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“AN OVERVIEW ON PERPETUAL SLAVERY IN INDIA”

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ABSTRACT

Slavery is one of the major problems that is striking India since ancient times and with all efforts to reduce it, even then it continues to affect a considerable number of people in certain parts of the country. Although, slavery is probably one of the most well-known problems of humanity and through its negative effects, slavery contributes to the degradation of human potential and diminishing the chances of development. Slavery refers to a situation wherein a person (slave/ chattel) will wholly be under the control of a person (master), who might probably be a rich in terms of power and wealth. It adversely affects and deprives the future prospects, human rights of the life of the slave. So, the researcher has taken up the topic of slavery for the research due to its contemporariness in nature and its triggering impacts on public at large. The paper commences with discussing about how slavery has been in ancient and modern India to compare its severity in the present day. After that, the paper lays its focus on modern forms of slavery and Indian laws combating them. And finally it suggests certain measures for the abolition of slavery in India.

PART-I

Introduction:

India is currently suffering from many perpetual problems like Slavery, Illiteracy, Discrimination and many more. In this research article, the researcher is intended to discuss about slavery. When we think of slavery, it is not just something that happened in past, but the modern-day society is also suffering from it. Slavery is the position where a human being is owned by another. A slave is considered as chattel or property of master / controller. Slavery violates the basic human rights of a person and deprived of liberty. Slavery generally occurs due to the division of levels amongst the human beings in a society. It always results in mental stress, physical assaults and social harassment. There are evidences for the presence of this menace in our country since ancient times. Historical examinations have largely emphasized the growth of this problem from the period of Muslim control in northern India to till date. In everyone's reign, Slaves are served for the different purposes, but the unchanged trait is that slaves would get exploited. The two forms of slavery i.e., Racism and Human trafficking made irreparable damage to the society. Racism refers to distinction made between people on the grounds of complexion. Even in 21st century, people in dark complexion face severe punishments when compared to fair complexion people, this is still happening because people don't fight for their rights and individuality and also the people, who perform such kind of activities are not educated to mitigate this menace and just follow as it was carried out by ancestors. Human Trafficking is a kind of force or coercion used against a slave for labor or sexual exploitation.

Historical background of slavery:

As already mentioned above, we can find the existence of slavery since ancient times. But the way of practice was changing and different from one period to another period. It was different in its initial stages i.e., ancient India, changed in medieval India and now it is practiced in a different way. In rig vedic period, the terms Dasa and Dasyu were known for slave or servant through many references like Mahabharata, manusmriti etc,. Slavery was familiar in ancient India with reference to the times of enslavement during the war times or defaulted in repaying the debt. Megasthenes gave strong evidence to the existence of slavery in ancient India, when he came down to India in 4th Century B.C. Aryans in the rig vedic period were constantly engaged

in wars, if those aborigines were defeated in the war then they were reduced to the status of slaves. Also, slavery was practiced in other form i.e., landlords tilled their lands with sudras help because they were treated as slaves. In medieval India, slaves were largely exported to Central Asia, to assure the demands in International demands. Slaves in medieval India, on a whole, were confined to the practices of debt bondage and domestic servitude. Even in the imperial administration to gather the revenue demand, by coercion if necessary, they were enslaving the peasants, if they default in making payments. Also, in medieval India, the text Majmua-i-watahiq, reveals that 58% of slaves were from Indian origin. In every era, slavery was practised differently based upon the master's discretion.

People evolved and so did the problems; they didn't go away but changed from one to another. Along the time, slavery also transformed from the traditional form to modern form which is called Modern slavery or Contemporary slavery or Neo-Slavery. Since the ancient times, the public appeal to slavery has changed. The things seem to have changed through enforcement of certain laws but despite being positive towards the issue, it hasn't proved to be enough for prevention of slavery due to improper implementation. Certain people have recognized their basic rights and fought against the masters for their liberty. But the other group of people (marginally social group) is still suffering from it since they didn't even make a try to fight against the masters for peaceful lives because of their apprehension. When compared to the practice of slavery in olden days, it is now practiced in many disgusting ways. A set of people realized it as an unethical and illegal practice and stopped doing so. But certain people are not realizing the heinous practices that are being performed by them.

Slavery affects a person in many forms like forced labor, debt bondage, commercial sexual exploitation of children, racism, trafficking, etc.. All, these forms of slavery is started in the modern times and are very different from traditional form, whose effects on innocent people are very pathetic. And this slavery is opposed to very basic and fundamental right enshrined under article 21 of the Indian constitution. Articles 23, 39 and 43 of the constitution also prohibit and punishes, who practice various kinds of slavery. Apart from the constitution, there are also other acts which safeguards people of the nation like The Bonded Labor System (Abolition) Act, 1976, Section 370 of criminal law. Indian laws are not being enough to eradicate slavery irrespective of

its stringent nature and day by day it is being practiced in many forms against many innocent people of the country.

Research Questions:

1. What is slavery and how forced labor and bonded labor existed in both ancient and modern India?
2. What are the various forms of slavery and how human race is impacted from it?
3. How are the Indian legislations enforcing against the menace of slavery?
4. What are the measures that need to be implemented to overcome slavery effectively?

Research Objectives:

1. The study endeavors to understand the concept of slavery from wider perspective.
2. The research aims to figure out and analyze the scope of laws in the context of abolition of slavery.
3. The study attempts to ascertain the impact of slavery (on innocent lives both physically and mentally) and how are they violating the basic rights of human beings.
4. The main objective of the research is to recommend certain changes in people's mindset and implementation of laws as well.

Significance of the study:

India is still a developing country and need to strive hard to overcome certain problems like slavery. India comprises of 121 crore population; 83.3 crore live in rural areas and 37.7 live in urban areas¹. The modern slavery mainly exists in rural areas because of the unawareness of their fundamental rights and ruins their whole life by serving their masters. And certain group of people in rural areas won't even make a try to fight against their controllers for the rights but accept it as their fate. The Global Slavery Index estimated that on any given day in

¹ Census India, available at: <https://www.censusindia.gov.in> (Last visited on Nov.20, 2020).

2016 there were nearly 8 million people living in the modern slavery in India². It is of paramount importance that the existing law must be implemented properly to abolish slavery in India. There is a constant effort put up by the world to revive people who are all deprived of their basic rights and exploited by others. The current research is also on similar footing where many NGOs, Governments are fighting against slavery to make sure that innocent people live their peaceful lives. The study will also be helpful to many people in understanding one of the contemporary problems that the society is facing. The researcher is intended to spread the message that everyone has come on to this earth to live their lives upon their own choices but not on the control of superiors through this research. It is unethical and illegal to exploit other lives.

“LIVE AND LET OTHERS LIVE”

Scope of the study:

The scope of this research is limited to the concept of slavery in India and its complexity in the country. Also, the research focus on the various forms of the slavery practiced in India, the effectiveness of Indian legislations to mitigate this menace. This research specially focused on the forced labor and bonded labor, since these are practiced right from ancient India. The researcher also highlighted the measures that can possibly be implemented to eliminate slavery from India.

Research Methodology:

Research Methodology is the way in which the researcher conducts the research systematically to obtain the results of the research. Doctrinal research and non-doctrinal research are the two major type of methods in which research can be conducted. The methodology that has been undertaken here in order to conduct this research is Doctrinal research. Slavery is a kind of topic that is contemporary in nature. So, the researcher tried to interpret various articles, e-books as it is very difficult to conduct field work i.e., non-doctrinal research in these hard times. The researcher didn't restrict the research methodology to subjective tools but also involved

² Global Slavery Index, available at: <https://www.globalslaveryindex.org> (Last visited on Nov.20, 2020).

qualitative research to gather information from scattered group of sites, articles etc. Therefore the researcher believes that the information procured for the current research is suitable.

Sources of Data:

To complete this research, the researcher mainly utilized primary and secondary resources. Here, the primary data that research collected comprises of information from laws and non-interpreted content. But in the intention to have and provide a wider perspective on the current topic, I as a researcher procured material from different articles, national journals and books given by eminent authors, which are available on several online databases.

Literature Review:

- 1) “Ashley V. Tomlinson, Slavery in India and the false hope of universal Justification³”.

This research articles touches every angle of slavery starting from its history to providing recommendations for effective implementation of laws to abolish it in India. The article mainly enlightens about multiple sections that are criminalizing certain acts of slavery and slavery-related practices i.e., Sections 363A, 367, 370, 371 and 374. The article also highlights the message that people should become aware of their rights and they must have to fight back for their peaceful lives.

- 2) “Indrani Chatterjee, Richard M. Eaton, Slavery & south Asian History”⁴

The book tries to extend the European concept and experience of slavery to India. It portrays the different forms of slavery practiced during ancient times of India like slave trade, servitude etc. The book explains pitiful consequences faced by the most slaves and they were not agricultural labors, but domestic or military works and were overwhelmingly children and women. Finally, the book gives insightful information required for the research paper.

- 3) “Chester G. Starr, An overdose of slavery”⁵

³ Ashley V. Tomlinson, Slavery in India and the false hope of universal Justification, 18, Tulane Journal of International and comparative Law 231(2009).

⁴ Indrani Chatterjee, Richard M. Eaton, Slavery & south Asian History, 41 (INDIANA University Press, 2006).

The article makes a comparative study on ancient and modern slavery and the differences are many and deep. He depicted the appearance of slavery everywhere among the societies that rose from simple village life to civilization, This article mainly assisted researcher in understanding traditional and modern slavery and its impact on the human beings in the society.

- 4) *“David K. Androff, The problem of contemporary slavery: An International human rights challenge for social work⁶”*.

The research article analyses the serious form of slavery i.e., human trafficking which violently coerces a person and exploits his economic status. Under this, the researcher laid his emphasis on sexual trafficking other than debt bondage, chattel slavery, since; they are under-recognized and practiced very rarely. Further, the researcher gave his set of suggestions to mitigate this menace by the means of increasing social services, harm reduction strategies, community-based interventions. This research article helped to understand the depth of sexual trafficking and its complexity on innocent lives.

- 5) *“Thirunavukkarasu, Katta Ashok Kumar, Forced labour, A modern day slavery⁷”*.

This journal article mainly speaks about the violation of one’s right to work with freedom to choose and work as per their desire. It enunciates upon forced labor, a modern day slavery, which deals with the aspects of forced labor and the way it affects the lives of innocent people by taking away their basic human rights for the benefits of the masters. The article also gave an outline on the measures taken by ILO and other firm conventions. This research article helped the researcher to get an outline on the forms of slavery, especially forced labor.

- 6) *“VS Molchanova, Modern slavery in India: The essence, forms, distribution⁸”*.

⁵ Chester G. Starr, An overdose of slavery, 18, The Journal of Economic History 17 (2011).

⁶ David K. Androff, The problem of contemporary slavery: An International human rights challenge for social work, 10, Sage Journals 107 (2004).

⁷ Thirunavukkarasu, Katta Ashok Kumar, Forced Labour, A modern day slavery, 8, Indian Journals 555 (2019).

The article gave an overview on the state of modern slavery in India. It presented the essence, forms like child labor, sexual trafficking, organ trafficking, the spread of this phenomena. The researcher then analyzed the statistics of the crimes committed against the registered cases of human trafficking. The author stressed on the need of government initiation to reduce the trafficking that is involved in sex and financial exploitation.

⁸ VS Molchanova, Modern slavery in India: The essence, forms, distribution, 4, Academic Publishing House researcher 21 (2019).

PART-II

ANALYSIS:

Slavery: Ancient and Modern India

Despite the prohibition since ancient times, slavery is widespread in India. “Bonded labor and forced labor is correlated with caste system in ancient times and whose outcome has been the loss of control over the working conditions and terms and the conditions of work, which causes feudal like relationships. When we have a glance at the modern India, it can be seen that except a few exceptions, only dalits are engaged in manual scavenging⁹”. People working as bonded laborers are majorly from marginally economic groups, who are also deemed to be untouchables yet, in some parts of the country. As per a report released by the Anti-slavery international published in 2009, huge number of bonded laborers is from the minority groups and scheduled castes. Due to lack of adequate resources, poor financial resources, weak economic status, the weaker section people or dalits get a position to depend on wage labor and such people have no security whatsoever. And such people will be working in conditions like they might not find the same work to do, that they have done yesterday. In this situation, dalits will be convinced to take a loan and because they possess no assets, they have the only option of keeping their labor as collateral. Interests on these loans will be high, and backward people will not be in a position to pay, which is explicitly called debt trap. Dalits and other backward class people are inevitable to bonded labor because of their economic status. And now, when these kinds of people become conscious of their rights, but when they try to exercise their rights and raise their voice, their masters extremely torture them and resist. It can be observed that bonded labor has been curse to the people of the country. Bonded labor has become even more complex even today in most of the backward areas. This practice has been duly started in ancient India, when there was caste system and people were forced to work under terms and conditions against their will because of their economic status and to the caste they belong.

Modern forms of slavery:

⁹ Thirunavukkarasu, Katta Ashok Kumar, Forced labour, A modern day slavery, 8, Indian Journals 555 (2019).

Slavery in traditional times was all about forced labor, debt bondage, human trafficking, child marriage, sale of children for money, etc.,. Although some of the forms of slavery are still being practiced in modern era, its complexity is totally different in modern era. Modern slavery is practiced in the forms like forced labor, debt bondage, children being forced in to slavery or slavery-like conditions, domestic servitude, serfdom, trafficking. Contemporary slavery practiced in the regions, which are remote in nature and people, who live there are almost engaged in illegal activities. Majority of the people suffering from this are poor, marginalized social groups, who fears to raise voice against the inhumane activities. They all live in a mindset like they have to accept the fate and move on, with no single effort to relieve themselves from inhumane masters.

- a) Forced labor: This type of slavery has said to be practiced when a person is forced or pressurized to do a particular work without his acceptance or denial of his freedom to work upon his discretion and desire. And almost all the slavery practices contain forced labor for some extent. This is because of the economically marginalized group's inability to move out their group for better opportunities. Also, the migrant workers are more affected by this because they migrate in search of any better opportunity and will be targeted for silly reasons. In extreme situations, this becomes human trafficking form of slavery. Forced labor occurs because of poverty, lack of adequate job opportunities etc.,.
- b) Debt bondage: Debt bondage is the worst kind of slavery in this modern era because assets carried from ancestors are blessings but debts are curses to an extent. Debt bondage occurs between ancestors and descendants, when an ancestor had taken a loan and held his body collateral against the loan. So, that the physical labor done by the bonded laborer was the repayment of the loan taken. This happens because the bonded laborer, who borrowed loan, will hardly receive any pay so repayment would be difficult with also the high rate of interest, which further increases their debt. After the ancestor, who was collateral to the loan died, the debt will be transferred to the next generation. This adversely impacts the new generation leading to the deprivation of everything in their life. More than three lakh people are still the victims of debt bondage.
- c) Children being forced in to slavery or slavery-like conditions: It is a pitiful condition to majority of the children in backward areas, that they are forced in to slavery without free

will. Children forced in to slavery are acquainted to the practices of sexual exploitation, illicit activities; hazardous works like working in coal industries are often prone to health problems. If, a child gets prone to hazardous activities right from their childhood, it again leads to many health problems and sometimes result in early death. When children are abandoned from school and got in to these practices or works, it affects a child's morality. Besides this, it tends to develop a negative mindset, which again affects the society.

- d) Domestic servitude: It is a form of trafficking, which tends to be difficult to detect because of the nature of the work performed in private residences that seems to be normal practice, which usually used to cover the exploitation and control of the master. For instance nannies or other domestic help, but the moment their employment arrangement transitions in to a situation whereby they can't live on their own will, becomes a case of enslavement. And when that moment is transitioned, it also becomes a form of forced labor. These types of victims are expected to work round the clock without rest. In worst cases spouses are victimized of domestic servitude.
- e) Serfdom: It is a kind of practice, where a person is bound to work for the master by law, agreement or custom. This amounts to a form of slavery since the bounded person can't change his occupation upon his will because the agreement is done. Serfdom was indicating the status of many peasants under feudalism. As slaves, serfs were also brought, sold or traded, with certain limitations. They are usually sold together with land, could have no rights on their bodies, could not able to leave the land, to which they are bound. Serf who occupied a piece of land are required to work for the master throughout his life.
- f) Trafficking: It is a wide spread and worst form of slavery that people are forcefully taken away by usage of threats, deception, for the purpose of economic and sexual exploitation. Trafficking is one of the evils that are haunting our country continuously. The victims of trafficking are usually the poorest and who can't be in a position to raise their voice. Traffickers confiscate the documents of the victims, withhold wages and pressure them to work against their will for no pay. In certain extreme situations, victim's organs are forcefully removed without their consent and sold in the black market. According to a report by Ministry of Women and Child Development, three million people of the nation

are engaged in various kinds of trafficking and around 1.2 million of them are minors. Further, sexual trafficking is also practiced, where a person is sexually exploited for the desires of the offender.

Slavery under Indian Laws:

Almost every citizen of the country can now recognize slavery as an illegal and especially unethical practice. Since, ancient times, people are being punished for practicing this menace. But still certain number of people is practicing it, irrespective of the laws and the punishments. Slavery violates a person's basic and fundamental rights. It deprives their freedom and everything in their life. Many legislations have come in to force to mitigate this menace and following are some of them.

- a) Article 21: This article is a basic and fundamental right to the people of the nation, which safeguards against the exploitation of people's lives and their personal liberty. This article secures and grants the right to life and right to live with dignity to all the people of the country. Therefore forced labor, trafficking, domestic servitude, serfdom are against a person's liberty, freedom and contravenes the rights enshrined under this article by the Indian constitution.
- b) Article 23: Indian constitution explicitly prohibits the practices of trafficking, forced labor, bonded labor under the article 23 and prohibits forced labor in all over the country. It not only forbids bonded labor but also the forced beggar and other forms related to the human trafficking. Any person, who found to be practicing such kind of heinous activities in the territory of India are severely punished before the apex court and the high courts as well.
- c) Article 39: This article is covered under DPSP (Directive Principle of State Policy) in part IV of the constitution. It instructs the state to ensure the right to an adequate livelihood. Article 39 ensures the state to form policies with the objective that no person is coerced out of economic necessity to work against their will.
- d) Article 43: This article instructs the state to provide proper conditions for work to secure a decent standard of life. When article 43 is violated then it must be leading to violation

of article 23 because if a person have denied of proper working conditions and forced to work against their will, then it leads to trafficking in a way.

- e) The Bonded Labor system (Abolition) act, 1976: The act is extended to all over the country and implemented by each state government. This particular act provides with the scope of eliminating the bonded labor system in our country to prevent the exploitation of innocent people. Also, it contributes to the criminalization of any system thereby associated with debt bondage, by the virtue of a contract or agreement.
- f) Section 370 of Criminal Law (Amendment) Act, 2013: This section provides the prevention of human trafficking in India. The entire section has been changed to extend the scope and include within its purview to not just the mischief of slavery, but also the trafficking. This section penalizes a person when recruits, transfers, harbor a person for prostitution, forced labor, organ removal by threatening and punish harshly by imposing imprisonment.

Measures to combat slavery:

Slavery has been the everlasting concern to the whole country since ancient times. This menace is not completely mitigated with all the measures taken. This is a problem of the nation, which requires everyone's attention. Slavery can be eradicated only when the people of the nation also takes responsibility along with the government. Anyone, who finds a person practicing any form of slavery, he shall have to try to educate them and in case if they don't mind his words, he should report to the authorities in their vicinity.

1. Government should allot certain number of officials to all the backward areas to investigate whether any forms of slavery are practiced. Those officials should privately inform the information to the police station in their vicinity.
2. The second measure would be the people who are suffering from any forms of the slavery; the government with the provided information by the officials should protect them and give certain amount to move forward with providing a job opportunity.
3. Those people, who are engaged in practicing slavery, should be strictly punished and the money they earned through the practices must be divided between the people who suffered.

4. People must be educated about their basic rights granted to them by the virtue of birth and must be forced to fight for themselves under any circumstances.
5. Proper implementation of the laws, increasing the availability of banking institutions in rural areas will probably reduce the dependence of people on informal sources of credit, which intern reduces the menace of forced labor.

PART-III

Conclusion:

India, now being the fastest growing economy in the world, but we are yet unable to tackle the infringement of fundamental rights. Our country possesses the title of the largest democracy in the world, but we still fail to implement the laws strictly and get people in to right way. Slavery, which was a problem of past in some countries, is still a problem triggering continuously. Our country is still bearing around 40% of the salve population in the world. With all the efforts of implementing laws and policies against slavery, the country could not be able to eliminate it. The practices like bonded labor, forced labor and human trafficking are leaving irreparable damage to the society. “As per Global slavery index, 55 out 100 people in India are victims of slavery¹⁰”. Despite having best anti-slavery laws in India, the drawbacks can be pointed in improper management by law enforcement agencies, corruption, and improper banking system. Though, it is apparent as the ratio of population to slavery has been reduced over the years and many NGOs came forward to stand against the evil. But Still India needs stringent laws to be in place to eradicate slavery.

¹⁰ Global Slavery Index, available at: <https://www.globalslaveryindex.org> (last visited on Jan 18, 2021).

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