

*Part I*

Labour as Codified in the Annals of the State

## 1 The Country Liberated

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### **In the Wake of Independence**

Bonded labour has been a recurrent theme of research in my academic career. It was the focus of the anthropological fieldwork I conducted in 1961–2 as a Ph.D. student at the University of Amsterdam. My village-level investigations in south Gujarat concentrated on the changing relationship between the two classes/castes found at polar ends of the agrarian hierarchy: landless labourers who were members of a tribal community and their employers, big farmers whom I identified as a dominant caste of local landlords. To take stock of what was going on led me to find out how it had come about: I followed up my fieldwork by exploring colonial archives that shed light on the past. It was clear that the servitude of the agrarian underclass, framed in debt bondage, had over time lost its former character. A new generation's labour power, instead of being permanently appropriated in a beck-and-call relationship, was casualized as labourers took work as daily wage earners. The decisive features of agrarian bondage as it used to exist were, in my analysis, exploitation and patronage. I emphasized that the master-servant relationship or *halipratha* had its origin in an era when systematic market production was not yet of major importance and money played a minor role in the local exchange of goods and services. The pre-capitalist nature of the subsistence-oriented economy implied that engaging servants not only liberated the master and his family from the physical labour of cultivating the land but was also driven by his ambition to subordinate clients who became assets in gaining political power and social status (Breman 1974a). Being attached to a landlord willing to provide a livelihood was an attractive option for an agrarian underclass deprived of the chance to own land in their own right. As viewed from above, to become a *hali* was to access a secure and safe existence. Gandhian constructive workers concurred, and wrote up the relationship as compliance, an opinion I shall challenge later on:

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It has become a matter of prestige in the Dubla community to be a Hali, to work for a Dhaniāmo.<sup>1</sup> As a woman has no prestige in society without having a husband, similarly a Halpati without a Dhaniāmo as his master has no prestige in his community. (Dave 1946: 18)

Mahatma Gandhi toured the countryside of south Gujarat in 1921 to inform himself on the problems of the peasantry. When he came to know of the condition in which the tribal Dubla community lived and worked he decided to call off the disobedience movement he had hoped to launch in Bardoli. How can we fight against colonial rule, the leader of the freedom movement exclaimed, when it implies tolerating a state of bondage in our own midst? Gandhi changed the name of this tribal community as a mark of their emancipation. Instead of being Dublas (their habitual name, which has the derogatory meaning of ‘weaklings’), they would henceforth be labelled Halpatis or ‘lords of the plough’. Sardar Patel fought and won the no-tax struggle of 1928 that stood to benefit the dominant landowning caste in Bardoli, wilfully ignoring the widespread system of bondage in the bottom ranks of the peasantry. However, the Congress leadership could not any longer avoid taking a firm stand on this issue. It was forced to respond to the mobilization of the land-poor and landless classes by an agrarian trade union in the 1930s. Agitating for tenancy reforms and abolition of *halipratha*, the participants of a mass rally called by the Gujarat branch of Kisan Sabha<sup>2</sup> dared to invade the 1938 meeting of the All India Congress Committee in a village close to Bardoli. In a subsequent meeting, Sardar Patel berated the underclass for lacking the drive to change their uncivilized way of life. He implored them to accept prohibition and abstain from drinking, to forgo borrowing from landowners and instead to save up and pay for the cost of their marriage and other life-cycle events themselves. In lengthy consultations between leading landowners and Gandhian spokesmen on behalf of the landless, an agreement was reached to end *halipratha*. The terms of the settlement included: debt cancellation beyond twelve years of service; a daily wage to be paid in cash (four-and-half *annas* for men and three for women); no ready-made food from the master’s house or other perquisites, which had previously been given incidentally; and, finally, a workday lasting eight hours, possibly rising to ten hours in the peak season. In the presence of Mahatma Gandhi, who criticized landowners for their stinginess and urged the landless to live within their means, Bonded Labour Liberation Day was proclaimed on

<sup>1</sup> Dhaniāmo was an honorific name for the benevolent landlord who saw to the well-being of his servants.

<sup>2</sup> Kisan Sabha was a radical union of land-poor and landless peasants.

26 January 1939. However, as I shall elaborate later on in this study, the deal was not enacted because employers proved to be unwilling to abide by the meagre terms of this compromise.

The process of agrarian growth described and analyzed in my dissertation indicated that the transition of agriculture to capitalism started in the final decades of the nineteenth century. A main yardstick was the switch from food grains to cash crops. Commercialization and monetization of the rural economy were benchmarks for the gradual transformation taking place. The new mode of production had major consequences for the pattern of employment. Commodification of labour found expression in the replacement of attached farm servants with daily wage earners hired whenever required. Their wage was somewhat higher in the peak season but very low in slack periods, which could last for three months – during which they were only employed off and on. The more sizeable landowners did not bother much about the sharp fluctuations in demand and continued to make use of farm servants to till their land, to take care of the cattle and to perform a variety of chores in the master's courtyard and house. But the features of patronage, which had earlier been inherent to their servitude, disappeared. Permission to build a hut on the master's land at a site close to his residence, which actually followed from the beck-and-call character of the relationship, was haltingly or no longer given. The same happened to the use of a small plot on which the *hali* was allowed to grow some grain to fall back on when out of work. Perquisites in addition to the daily grain ration, which also in the past had been favours arbitrarily given or withheld – such as some clothes at the change of season, a meal, tea or tobacco on busy days – also became rare or non-existent. What remained was naked exploitation in a thoroughly commodified relationship. This deterioration found expression in a lengthening of the workday and a marked reluctance to add further advances to the initial engagement 'loan', although such credit was badly needed because of the wage deficit. Employers were increasingly unwilling to take care of those among their *halis* who had fallen ill or grown old. Tales of a mutual trust in the pre-capitalist past, which evokes the image of a benevolent master and a loyal servant related to each other in a pseudo-familial and harmonious bond, have to be viewed with scepticism – if only because these narratives, put on record in colonial documents, were told by the landlords, while their serfs had neither voice nor visibility. But this repudiation should not lead us to deny that the ethos of capitalism resulted in a thorough restructuring in the mode of employment that connected bottom and top of the rural economy.

Gandhian social workers were horrified to see the misery among the landless when they started to move around among the down and out in

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the rural landscape. In an encounter in the mid-1920s, which was brought to the notice of Mahatma Gandhi, two of his disciples had a conversation with a Dubla woman sitting in front of a hut with her seven children. In a column entitled 'Face to Face with the Pauper', Gandhi wrote up the answers they got to their questions:

'Where is your man? Gone out?' 'The master has summoned him and he has gone there.' The master happened to be known to one of us. The family were servants (or slaves?) of this master who ill-treated them and the poor man had fled from his clutches. But the master had traced him out and one might well imagine what had happened to the wretch. As though this was not enough, we asked one more question before we left her in peace. 'Did you go to work today?' 'How could I go? Who would take care of these children?' We were silenced, but in a moment we mustered courage to say to her: 'If you have a wheel, the children can playfully spin on it, and you can earn a few coppers.' (Gandhi 1927a)

After Independence the government of the Bombay state, which also incorporated Gujarat, set up a panel for 'suggesting measures necessary for rehabilitating this class of agricultural labourers and for enabling them to live a life consistent with human dignity and self-respect'. The two economists commissioned for the job reported that the initial loan that attached the worker was not paid off but steadily increased to a much higher amount because the low wage received did not permit debt redemption. They found it impossible to gather information on indebtedness since the illiterate *halis* had no clue when, what and how much they had 'borrowed'. Even the masters did not always keep account and on being asked were apt to mention a fictitious amount, arrived at by inflating and converting in cash what they had given in kind. The tribal identity of the land-poor and landless underclasses – estimated conservatively at one-fifth of the rural population – confirmed their backward condition and lack of bargaining power. In order to defuse rising class conflict and to prevent the political radicalism that had begun to gain ground from spreading, the report argued that abolition of the *hali* system was urgently required. The deep misery in which these rural poor lived required many further measures, including a wage hike. But all reforms would turn out to be ineffective, the authors argued, as long as agricultural labour remained stuck in a mindset that prevented progress:

The Hali and his children take for granted the mould of life in which they are born. Long years of suppression have so devitalised them that they have not even the strength of dreaming of a better life. Custom and tradition have stultified not only their living but also their aspirations. Their tallest prayer is, to be blessed

with a *dhaniyamo* who is kind and considerate. No wonder, there are many Halis who in their heart of heart dread the abolition of the Hali system. (Report of the Hali Labour Enquiry Committee 1948: 36)

This assessment put the onus for ending labour bondage on its victims, who were blamed for their pauperized mindset, rather than on the master who forced the farm servant to live in his shadow in order to restrain subordinate manoeuvrability. The report was not made public by the Government of Bombay but in a press note the minister in charge (Morarji Desai – who had ordered the enquiry and hailed from the heartland of *halipratha* himself) and the labour minister (Gulzarilal Nanda) jointly went on record as stating that since the system had never been legally sanctioned there was no need to declare it illegal. A press note was issued informing the public that an amicable settlement had been arrived at between Kheduts (farmers) and Halpatis (landless labourers) of the Surat District in a meeting held in Bardoli. Representatives from both sides had agreed that abolition of the *hali* system of forced labour was in their mutual interest. The terms of the settlement stipulated wages for casually or yearly employed male and female labourers as well as for females and children hired for domestic purposes. The Bardoli agreement, which came into force on 17 June 1948, declared the *hali* system abolished and secured for the landless labourers decent working and living conditions (Government of India, Ministry of Labour 1952: 92; Shah 1958: 209–11). However, the Congress Agrarian Reforms Committee in 1951 reported that labour bondage continued to be practised in Gujarat and sharply criticized the party leadership for not having addressed the problem of landless labour in the agrarian reforms after Independence. Central government's 1948 appeal that a minimum wage be fixed for agricultural labour was in vain and Bombay was one of the many states that failed to act upon it. The Scheduled Areas and Scheduled Tribes Commission wrote in its annual report of 1960–1 that, despite the claim of the by now separate state of Gujarat, the system of bonded labour had still not been eradicated. The leadership of the ruling party insisted, as before, that this was because the victims did not want to terminate their bondage. In 1963 I heard Morarji Desai – by now minister of finance in the central government – again arguing along these lines. In a meeting held in an orchard close to the location of my fieldwork this prominent senior politician of the Congress Party maintained that the end of rural poverty was high on his party's agenda. He called on the Halpatis drummed up for the occasion to escape their bondage by not taking loans for marriage and abandoning sinful habits such as drinking liquor (Breman 1985: 146–7).

### Phasing out Bondage?

Acknowledging the massive number and importance of workers at the bottom in the prime sector of the economy, the Indian government conducted a large-scale Agricultural Labour Enquiry (ALE) in 1950–1 to monitor their condition in 800 villages spread throughout the country. In a survey covering 100,000 families data was compiled on land-holding, employment, wage rates and means of payment, household income and expenditure. Agricultural labourers were defined as ‘all those who work in the fields for wages’. The scope for non-agrarian work was found to be quite limited. There was a bewildering variety of engagement contracts and means of remuneration. Average waged employment amounted to about 200 days a year for males in West India. This figure was much lower for daily wage earners, while farm servants classified as attached had the highest number of workdays. Women and children were hired less frequently, particularly in the slack season. Male casual workers were found to be paid less than R. 1 a day, while labourers permanently contracted received at least 30 per cent less. Of course, the rates for women and children at work were fixed at a much lower level. The national average annual income of an agricultural labour family stood at Rs. 447 or Rs. 104 per capita, going down to respectively Rs. 391 and Rs. 91 in West India, which had the highest proportion of landless households. Average expenditure reached Rs. 468 for a family or Rs. 107 per capita in the country at large, an amount that nearly everywhere was higher than earned income. Of the family budget 85 per cent had to be spent on food, almost exclusively consisting of grain, leaving next to nothing for other bare necessities. The deficit underscores the hardly surprising finding that about half of these families were indebted, confirming the indigence in which this underclass was sunk. In a review of the findings – laid down in eleven volumes and 3,000 pages – Alice and Daniel Thorner wrote that this was how *not* to conduct a large-scale agrarian survey. Their main critical query concerned the way in which agricultural labour had been divided in ‘attached’ as against ‘casual’. Although this was the most fundamental distinction made, the size of the first category had not been defined properly and was therefore highly underestimated in the investigations (Thorner, A. & D. 1962: 173–89). A second round of the same enquiry a few years later, of a much better quality, reported no improvement. Poverty was as rampant, as before, if not more so due to stagnating or even falling wages. The proportion of agricultural labour households in debt at the all-India level had increased from 45 per cent in 1950–1 to 64 per cent in 1956–7 and the average amount of debt had nearly doubled (Government of India, Labour

Bureau, Ministry of Labour and Employment, Agricultural Labour in India, 1960, vol. I: 225). One out of four landless households were listed as attached, a much higher figure than found in the first enquiry. To say that labour bondage had gone up would be a debatable conclusion because of methodological inconsistency between the two rounds. While in the first enquiry wages earned by members of the household was the criterion, in the second enquiry days of employment was the measure for classification. The finding now reported that one-quarter of agricultural labourers were not free to decide for whom to work must have been quite embarrassing politically and in terms of policy. After all, social justice and the making of a welfare state were codified in India's Constitution, objectives fundamental to formulating the ambitious body of labour regulations that were enacted.

The Indian government was fully cognizant that systems of agrarian bondage continued to exist. In 1948 P. S. Dhamne was appointed as officer on special duty, forced labour in the Ministry of Labour with the instruction to study the various legal enactments – central, provincial and Indian states – and all available literature relating to forced labour. He was asked to submit a report 'indicating the extent to which the existing legislation was inadequate for stopping forced labour, what further legislation was required and which of the defects could be cured by administrative action commenting generally on matters connected with the subject' (Government of India, Ministry of Labour 1956). The official found himself in a conundrum as to whether or not to include debt bondage as forced or compulsory labour. He defined the still-existent practice as all work or service exacted from any person under the menace of any penalty and for which the said person had not offered himself voluntarily. His initial argument was that the peasant worker was not coerced because he did not attach himself involuntarily. Besides, repayment of the loan that marked the beginning of the relationship would set him free again. But then Dhamne conceded that this option did not materialize since the low wages paid meant the worker was unable to settle his debt by working it off. Having made up his mind that debt bondage was indeed a form of forced labour, Dhamne backed up his conclusion by pointing out that it was not countenanced by law, which inflicted the punishment of a fine or imprisonment for unlawful compulsion to labour against the will of a person:

On the contrary all Provincial Governments and some State Governments have enacted legislation to check this practice and relieve the debtors from the clutches of the creditors; yet it has not been completely uprooted. Many a time the whole family of the debtor has to work for such creditor. Though the debt is usually



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meant to be repaid, it is never repaid and the obligation to render service becomes perpetual. (Government of India, Ministry of Labour 1956: 40).

Elaborating on the prevalence of debt bondage in different parts of the country, Dhamne also highlighted the *hali* system of south Gujarat with details extracted from the Report of the Hali Labour Enquiry Committee already discussed. Clearly taken aback by the findings, the authorities claimed in a loose, one-page note inserted in the official publication that ‘the report relates to the period 1949–51 and nothing therein should be taken to indicate that forced labour is still prevalent in the country’.

In the first round of the ALE the meaning of ‘attached’ had not been specified, but the official in charge of the investigations in the second round was not shy of clarifying the label as servitude. This was A. M. Lorenzo, director of the Government Labour Bureau, who in his earlier job as an academic at the University of Lucknow had published a monograph in which he elaborated on systems of labour bondage or agrestic serfdom practised in Northern India (Lorenzo 1943; see also Desai 1942). In a few states special measures had been taken to resettle the landless on waste land or vacant holdings when extradited from their hut on the master’s land. Their shelter was as wretched as it had always been and its inventory was best described by the lack of it (Breman 2007b: 36). The Hali Labour Enquiry Committee’s recommendation that liberated farm servants be given revenue-free land grants (*gamtals*) had been sanctioned for only a few villages. The scheme was urgently required in view of the subhuman standard of the huts in which the landless were made to live:

Almost invariably, they are improvised out of inadequate and inferior material, with the consequences that they do not provide adequate protection against rain water for some time and water percolates into the hut from many spots. There is no arrangement for proper ventilation. Practically none of the huts inspected by us were divided or partitioned in some sort of apartments to ensure privacy. [It is] Only when the inside space has to be shared with domesticated animals that some kind of provisional demarcation is made with a few bamboos attached to the wooden pillars supporting the structure. The inside of the hut, therefore, is in perpetual darkness lit up occasionally by the fire place during the day and by a crude kerosene lamp for some time at night. The provision of the kitchen inside the hut, made of lightly ignitable material, no wonder, leads to frequent fires, reduces the hut to ashes and destroying the small belongings of the Halis ... For the size of the Hali family the space inside the hut is inadequate. Investigation into this aspect indicated 20 square feet of living space on average per individual. This space is further reduced when animals share the hut in common with the Hali. (Report of the Hali Labour Enquiry Committee 1948: 18)

The investigators specified the *halis*' meagre belongings. Their estimated value was Rs. 11 and 6 *annas* per household, hardly more than the head of the household's monthly income could amount to. The second ALE concluded that a combination of liabilities – immense poverty, ignorance, underemployment, lack of occupational diversity and the closed character of the rural economy – meant that agricultural labourers were prone to live in perpetual debt.

The Government of Gujarat, prompted by a series of clashes between landowners and landless labourers, appointed a committee in 1962 to propose a minimum wage rate for employment in agriculture. The chairman was one of the two panellists who had drafted the report fourteen years before. He had then added a minute of dissent, arguing that the recommended pay of R. 1 a day, scorned by Mahatma Gandhi as much too low, was in his opinion unduly high and not affordable for the farmers; according to him, 12 *annas* for men and 9 for women would have been good enough. In his role as chairman of the state committee set up to advise at which level to fix a minimum wage for agricultural labour, M. B. Desai remained as biased as before. Respected for his intimate knowledge of Gujarat's rural economy and hailing from the class of landlords himself, he stood out as the committee's key member and main author of the new report, which was submitted in 1966. Although less prevalent than earlier, *halipratha* had not yet ended – as I also concluded in my fieldwork-based study pertaining to the early 1960s. Over time the percentage of the tribal land-poor and landless casualized as daily wage earners had increased. But attached servants working throughout the year for the same master were still a sizeable category. Supervisory cultivation had also spread to a middle tier of landowners: growing cash crops, initially cotton, these well-to-do farmers had replaced their own labour with that of permanent servants attached to their household. Kanbi Patels in particular were keen to convert their upward mobility to dominant caste status and used the acquired prosperity to opt for conspicuous leisure. However, in their newly adopted lifestyle they abandoned the custom of acting as – or at least pretending to act as – benevolent masters for their debt-bonded subordinates. From the very beginning their treatment, in proper capitalist fashion, was more exploitative than the patron-like behaviour of the Anavil Brahmin landlords in the past had been (Breman 1985). The ranks of the Kanbi Patels also vehemently opposed social work activity aimed at uplifting tribal communities. When Gandhian disciples opened a night school to teach children of the local landless the basics of reading and writing in a village near Bardoli they were forced to close down when confronted by the hostility of the local notables. In his fight for national