances under which they were entrapped by their *mudalali* and forced to work under austere conditions. However, when they come face-to-face with a government official who may take action against their *mudalali*, fear of retaliation and anxiety about their future overwhelm them. As a result, they downplay the harsh realities of their life, and government officials determine that they are not bonded. Not only does this situation yield bad results for the bonded individual overcome by fear, but also it has the potential to damage the credibility, and hence the effectiveness, of the intercessor. Thus, an individual who changes their story can inhibit the release of many others in the future.

This seemingly insurmountable deception has led many organizations to become so frustrated that they stop intervening on behalf of bonded laborers and take on other forms of legal and/or humanitarian aid. Several NGOs reported that what was most exasperating about bonded labor intervention was that it was impossible to distinguish the honest from the deceitful.<sup>56</sup> Even after an individual changed his/her story, no one would ever know whether that person was truly bonded. It is often impossible to determine whether the individual lied to the NGO or to the government. All parties involved would be bound to ignorance, doomed never to know whether they were doing good or ill.<sup>57</sup> Thus, deception impedes the success of intervention and discourages NGOs from adopting this line of work.

## NGO-Related Obstacles

Another reason NGOs rarely choose to engage in bonded labor intervention for a sustained period of time is that they fear violent retaliation from *mudalalis*. Numerous organizations reported that they stopped pursuing bonded slavery cases after powerful *mudalalis* threatened to kill them.<sup>58</sup> Territorialism between NGOs hinders intervention tremendously. There are fierce rivalries between non-profit organizations throughout Tamil Nadu. Instead of collaborating for the greater good of the most vulnerable members of society, organizations compete for success, “clientele,” and recognition. In Kanyakumari District, two NGOs that focus on rescuing bonded laborers involved themselves in a skirmish. After one NGO (“NGO A”) submitted cases to the local government in Kanyakumari, the other (“NGO B”) attempted to cast doubt on those cases by claiming that NGO A offered individuals money in exchange for affidavits attesting to conditions of bonded slavery. NGO B contended that NGO A receives additional funding for every released bonded laborer, and therefore has an incentive to bribe people to make claims of bonded labor. When NGO A defended the credibility of its organization against these accusations, this further ignited the conflict. Local government officials were easily able to play one NGO off the other in order to avoid taking action on any of the cases that were submitted.<sup>59</sup>

NGO territorialism makes it difficult for organizations that release bonded laborers to find aftercare that best meets victims’ needs. In order to prevent fierce competition, NGOs have divided districts into smaller areas, and each area has been allocated to one NGO. The NGOs have agreed not to intrude upon other NGOs’ areas. Because of this, a released bonded slave cannot turn to an NGO outside his/her area of residence even if the NGO in the victim’s area does not satisfy his/her needs. Moreover, since there is no competition between NGOs, the quality of their services may be low.<sup>60</sup>

## Working Towards More Effective Interventions

The four-pronged interventions strategy outlined in this paper has the potential to be highly effective. However, India, particularly the state of Tamil Nadu, is not yet in a position for this strategy to function at optimal level. There must be significant improvements in all the aforementioned problem areas before such a strategy is efficient and successful. Thus, I would argue that it would be most valuable for organizations operating in India to devote the bulk of their time toward remedying these obstacles.

First, NGOs should educate government officials about the Bonded Labor System (Abolition) Act of 1976. Every RDO should be familiar with the burden-shift mandated by the Act, and every RDO should know and understand the Act's definition of bonded labor. NGOs should ensure that local officials are held accountable for failure to abide by the legal definition of bonded labor when adjudicating cases.

Second, NGOs working to intervene on behalf of bonded slaves in India should work together toward the long-term goal of eradicating the bonded labor system. Bonded slaves in India stand to benefit immensely if organizations stop fighting for turf and start collaborating. To ensure that collaboration does not end in inaction, all the organizations should select a single organization to take a leadership role. The designated organization ought to moderate discussions between organizations, define desired outcomes, map a strategy for attaining those goals, and assign roles to each organization.

Third, all organizations seeking relief for bonded laborers should be trained in undercover investigation. Because of all the lies surrounding bonded slavery, the best way to uncover the truth is through covert investigations. While *mudalalis* will not respond frankly or kindly to pointed or accusatory questions about bonded slavery, they love to brag about their power. Most *mudalalis* are confident of their immunity to punishment and freely boast to strangers about their successful industry and their laborers. A person disguised as a distributor of bricks who is interested in doing business might easily engage a *mudalali* who owns a brick kiln in a conversation about his profits, his business practices, and his means of production. This conversation could be guided in such a way that the *mudalali* provides incriminating evidence regarding his ownership of bonded slaves.<sup>61</sup>

Fourth, NGOs must generate considerable public outrage at the widespread practice of bonded labor in India. Since India is a democratic country in which elected officials are responsible for the execution of the Bonded Labor System (Abolition) Act, public concern about bonded labor would motivate officials to action. If the public tolerates bonded slavery, as is currently the case, few officials will respond to the suffering of bonded slaves.

Finally, the method of documenting bonded labor victims needs to be modified. Rather than aiming to document as many victims as possible in hopes of releasing the greatest possible number, organizations should focus on finding the most exploitative cases. Not only will this help those who are in greatest need of rescue, but handing in a manageable number of bonded labor cases greatly increases the probability that the RDO will carefully examine

the evidence and proceed appropriately. Also, all organizations should use well-trained Indian nationals for documentation in order not to attract individuals who lie in hopes of obtaining money from Westerners. Furthermore, giving locals the responsibility for documentation also demonstrates the constituent concern about bonded slavery.<sup>62</sup>

## **C o n c l u s i o n**

While bonded slavery intervention in India is undoubtedly challenging, it is not impossible. Even with obstacles blocking success from every direction, NGOs have managed to release thousands of bonded slaves each year in India. With modifications in strategy that will minimize the hurdles advocates must overcome, organizations will be able to free bonded slaves with greater speed and in greater numbers. Bonded labor advocacy groups have already begun adjusting their tactics in response to the current political environment in India, and public awareness of bonded slavery is increasing. When NGOs agree to collaborate and to conduct regular systematic analyses of intervention methods, the efficacy of their efforts is likely to grow further.

Additionally, international mechanisms can be leveraged to increase the responsiveness of officials to bonded labor interventions. For example, in 2000, the United States enacted the Trafficking Victims Protection Act (“TVPA”), which is aimed, in part, at pressuring other nations’ officials to combat human trafficking.<sup>63</sup> Among other things, the TVPA requires the State Department to sort countries into three tiers according to their efforts to combat trafficking. According to the Act, countries that forbid trafficking and appropriately punish perpetrators must be assigned to Tier I; nations must be placed in Tier II if they made “significant efforts” to do so or Tier III if they did not.<sup>64</sup> Only Tier III countries are subject to sanctions. Currently, the TVPA is not serving the function Congress intended because the State Department has doled out Tier II ratings to countries that, according to the standards defined in the TVPA, should be in Tier III. India is among the countries that have received an overgenerous Tier II rating, leaving Indian officials little incentive to enforce laws against bonded slavery. However, if current efforts to hold the State Department accountable for carrying out its duties under the TVPA are successful, NGOs combating bonded slavery in India can expect greater cooperation from local officials.

With improvements in intervention techniques and increased responsiveness from local governments on the horizon, the potential for success is high, but the expectation of challenge is also high. Is it worthwhile for NGOs

to expend great effort for the freedom of only a few thousand bonded slaves per year amidst a sea of millions? When one views victims as a mere statistic, it is easy to say that bonded labor organizations' efforts are wasted because they have barely put a dent in the suffering of millions of slaves. However, when one converses with victims like Shama who have been robbed of their childhood, who have spent their youth rolling cigarettes hour after hour, day after day, with no pay and no end in sight, it is nearly impossible to say that intervention is not worth pursuing. Shama and the millions of other child bonded slaves are perhaps the most vulnerable members of society. They are exploited and sometimes brutally beaten by owners who abuse their power to maximize profit. They have no recourse. Their only hope for a better future is for someone to bring power to bear on their behalf.

Edmond Burke said, "All that is necessary for the triumph of evil is that good men do nothing." *Mudalalis* secure forced child labor because they are confident that even well-intentioned government officials will not punish them for perpetrating the insidious practice. If officials within the Indian government are given effective incentives, resulting in the consistent enforcement of the Bonded Labor System Abolition Act, *mudalalis'* cost calculations will be altered. The high probability of punishment will outweigh the financial benefits of bonded labor. As a result, employers will hire a paid labor force rather than assume a high risk of legal sanction. Only when good men and women act consistently on behalf of those who suffer under the abuse of power will the bonded labor system be overturned.

## Notes

<sup>1</sup> Intervention reports are handed over to government officials, who are then required by law to conduct an investigation to determine whether the reported individuals are bonded. If so, the government is required to release the laborers from bonded slavery.

<sup>2</sup> US Department of Labor, Bureau of International Labor Affairs, *Forced and Bonded Child Labor*: <http://www.dol.gov/ilab/media/reports/iclp/sweat2/bonded.htm>

<sup>3</sup> For the protection of the victims of bonded slavery and the individuals who intervene on their behalf, details that could be used to identify them have been kept confidential. Consequently, with the exception of Shama and P. W. C. Davidar, whose names I received permission to use, the other names provided in this paper are pseudonyms.

<sup>4</sup> International Justice Mission interview with Shama Ismael. Details of Shama's case are provided in Gary Haugen's address to the Micah Network International Consultation on Integral Mission, <http://www.cnaf.org.uk/article/ijm/advoca1.doc>

<sup>5</sup> Gary Haugen, Good News about Injustice: A Witness of Courage in a Hurting World, 43-44, 1999.

<sup>6</sup> Interviews with bonded slaves in the Trichy District of Tamil Nadu. March 2002.

<sup>7</sup> Interview with R. Prabu. Pudukottai District, Tamil Nadu. June 2002.

<sup>8</sup> Interviews with bonded laborers in the gem industry in Trichy district suggest that workers make between 150 and 200 Rupees (Rs.) per week. Some laborers reported that their weekly production generally results in 50 damaged stones, and mudalalis charge at least Rs. 1 per damaged stone.

<sup>9</sup> Interview with A. Rathinasamy. Pudukottai District, Tamil Nadu. June 2002.

<sup>10</sup> Interviews with bonded slaves in the Trichy District of Tamil Nadu. March 2002.

<sup>11</sup> Interviews with bonded slaves in Kundrathur, Tamil Nadu. July 2002.

<sup>12</sup> Interviews with bonded slaves in the Trichy District of Tamil Nadu. March 2002.

<sup>13</sup> Interview with a Tamil man who has been interviewing bonded slaves on behalf of a local NGO for years. March 2002.

<sup>14</sup> Interviews with several bonded slaves working for a single mudalali in Pudukottai District, Tamil Nadu. June 2002.

<sup>15</sup> Source: Interview with N. Chandrasekaran. Pudukottai District, Tamil Nadu. June 2002.

<sup>16</sup> Office of the High Commissioner for Human Rights, *Convention on the Suppression of the Slave Trade and Slavery, 1926*, <http://www.unhchr.ch/html/menu3/b/f2sc.htm>

<sup>17</sup> Id.

<sup>18</sup> International Labor Organization, *Abolition of Forced Labor Convention, 1957*, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105>

<sup>19</sup> International Labor Organization, *International Labor Organization Forced Labor Convention, 1930*, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>

<sup>20</sup> University of Minnesota Human Rights Library, *International Covenant on Civil and Political Rights, 1966*, available at <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

<sup>21</sup> Office of the High Commissioner for Human Rights, *International Covenant on Economic, Social, and Cultural Rights, 1966*, [http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm)

<sup>22</sup> “Begar” is another word for forced, unfree, or compulsory labor.

<sup>23</sup> *Constitution of India, 1950*, <http://www.constitution.org/cons/india/const.html>

<sup>24</sup> *Indian Penal Code, 1860*, <http://www.indialawinfo.com/bareacts/ipc.html>

<sup>25</sup> People’s Watch—Tamil Nadu, *Abolition of the Bonded Labor System: Handbook for the Release and Rehabilitation of Bonded Laborers 1* (2001).

<sup>26</sup> Id.

<sup>27</sup> Id. at 104 and 143.

<sup>28</sup> Id. at 82.

<sup>29</sup> People’s Watch—Tamil Nadu, *Abolition of the Bonded Labor System: Handbook for the Release and Rehabilitation of Bonded Laborers 11* (2001).

<sup>30</sup> *Bonded Labor System (Abolition) Act, 1976*, [www.vakilno1.com/bareacts/bondedlaboursystemact/bondedlaboursystemact.htm](http://www.vakilno1.com/bareacts/bondedlaboursystemact/bondedlaboursystemact.htm)

<sup>31</sup> Id.

<sup>32</sup> Any wage below the minimum wage defined by the government for the laborer’s line of work or, if the government has not set a minimum wage for that work, any wage below market wage.

<sup>33</sup> *Bonded Labor System (Abolition) Act, 1976*, <http://www.vakilno1.com/bareacts/bondedlaboursystemact/bondedlaboursystemact.htm>

<sup>34</sup> These four elements have been articulated by International Justice Mission.

<sup>35</sup> *Bonded Labor System (Abolition) Act, 1976*, <http://www.vakilno1.com/bareacts/bondedlaboursystemact/bondedlaboursystemact.htm>

<sup>36</sup> Id.



<sup>37</sup> Discussions with directors and employees of NGOs seeking the release of bonded slaves in Tamil Nadu. June and July 2002.

<sup>38</sup> Exploitative and abusive cases would involve some or all of the following elements: low wages, long work hours, violence, threats of violence, significant wage deduction, and exorbitant interest rates.

<sup>39</sup> *Bonded Labor System (Abolition) Act, 1976*, <http://www.vakilno1.com/bareacts/bondedlaboursystemact/bondedlaboursystemact.htm>

<sup>40</sup> Interviews with bonded laborers in Tamil Nadu. March, June, and July 2002.

<sup>41</sup> Conversations with NGO leaders and employees in Tamil Nadu. June and July 2002.

<sup>42</sup> Before increasing the minimum wage, the government should determine whether raising the minimum wage would ultimately reduce or increase poverty levels. It is possible that raising the minimum wage would increase unemployment (employers could not afford as many workers), thereby increasing poverty.

<sup>43</sup> Conversations with NGO leaders and employees in Tamil Nadu. June and July 2002.

<sup>44</sup> Incidentally, the Kanyakumari District Collector, RDO, and Tasaldar all report that freedom of movement is the defining factor in determining bonded labor.

<sup>45</sup> Observation of the government inquiry into bonded slavery at Marina Beach. July 2002.

<sup>46</sup> Observation of the government inquiry into bonded slavery at Marina Beach, Tamil Nadu. July 2002.

<sup>47</sup> Sangeet Ahuja, *People, Law and Justice: Casebook on Public Interest Litigation*, 310. 1997, citing *Bandhua Mukit Morcha v. Union of India, et al.*, W. P. No. 2135, Order D/-16/12/83 (1982).

<sup>48</sup> Bonded slavery investigations in Tamil Nadu and conversations with NGO leaders and employees in Tamil Nadu. June and July 2002.

<sup>49</sup> Interview with the Pudukkottai District Adi Dravidar Welfare Officer, Tamil Nadu. July 2002.

<sup>50</sup> *Bonded Labor System (Abolition) Act, 1976*, <http://www.vakilno1.com/bareacts/bondedlaboursystemact/bondedlaboursystemact.htm>

<sup>51</sup> Interviews with government officials as well as leaders and employees of NGOs that intervene on behalf of bonded slaves, Tamil Nadu. June and July 2002.

<sup>52</sup> Conversation with leader of a local NGO, Tamil Nadu. July 2002.

<sup>53</sup> Interview with leader of a local NGO, Tamil Nadu. July 2002.

<sup>54</sup> Observations of government inquiries into bonded slavery, Tamil Nadu. June and July 2002.

<sup>55</sup> Intervention interviews are interviews designed to gather the victim's story and collect his/her sworn testimony about his/her conditions.

<sup>56</sup> Interviews with leaders and employees of NGOs that intervene on behalf of bonded slaves, Tamil Nadu. June and July 2002.

<sup>57</sup> Presumably, some individuals, who are not bonded, successfully deceive both the intervening body and government officials. In this case, not only is that person unlawfully wasting government resources and unjustly receiving government money that a released bonded slave should receive, but his employer may also be subject to prosecution or fines for having done nothing wrong. On the other hand, some individuals are truly enslaved and are granted rescue as a result of interventions. Clearly, bonded labor intervention has the potential to accomplish good, but because of the permeating deceit, it also has the potential for ill. It is extraordinarily difficult to maintain momentum when the effects of intervention are not clear.

<sup>58</sup> Interviews with leaders and employees of NGOs that intervene on behalf of bonded slaves, Tamil Nadu. June and July 2002.

<sup>59</sup> Conversations with NGO leaders, Tamil Nadu. June and July 2002.

<sup>60</sup> Conversations with NGO leaders and employees, Tamil Nadu. June and July 2002.

<sup>61</sup> Bonded slavery undercover investigation, Tamil Nadu. March 2002.

<sup>62</sup> The International Justice Mission intervention strategy now relies heavily on undercover investigation by Indian nationals; additionally, the investigators seek to find particularly exploitative cases of bonded slavery.

<sup>63</sup> Bonded labor constitutes a form of human trafficking.

<sup>64</sup> The TVPA cites three factors that must be considered when determining whether a country's government is making significant efforts: the extent of trafficking victimizations, the extent of government complicity in trafficking, and what counter-trafficking measures are reasonable given the government's resources; see <http://www.state.gov/documents/organization/10492.pdf>

## **P o s t s c r i p t**

My experience working with bonded slaves in India not only solidified my desire to serve the oppressed in my career, but also it expanded my view of human rights advocacy. Before I went to India, the human rights work I had been exposed to consisted of writing reports used to pressure or shame governments into responding to abuses. The organization I worked for in India, the International Justice Mission, employs a different approach—helping local police conduct criminal investigations to remove victims from their abusive situations and using data from casework to affect structural change. I am attracted to the latter method because it brings victims immediate relief, supplies concrete data for the development of effective policy, and furnishes success stories that bring hope to a field in which overwhelming statistics often lead people to despair. Based on my experiences intervening on behalf of bonded slaves in India, I am pursuing opportunities to develop legal and investigative skills in order to better serve victims of human rights abuses around the world.