The absence of decent work:
The continued development of forced and unfree labour in India

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Abstract: This paper examines the continuing growth of forced and unfree labour. The International Labour Organisation (ILO) sets a standard for decent work (Ghai 2006) but in many places in the world, people labour under conditions which are far from ‘decent’. People are subject to forced labour and they experience unfreedoms. We raise the important theoretical and practical issues of why and how forced labour is continuing to be generated in India. First we set out some of the ways in which forced labour manifests itself. India is of particular interest because it has more victims of forced labour than any other region. In India, as elsewhere, specific structures of social relations underpin one’s vulnerability to becoming a victim of forced labour. India’s experiences also illustrate that forms of forced labour integrate into and develop within capitalism. Although neo-liberalism is formally opposed to forced labour, neoliberal policies also facilitate its reproduction and spread.

Key words: decent work, forced labour, India, ILO
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*(this version is the one submitted for review and there will be minor changes in the final paper. See online version:)*


The International Labour Organisation (ILO) has developed a concept of decent work and set this as a standard in 1999 (Ghai, 2006). However, in many places in the world people labour under conditions that are far from ‘decent’ and it is this on which we focus here. Many people are subject to forced labour and experience unfreedoms. This raises important theoretical and practical issues. In this paper we set out some of the ways in which forced labour manifests and how it has been changing over recent years in India. India is of particular interest because, according to the ILO, Asia, and India within Asia, has more victims of forced labour than any other region. India illustrates that specific structures of social relations underpin one’s vulnerability to becoming a victim of forced labour. It illustrates also that forms of forced labour integrate into and develop within capitalism. Although neo-liberal policy prescriptions are formally opposed to forced labour, the neoliberal capitalist system also facilitates its reproduction and spread.

The empirical material presented here is based on a synthesis of observations from longstanding field research conducted in India by present author Wendy Olsen and also work by a range of colleagues (e.g. Barrientos, 2011; Phillips, 2011; Guerin, Ponnarasu, Venkatasubramanian and Michiels, 2012). In the first section we define unfree labour and forced labour, which is usually measured by ILO criteria.

The ILO & forced labour

The ILO first defined forced labour in its 1930 convention (No. 29; Article 2(1)) and has continued to elaborate upon it since (ILO 2005 & 2009). The core of the concept tends to be viewed in terms of the experience of three characteristics of unfreedom for labour (e.g. Lerche, 2007; Strauss 2012):

1. Labour is unfree if current employment relations were not freely entered into; the worker was sold, born, onerously obligated, coerced or deceived into the work situation.
2. Labour is unfree if the worker is not free to exit the current employment relation and enter into alternative employment relations; they are entrapped.
3. Labour is unfree if the terms and conditions of current employment are onerous, violating the worker’s human and legal rights, significantly harming the well-being of the worker whilst also contributing to the continued entrapment of the worker in the employment relation.
These characteristics are general but can be found in multiple combinations and contexts. In all, ‘not freely entered into’ and entrapment mean more than simply taking employment because of economic necessity followed by poor working conditions, or feelings of inability to relinquish that employment. Such a situation could easily conform to Marx’s basic concept of free labour within capitalism, the freedom to starve unless one contracts one’s labour power. There must be some further identifiable significant violation for the labour to be forced. The ILO tends to look for indicators (ILO 2005, p. 6; 2009, 13), such as retention of documents, isolation, physical or implied threat to self or family, and, often, manipulation of pay and of debt (where the latter is made impossible to repay, see also UN, 1957, p. 41).

The ILO also groups the specific nature of forced labour into three categories (Belser, 2005):

- Imposed by the state/state challenging rebel factions – typically for military purposes or for public works through prisons
- Commercial sexual exploitation (CSE) – typically forced prostitution of adults and children
- Non-sexual economic exploitation (EE)

For statistical purposes these categories are also cross-referenced with the existence of trafficking, based on the UN Palermo Protocol of 2000. According to the ILO in 2012, globally there were 20.9 million victims of forced labour, of which 14.2 million were victims of EE, 4.5 million of CSE and 9.1 million were trafficked (ILO 2012, p 16). The ILO also acknowledges that its statistics likely significantly underestimate the true scale of forced labour. The NGO, the Walk Freedom Foundation, for example, produces a Global Slavery Index and, based on studies for 162 countries, provides an estimate of 29.8 million victims of forced labour (Walk Free, 2013). Significantly, most individual states, and global institutions are formally opposed to forced labour. Free labour is a core constituent of capitalism as a system and the ideological framework of democracy requires free individuals with a range of formal rights for its legitimacy. The very existence of forced labour and the experience of unfreedom bring the system into question. Yet forced labour, amounting to quasi-slavery, is found in almost all countries and all sectors of the economy. Any moderately informed reader of the press will be aware that it is both spreading across states and also shifting from sector to sector.

The Context of Forced Labour as a Concept

Given that forced labour does not seem to be simply disappearing but rather continues to be reproduced in some places, and emerge in others, it is simply not credible to consider forced labour only a vestige of pre-capitalist relations. It is a manifest reality within capitalism and can become integrated into capitalism. However, capitalism is not an undifferentiated system. Capitalism is a system that varies in some of its constituents in time and place. It then follows that some forms of capitalism and some features of capitalism are likely more conducive to forced labour than others. Neo-liberalism clearly has characteristics that facilitate forced labour and unfreedom (Morgan & Olsen, 2014; see also Harvey 2007, 2011; Jessop, 2001, 2007, 2012):
First, a reductive economism creating a theory-policy tension has been integral to neoliberalism as a form of capitalism. This economism expands an economic logic to all spheres of life and does so based on a contemporary update of an idealised market concept. According to the logic, markets discipline and shape behaviour providing efficient or best possible outcomes and do so based on freely available, homogeneously assessed, and well-used information. Economic agents have the greatest incentive (self-interest) to acquire and appropriately use information and do so dynamically, learning from error. The state and state actors lack such incentives (unless marketized through public choice economics, synthetic markets etc) and so efficient private markets are counter-posed to inefficient government failure and markets are introduced to solve previously non-market problems. Concomitantly, the weight of ideological pressure in terms of policy is towards limited regulation and self-regulation and this remains the case despite the global financial crisis. The idealised market concept is one that sits uneasily with the reality of globally dominant large corporations. Moreover, the reality of a modern economy is one of complexity in information where limited information, disinformation and disempowered information can all arise in given circumstances. Information is not some neutral unit – a medium of exchange that facilitates a system of free exchange. It is a component in structures of power relations. Forced labour can flourish here despite any basic institutional repudiation. There are multiple contexts in which one might consider this: the potentials in long supply chains and outsourcing; the potentials in local black and grey economies, some of which involve activity that may be proscribed (CSE), some of which use labour in proscribed ways such as sweatshops (EE), but all of which benefit from the interstices in local oversight which may extend to looking the other way because of personal relations or sense of common cause with the exploiting group, or merely for the right price. The mobility of capital and labour, financialization as instrumentality, and technocratic demarcations and the issue of responsibility are also part of this reductive economism (Morgan & Olsen, 2014).

Second, the economism of a neoliberal system is also one that embraces a dualism in terms of how problems are solved. Recognized or identified problems become limited market failures requiring a technocratic fix, and so issues such as forced labour become subject to policy units and special measures. The problem is not posed as one of the system of markets whose general context is problematic in terms of all labour, but of this particular mechanism of failure. Absorbing the problem into policy units reduces the scope for democratic debate and responsibility regarding the general standards of the market system, from which forced labour emerges as a more egregious manifestation of the general tendency to treat labour as a unit cost (and where the system at large is antithetical to unions &c). In so far as debate concerning general standards reduces then the potential for the emergence of egregious manifestations continues to persist, so the potential for forced labour remains because of the limited way in which it is addressed.

Moreover, once responsibility is absorbed into policy units then the problem of competition for resources arises (units, special initiatives, task forces and so on can quickly become chronically underfunded, understaffed, or under-supported as components in small government). A technocratic approach to problem solving leads to fragmentation rather than genuine unified opposition to the eradication of forced labour. Opposition remains located in organizations such as the ILO and in the formal commitments of rights inscribed in supranational organizations and in law. Genuine unified opposition would imply a different kind of system where the very concept of
labour owed more to ILO concerns with dignity. Neo-liberalism is antithetical to this. At the same time its marketization promotes a further dualism in terms of the responses of agency. In a general sense, neo-liberalism as a form of capitalism encourages or socialises a self-interested egoistic individualised identity in which one is alienated from others and so others can be dehumanised or their fates simply ignored (and a sense of geographical, social, and cultural distance, as well as financialisation, can facilitate this). Meanwhile there is also a consumption based identity response to forced labour. The economic agent can choose to inform themselves of the labour practices of the producers of the goods and services they choose to consume and so can base their consumption choices on a set of responsive ethical criteria. This then follows a market information logic to create signals for firms to ensure they are ethical in their conduct. However, the very possibility of such a lifestyle politics approach to ethical consumption indicates something about the generalised conditions of production: one is being invited to seek out non-exploitative goods and services and it is possible to differentiate oneself as a niche consumer or producer on the basis of non-exploitation. The terms of exploitation, meanwhile, are ultimately defined by the way it is capitalism and not democracy that dominates neo-liberalism (and this has remained a point of tension for such organizations as the WTO, World Bank and IMF).

The general point then is that neo-liberalism may not be required for forced labour to occur but forced labour does more than merely persist in a neo-liberal period. The dynamics of the system create opportunity. This, of course, is subject also to the more general tenet that forced labour must also be profitable. In 2005, the ILO provided its first global estimate of US$44 billion in annual profits from forced labour. This was updated in early 2014 using some of the data from the 2012 estimate of the number of victims of forced labour (excluding the state category). The new estimate was US$150.2 billion in annual profits (ILO, 2014: 13).

Beyond the general point that forced labour can flourish and spread within neo-liberalism, there are many additional issues one might consider here in different contexts and to explore different conceptual issues regarding forced labour. One might, for example, consider some of the specific discursive aspects and consequences of theory. Here, one can trace the way political economy and then economics theory have located forced labour and thus acted to condition attitudes to it in ways that have then also been expressed in the neo-liberal period. Brass, for example, makes the case that the classical political economy of Smith and then Mill assumed that a system of production based on unfree labour (such as feudal estates and plantation slavery) was inefficient and hence costly because the labourer had no incentive to maximise their productivity or to contribute to innovation (Brass, 2009; see, however, Wells, 2014). As such, unfree labour was something antithetical to capitalism. However, the terms of the argument rest on a failure to appreciate the very different ways in which activity can be motivated. Forced labour involves coercion and psychological menace, and as such there can be many reasons why one will be productive. Furthermore, the argument is open to reversal. If one can establish that particular forms of non-capitalist organization can be profitable one can then use this to infer that they are efficient under some description within economic theory. Conrad and Meyer provide an early example of this in the 1958 paper ‘The economics of slavery in the ante bellum South’. They apply modern capital theory to the problem and construct two production functions for slaves (production of a staple crop and production of an intermediate good – slave-breeding).
and then explore a dataset that divides the South into two based on regional specialisation, where the Old South became more of a slave breeding area and the West a cotton raising area and the two may (the proposition is conditional) have operated through transfers as an allocatively efficient market in terms of the marginal efficiency of capital.

Conrad and Meyer’s intention was to highlight that slavery could be efficient in comparison to industrial development (i.e. similarly profitable and so involve no pressure for a shift of resource use) and so one could not simply assume that its inefficiencies would cause pre-capitalist systems of economic organization to simply whither away; in areas of the world where such situations persisted it might require ‘harsh political measures’ to eradicate slavery (1958: p. 122). However, the form of the argument has three undesirable consequences that have influenced later theory. First, slavery is contrasted with industrial development, neglecting that one might find forced labour within capitalist organization (it is still a vestige argument). The more nuanced understanding that forced labour is a set of characteristics of a labour relation rather than merely a corollary of a form of one type of organization is ignored. Second, the form of the argument focuses on an economic concept of efficiency and the productivity of the slave and this invites a further conformity of the conceptualisation of forced labour to economics theory; specifically the slave becomes a rational actor within the instrumental and calculative methodological individualism of theory. Within the constraints of this way of theorising the slave becomes someone who chooses to optimise outcomes (seeking to better themselves based on constraints; a curious notion since choosing within oppressive conditions is neither an issue of consent nor of appropriate context that focuses on freedom from compulsion). One finds this approach in the work of Fogel and Engerman (e.g. 1974). Third, this approach fits a longer-term discursive trend within economics; specifically it forms part of both the increasing narrowness and technical specification of economics theory as part of what is variously termed mainstream economics or (loosely) neoclassical economics. It illustrates a general tendency within that mainstream to expand its domain of inquiry to colonise other fields; in this case socio-economic history using cliometrics. Cliometrics applies statistical analysis using econometric techniques to historical data sets in order to test hypotheses (see Lyons et al. eds, 2008). Despite claiming to be sensitive to the problem of appropriate use of data and of inference, cliometrics has promoted revisionist histories based on highly contestable assumptions about the nature of human motivation that do violence to a fuller account of the actual context of social and economic relations. In so doing it serves also to delegitimise contextual debate regarding the actual forms of forced labour that have occurred and that are occurring. In so far as debate does occur it can become mis-focused by virtue of the tools of analysis. For example, within development studies economics, Biswajit Banerjee has produced numerous well-intentioned works on aspects of discrimination and migration in India using various aspects of choice theory (e.g. Banerjee & Knight, 1985). One might argue then that economics imperialism (the spread of an economistic mindset) serves as a distraction that provides inappropriate conceptual tools for understanding contemporary forced labour.

However, a more critical vein of analysis can also be found in development studies. Brass, for example, explores how unfree labour can be functional within capitalism based on its role in class-consciousness and struggle:
Deproletarianisation occurs as a result of workforce restructuring, a form of class composition/decomposition/recomposition which accompanies the struggle between capital and labour, and a process whereby employers introduce or reintroduce unfree relations. This is effected either by replacing free workers with unfree equivalents, or by converting the former into the latter. The advantages of deproletarianisation are twofold. Economically, such restructuring enables capitalist producers to lower the cost of free workers by employing more easily regulated, and thus cheaper, unfree labour. Ideologically, its purpose – in both metropolitan capitalist countries and third world contexts – is to prevent the emergence of specifically proletarian consciousness. (Brass, 2002: p. 465)

There has been some considerable debate regarding the ideological role of unfreedom, but there has also been a great deal of work on the different ways in which forced labour is produced and also transmitted from one socio-economic context to another (see e.g. Brass 1999, 2002, Rao 1999, Harriss-White 2003, Banaji 2003, Bremen 2007) and it is this latter issue that interests us here. For many, decent work is currently not a realisable situation. In India, this is not simply because they are trapped in forms of pre-capitalist relations in traditional agriculture, but rather because life chances are bound up with the way the whole of society and economic opportunity are configured. India illustrates some of the ways in which forced labour and the experience of unfreedom can develop. In order to do make sense of this some context regarding India is first required. Consider the following in terms of development, difference and life chances.

**India in flux: Indian socio-economic context**

India has been an independent democracy for over 60 years. However, India has a number of features that have contributed to an accumulation of economic problems (e.g. Corbridge, Harriss, and Jeffrey, 2012). Most importantly, India has suffered from a longstanding governance problem. Though democracy is well-embedded in India, the existence of democracy has not been translated into adequate representation that has then resulted in sustained poverty eradication and broad-based economic development that has benefited all. The political system is layered. Central government, located in an autonomous national capital territory (New Delhi), consists of a prime minister and council of ministers, drawn from a union or national parliament, and presides over a federal system where each of 28 states also has a legislative assembly, chief minister and council of ministers. There is also a national president, with mainly symbolic powers, mirrored within each state by a governor. However, the main political parties are internally highly autocratic organizations in which power tends to pass along familial lines. The Ghandi-Nehru family has dominated the Congress Party (CP, India’s largest party) in its various guises since before independence, though the 2014 elections now stand as the first major challenge to that situation. However, the Hindu nationalists (Bharatiya Janata Party, BJP), the CPs main rival, is likewise dominated by a series of close client-patron and nepotistic ties. Since the 1990s, the CP and BJP have each relied on coalitions with smaller and often state-specific parties in order to rule (Hardgrave and Kochanek, 2008: Chp. 7). The longstanding national political elite have thus persisted but have been increasingly required to recognize specific interest groups on a regional basis. This has created a form of narrow popularism in national
government that mirrors a longstanding tendency for regulatory capture within individual states (the ‘Resource Raj’, Crabtree, 2012). This, in turn, has helped to perpetuate deep-seated problems of socio-economic division by creating inequalities of representation and opportunity, matched by basic inertias based on powerful interests as well as simple corruption. The current BJP Modi regime is a product of this circumstance, but also defines itself against it.

Of course, as one of the BRICS economies, India has been regularly identified as a major source of dynamism within the global economy (e.g. Jain ed., 2006). In the early 1990s, following a balance of payments problem, India undertook structural adjustment measures, following IMF and World Bank conditionalities, including privatisations, trade liberalisation, and bank sector deregulation. In 1995 India joined the WTO. Over the last decade India has averaged GDP growth of around 9%. GDP for 2010 was US$1.6 trillion, making India the 9th largest economy in the world. In the twenty first century India has in particular become synonymous with a growing business and telecommunications service sector. The superficial successes of the system, however, mask a host of underlying issues. One can begin from demographics in order to highlight these.

According to the 2011 census, India’s population now exceeds 1.2 billion, speaking 22 different languages and observing 6 major religions. Just over 50% of the population is under 25 years of age, approximately one third of the population is under 18, and 160 million under 6 years old. Unlike the majority of developed nations and also China, the proportion of India’s working age population seems likely to continue to grow (Bloom, 2011). By 2035 India’s population is estimated to reach 1.5 billion, of which approximately 65% will be of working age. However, this is only a potential benefit to the population and the nation if, on the one hand, the young are adequately educated, and on the other, there is some form of viable economy for the growing population to integrate into. India is facing the same kind of human capital-job creation-investment pressures that underpin the more familiar claim that China has required 7-8% economic growth in order to maintain social stability.

For India the economic dynamics of population growth are an immediate concern rather than a future problem because managing that problem must begin now. India has over 400 million children and it is generally recognized that the current education system is inadequate. Again, according to the 2011 census only 74% of the current adult population is literate. Though the 2009 Right to Education Act provides for free and compulsory education from 6 to 14 years of age and requires each state to enrol, fund, and cooperate to monitor attendance at school, there are longstanding problems in securing both school attendance and effective teaching (e.g. Kochar, 2011). There is a significant shortfall in qualified teachers, a perpetual problem of hundreds of thousands of unfilled teaching vacancies, and, legislation notwithstanding, unacceptable student teacher ratios far in excess of 1:30. These problems are significantly worse amongst the rural village poor and urban slum dwelling poor. Furthermore, school must compete here with work. The 1986 Child Labour Prevention Act prohibits employment to those less than 14 years of age in most industries beyond agriculture, but the act is systematically flouted. According to the 2001 census recognized child labour in India was 12.67 million, reducing to 12.62 million in the 2011 census. There is a recognized strong positive correlation between the failure to complete schooling, illiteracy, and
child labour in India (e.g. Weiner et al 2006). Moreover, since the census data relies on sanctioned forms of work it is widely acknowledged to underestimate the real rates of child labour – and thus not only the real rates of potential child exploitation, but the compromised nature of education. In 2001, for example, there were 87 million children, not including child labourers, who did not attend school, reducing to 43 million according to the Indian National Sample Survey (NSS) in 2004-5. On either count, the real rate of child labour includes some proportion of these non-attendees, in addition to others who work around school hours or seasonally. The influential NGO, Bachpan Bachao Andolan, frequently highlights that the real rate of child labour significantly exceeds official estimates (BBA, 2012).

At the same time there are just 12 million students in higher education in India, representing, in the main, the economic and political elite reproducing themselves (e.g. Sunder, 2011). India, then, has an on-going problem of education, undermining its economic potential, whilst simultaneously transmitting generational inequalities. This problem is linked to a corollary basic differentiation in the economy. According to India’s National Sample Survey (NSS, 2007-8) India has an available adult labour force of approximately 470 million, and an active working population of around 460 million (e.g. Dev & Venkatanarayana, 2011). However, only 7% work in the formal sector of the economy; that is, only 7% work as fully contracted employees in officially recognized, legally structured organizations; two thirds of that 7% work as civil servants and just 4 million in the recognized growth area of information technologies, call-centres etc. The great majority work in the informal sector, for which there is no simple definition (see Harriss-White 2003; Flodman-Becker 2004). Informality refers to a range of characteristics: self-employment, lack of employment recognition, low skilled partial incorporation into the process of formal organizations through domestic- or casualised labour, petty commodity production, poorly regulated construction work, agricultural labour, street vending etc. What is notable in India’s case is that during its increasingly liberalised economic development over the last two decades it has not experienced a reduction in the size or significance of the informal economy. It consistently accounts for over 60% of GDP per annum. The informal economy is neither shrinking nor ‘peripheral’ to a core formal economy. The informal economy rather, has precisely been a site within which unequal life chances have been reproduced and distributed as India has grown. It is from within the informal economy that forced labour has both persisted and developed.

Reproduction of unequal life chances is then rooted in an economy where the many service the few and where the many experience adverse inequalities. In addition to education, part of the problem here has been increasingly expressed as an infrastructure issue. According to the 2011 census, approximately 400 million or 31% of the population of India are now urban dwellers, an increase of over 100 million in a decade. Moreover, India also has a significant temporary migrant population. Although there is no precise data on the levels of temporary internal migration, government estimates in India use a base level of 30 million (Deshingkar 2008: p. 164). Much of this is the rural poor subsidising their annual income through seasonal work; harvesting, working in construction, in the garment industry etc. (Keshri and Bhagat, 2010). They operate within the informal economy, even when servicing parts of the formal economy. The existence of this flow means that the real urban population exceeds the census data. That data is in any case compromised by the living conditions of many urban dwellers.
The growth of the urban population in India has not been accompanied by adequate urban planning, partly due to a governance conflict over control of spending between state administration and individual cities. India has 50 cities whose population exceeds 1 million. Great swathes of those cities grew without zoning or planning; highly polluting factories sit in the middle of ad hoc residential areas, sewage and water systems are rudimentary, overloaded or absent and the road systems undermaintained. Over half of Mumbai’s population of 18 million live in ‘temporary’ slum dwellings or shantytowns. Adequate data on urban numbers is thus difficult to produce.

The problem of urban planning is just one element in an overall failure to develop domestic infrastructure. Though a new highway system, connecting India’s 4 main cities was recently completed, India’s state Planning Commission recognizes that the nation’s road and rail network, its airports, its electricity generation capacity and its main ports remain entirely inadequate, as does its sewage systems and housing stock. Modernising India’s infrastructure is estimated to require US$ 5 trillion in investment over the next twenty five years. In the meantime, India is poorly equipped to translate its economic growth over the last two decades into a formal industrial and service-based economy. This is a problem that can only be exacerbated in the aftermath of the Global Financial Crisis. As of 2012, India’s GDP growth has fallen to between 6 and 7%, foreign direct investment has declined, and India is experiencing capital flight, currency devaluation and a current account deficit; all of which are signals of growing scepticism that India is effectively recognizing and addressing its own internal problems – governance, education and skills, the lack of formal development in the economy, and its basic infrastructure problems. Again, dissatisfaction here has been a main issue for the 2014 elections, but the results of those elections represent a popularist and polarising response.

What we want to stress here is that this picture provides a background for understanding the lived conditions of the many in India and this in turn places the practices of forced labour in context. The Indian economy has grown. However, many are denied an opportunity to participate in that growth equally and benefit from that growth equally. Moreover, that growth has arguably been sustained through the incorporation of those who do not benefit equally. In 2009 the Institute for Development Studies published a special edition of the IDS Bulletin stating:

India is home to one-third of the world’s undernourished children. That is an alarming statistic for any country, especially for a G20 member, but it is the persistence of under-nutrition in the face of India’s economic growth that is truly extraordinary. In 1992-93 52% of infants under three years of age were underweight. In 2005-6, the corresponding figure was 46%. At that rate of decline, the Millennium Development Goal target [halving the figure] will be attained in 2043 rather than 2015. [But] Growth has been very impressive in economic terms. The past 25 years have seen one of the greatest spurts of GDP per capita in modern history... From 1980 to 2005 Indian real GDP per head grew at 3.95% per year... But the contradiction between economic growth and nutrition stagnation is striking. (Haddad, 2009: 1)

The International Food Policy Research Institute’s 2011 Global Hunger Index ranks India 67 of 122 countries, based on child mortality, weight and nourishment levels. (IFPRI,
2011). This is despite the Green Revolution transforming India into a net food exporter. According to the World Bank just under 69% of the population still subsist on less than US$ 2 per day (purchasing power parity 2005 prices; World Bank, 2012). World GDP ranking and annual growth averages, per capita or otherwise, can thus mask a great deal. This is a picture reinforced by the 2011 census data on household amenities and assets (Chandramouli, 2012). Only 32% of the population have access to tap water from a treated source, 47% have a source of water within the premises and 18% still have to travel over 500m in rural areas to locate a source. Only 67% of households use electricity, 58% have bathing facilities (of any kind), 47% have latrines (including open pits), and only 18% have closed drainage-sewage services. In terms of assets, common services and material objects, less than 60% have access to banking services, 47% have televisions, less than 20% of urban and 5% of rural citizens have computers, but, including mobiles, 63% overall now have telephones. However, 18% of the population have no specified assets; and one third of the population have experienced no change in any of the main indicators of wealth or material well-being since the 2001 census.

India then has become an economy of growing abundance in some senses but one where the experiences of the many do not reflect the potential benefits of economic growth. For example, class and caste differences remain significant (e.g. Morgan and Olsen, 2011b). Though caste discrimination is prohibited by the Indian constitution, hereditary caste demarcations are still recognized and widely observed; below the formal castes, the 166 million dalits or ‘scheduled castes’ and over 84 million designated within ‘scheduled tribes’ still suffer systematic discrimination reflected in all measures of life chances and outcomes, despite a political system that formally subscribes to policies of positive discrimination. Here, one might consider India to be a society and economy with only some features of capitalism. But it stretches credibility to analyse India in terms of a focus on ideal forms of a system in the abstract after 20 years of economic liberalisation and over 60 years of democracy.

**Forms of forced labour in India**

According to the Global Slavery Index, India, with an estimated 13.3 million to 14.7 million has more victims of forced labour than any other country in the world (Walk Free, 2013). As the 2012 ILO report also emphasises, these victims are found in every area of the economy. The following section synthesises observations regarding forced labour drawn from several strands of our own and colleagues longstanding field research in India. The aim here is to illustrate the range and development of forms of forced labour, rather than to cover all possible aspects or instances. The section begins from rural based forms of forced labour and tracks the way the rural poor then integrate into the broader informal economy through migration. We adopt this approach because it allows us to construct a narrative of the way unfree outcomes develop within a range of contexts that go beyond traditional debt bondage.

The points made are based on a combination of field research in two rural villages in the state of Andhra Pradesh, conducted periodically since 1985 (e.g. Olsen 1996; Olsen and Morgan 2010), field research conducted in the Nashik district of the state of Maharashtra, and in the capital city of that state, Mumbai (e.g. Reddy & Olsen, 2010), and fieldwork conducted in Chennai, the capital city of the state of Tamil Nadu (e.g. Harris-White, Olsen, Vera-Sanso and Suresh, forthcoming). The field research was
conducted as qualitatively based semi-structured interviews involving multiple field researchers and as part of a series of projects funded by a variety of bodies. Fully anonymised versions of some of the materials are deposited with the ESRC Data Archive.

Rural unfreedom

The most immediately recognizable form of forced labour in India is found among rural farming households. Rural farmers are differentiated by class and caste. In village life, the landlord class typically has sufficient property and wealth that they do not work their own land. The absence of manual labour then also carries cultural significance and is usually reinforced by the caste status of the landlord (upper or forward castes). Landlord households typically exhibit a complex connection of familial and class and caste connections creating an information and influence network extending through the village and beyond, and based on inter-marriage and more general migration patterns. Ryot farmers are a social class who own and work sufficient land that they do not need to engage in casual labour. Worker farmer households meanwhile own or lease land but must also engage in casual and seasonal labour in order to survive. This class tends to include members of lower or backward castes. Ryot Farmer households are tenant farmer households that rent smaller holdings and do so based on informal contracts with landlords. These and landless labourers tend to be dalits (the lowest ranking hereditary strata of society) from scheduled castes. They traditionally occupy separate cultural and physical spaces to other classes and castes.

It is the smaller tenant farmer households and landless labourers who tend to be subjects of the most readily recognizable forms of forced labour in the form of debt bondage. In order to maintain the tenancy, or to maintain access to other necessary elements for the viability of the household (e.g. further grazing land or water sources) the household might be expected to do unpaid labour for the landlord on his other land or at his home. Formal contracts are rare and oral terms are often ambiguous. Conditions are often readily recognizable in terms of the ILO 1956 Supplementary Convention on debt bondage in the sense that ‘the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.’ The tenant might also receive advance payments that are then spent on seed, fertilizer, equipment, and living. The sums may need to be perpetually renewed and thus be impossible to clear. In traditional debt bondage debts pass from generation to generation. The problem can be exacerbated by the landlord’s control of accounts, by opaque interest payments or by simple illness, injury or crop failure (which then renders the household vulnerable to accepting further and onerous obligations). Here, the household can easily be entrapped. The 1930 ILO Forced Labour Convention emphasises that the situation is more than one of low wages, poor working conditions or simple economic necessity. For tenant farmer households and landless labourers the situation is often one of exploitations of asymmetrical power relations. Power is not just rooted in land ownership, but in control of debt and also by implied threats and actual actions – based in and designed to maintain class and caste distinctions. Poor levels of literacy and numeracy exacerbate the problems, as does (though decreasingly so) a lack of awareness of any actual rights, or in some cases the inability to ensure enforcement by local officials.
Significantly, though the basic framework of rural bonded labour is not new, forced labour has developed based on changing conditions. Previously, bonded labour though unfree and oppressive was a relatively long term and secure form of tenancy – involving generations of households. However, over the last twenty years the security of tenancy has reduced as landlords have looked to use their land in more flexible ways. Tenant labour can be coerced based in the perpetual threat of loss of tenancy. Landlords tend to dictate the crops produced on leased land and increasingly focus on cash crops. Tenants find it difficult to use significant portions of the land for subsistence. Furthermore, cash crops, in the post-Green Revolution era, tend to be dependent on seed purchase and chemical fertilizer – raising the upfront costs of farming. Additionally, these crops can be highly irrigation reliant. Thus, both the potential costs of tenant farming and the vulnerability to crop failure are accentuated. This has further been exacerbated in the last ten years by significant regionalised droughts in India. The combination creates the potential for debt spirals locking the tenant into future labour to try and recoup losses that were incurred to advantage the landlord but which are attributed entirely to the tenant. The conditions or practices are thus both onerous and entrapping, creating characteristics 2 & 3 of an unfree labour situation from section one.

Tenant’s are channelled into forced labour based on their vulnerability i.e. their social positioning within social relations; both caste and class position the household as economically vulnerable because particular castes and classes lack material assets. They also lack cultural power within the village context. However, though many of the most vulnerable are poorly connected and poorly educated, and these characteristics are exploited by landlords (particularly in terms of interest rates and denying rights when appealing to local officials), the vulnerable are neither passive nor simple dupes. Extensive interviews indicate that many are strongly aware of their entrapment and are often resistant to the practices in which they are entrapped and are highly critical regarding the social relations that contribute to their entrapment. Often they situate their position in terms of previous generations of their family – stating that they do not wish to accept the conditions that their forebears were (by their own admission) more passive in regard of.

They see opportunities in two different contexts. There are new dynamics within rural life – for example, the role of self-help groups, microfinance and small-scale local development projects, supported by NGOs within umbrella organizations supported by the state, the World Bank and so forth. And there is the pull of migration, where some of the household spend some or all of their time elsewhere working in some aspect of India’s developing economy. Remitted income creates the potential for the household to develop material assets and improve its circumstances – escaping both current forced labour and poverty. Both the use of microfinance and migration ostensibly offers the opportunity to escape the most readily recognizable forms of rural forced labour, typically rooted in debt bondage. The conditions of opportunity, however, are not simple liberations because the ability of households to engage with them is structured by a household’s existing circumstances and the nature of the economy participants are then incorporated into (see Morgan & Olsen, 2011a; Geurin et al, 2013).
Migration gangmasters and the innovations of forced labour

The conditions of opportunity, then, offered by local development projects can produce new forms of debt vulnerability. For example, microfinance can offer a route out of debt bondage. However, equally, it can provide the means for a household to emerge from bondage and then sink back into new forms of forced labour on a cyclical basis. The limitations and failings of microfinance can create new debt vulnerabilities that channel the vulnerable either back into traditional debt bondage or on into new forms of forced labour. As the nature of tenant farming becomes more precarious and as the rural poor become more aware of the opportunities to earn income elsewhere, a pattern of migration emerges. On a seasonal or possibly sporadic and casual basis, or as an intended temporary but relatively long term commitment, some or the entire household take up employment elsewhere. If only some of the household, then the intention is to remit income. In the meantime, however, the greater burden of work and family responsibility falls upon those left behind, who continue to work as tenant farmers. Typically this means that women face that greater burden – there is then a gender dynamic to the impacts of the developing situation. In these circumstances it is women, children and the elderly who experience much of the day-to-day direct pressures of any situations of unfreedom that arise in and around the original location of the household. The domestic context of vulnerability to forced labour becomes a matter of the ability of women in particular to resist the pressures to fulfil informal obligations to landlords, whilst also seeking to balance a precarious existence of tenant-based work against a backdrop of multiple sources of debt. Remitted income becomes a part of an ongoing balancing act as a better future is sought.

However, the positioning of different agents also influences the process of seeking a better future. The conditions of opportunity are not simple liberations because the ability of households to engage with them is structured by their existing circumstances. There is no simple and necessary liberation from forced labour as individuals and households are incorporated into a changing economy through migration. For the rural poor a parallel agent who occupies a relatively powerful relational position typically mediates their agency; this is the ‘maiistree’ [a word related to the English ‘master’] or gangmaster. The power of the maiistree operates in various ways. Typically, the maiistree is sub-contracted by an employer to deliver a given number of workers for some specified period. In a formal sense, if one subscribed to mainstream economic theory, the maiistree is an intermediary resolving an allocation problem by overcoming both an information asymmetry between worker and employer and any further specific mobility constraint that the worker may be subject to. The maiistree makes the potential worker aware of employment, provides transport over what may be considerable distances, and typically provides the worker with an upfront payment to secure their participation.

However, like gangmasters in many situations around the world (for example those who recruit from Mexico into the United States) the maiistree is positioned to integrate unfree labour practices for participants and to the maiistree’s gain. Upfront payments are a ‘rational response’ by the maiistree in order to guarantee participation. Participants, however, may rely on them and use them for subsistence during the lean part of the year when casual work is less available and harvests are not due. Participants have thus used up some proportion of their income prior to the working
period for which it is due. Debt is not always a sign of bondage nor is it necessarily indicative of forced labour or associated with the three characteristics of unfree labour. However, debt creates a vulnerability to exploitation based on the further characteristics of the situation. It creates dependence and also the opportunity for manipulation. Maistree, like landlords are able to exploit the situation in a variety of ways. Workers are often semi or wholly illiterate and sometimes innumerate. The maistree controls the record keeping for debt and is able to apply interest as they see fit. Additional costs may be incorporated into the debt without prior clarification. For example, the costs of transport to the work destination, which may be a different state, might also be placed on the participant. As such, the debt can quickly spiral becoming an obligation to pay that outstrips the original upfront payments. Debt can then take on some of the aspects identified in the 1956 ILO Supplementary Convention where ‘the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined’. Participants can then easily find themselves subject to the second of the three characteristics of unfree labour i.e. entrapment, despite that the form of labour they have set out to engage in appears in a formal sense to be free. The third characteristic of unfree labour may then also pertain, where the conditions of work are onerous and the worker’s legal and human rights are violated, and this may be maintained through any number of the elements of forced labour identified by the ILO from direct threats to ‘subtler forms of menace, sometimes of a psychological nature’. Since maistree provide migrant labour across a variety of sectors then the problems are found in many types of work – from brick-kiln sites, to construction, to outsourced labour-intensive assembly plants and varieties of small sweatshops for textiles and small crafts.

The problems are many. The participant may be designated as an employee of the maistree rather than the actual employer. Any formal employment rights to which the actual employer is nominally committed may then not apply. The maistree may then also seek to extract further rent by minimising the wages of the participant as a proportion of their own payment from the employer. The participant may be unaware of this and is also not in a position to easily object for a variety of reasons. They will likely have no local assets and will live in tents, dormitories, barracks or temporary slum areas. If they attempt to act as free labour and seek alternative employment they will be rendered homeless whilst still indebted to the maistree. There may be a language barrier because the participant is not local and this tends to mean that participants cannot easily seek alternative employment. This search constraint is a matter exacerbated by long hours of work and isolated living conditions; these conditions also prevent participants effectively organizing to assert any rights they have – especially in matters of health and safety. Local officialdom can often be indifferent to migrant labour, partly because of language issues, partly because of perceived caste and class issues, and partly because individual labourers are temporary whilst the maistree and/or the sub-contractor are more permanent and powerful as a presence for local officialdom. Barrientos, for example, finds these factors to be common in the garment industry in Delhi where 40-50% of the workforce are likely to be migrants subcontracted to a maistree (here termed thekedaar), and are routinely denied formal employment rights whilst also working for wages 15 to 30% lower than formally contracted labour (Barrientos, 2011: p. 7). The factory itself occupies a low rung in a global supply chain. The use of sub-contraction within outsourcing tends to disguise the existence of forced labour from those further up the supply chain, since compliance to
any labour standards can be nominally demonstrated. The worst-case scenario here was graphically illustrated by events in Bangladesh in April 2013. The collapse of the Rana Plaza building resulted in more than 1,100 deaths. The building contained several garment factories supplying for major Western brands. Despite signs of loss of structural integrity in the building workers were compelled to remain inside. Similar issues are common in India (e.g. Geurin et al 2012).

The concept that a maistree resolves an allocation problem by overcoming an information asymmetry is one that is clearly deficient. In context, participants lack both information and power to act on any information they may have. Moreover, when one considers from a sociological perspective how the maistree is positioned then one can also appreciate the broader power dynamics rooted in social relations. The maistree's ability to act as an intermediary is rooted in networks. Maistree tend to be from the general areas in which they recruit, but they must also possess the skills and capitalisation to act effectively in their role as intermediary with the employer. As such, they tend to be better educated, and of higher castes and class than those they recruit. Their network can also extend to their relations, which may be familial, with the power hierarchy of the villages from which the recruits derive. There is, then, the potential for recruits to experience subtler forms of psychological threat regarding the consequences for them and their family of challenging the violation of their rights at work.

The net result of the relative positions of maistree and migrant is that the migrant is vulnerable to an outcome of unfree labour; as with the role of microfinance, there is a range of possible outcomes; a worst and best-case scenario. In the best case scenario the migrant is able to work in a manner that is more recognizably free than former bonded agricultural labour relations and can earn sufficient income to pay any debts incurred, as well as remit income, enabling the accumulation of assets and facilitating the household in emerging from both poverty and rural-based unfreedom. Even here the work undertaken may be far removed from the ILO ideal of decent work and may involve significant exploitation and danger. And, in a worst case scenario the migrant becomes entrapped in a pattern of forced labour within the informal economy (often servicing the formal economy). Importantly, an unfree outcome is not the result of any single process. It may be simply the result of obvious exploitation by the maistree. It may, however, be a more complex situation. For example, the household may become reliant on the remitted income because of the basic changes in rural conditions we referred to previously. The migrant may then be injured or become ill, and this is a common experience where work sites exhibit little concern for health and safety and where long hours are typical (a combination experienced, for example, in brick-kiln factories, smelting, and construction). At this point the household simultaneously incurs additional medical expenses and a loss of a key contribution to debt servicing. The migrant shifts from a designation somewhere along the spectrum of free and forced labour to simply unemployed, whilst the household as a whole may find itself landless, immiserated or simply increasingly vulnerable to accepting new obligations.

Those positioned in the most vulnerable ways, then, can experience cycles of more or less free and unfree outcomes. At the same time, there are clear commonalities in the underlying structural relations that are common among the most vulnerable. For example, lack of education, lack of material assets, designation within lower castes and social classes. Here one might note that the lived experience of many within the Indian
economy involves profound changes but also some basic continuities. The continuities indicate that even as change occurs a form of development is being pursued that is not effectively addressing some basic underlying problems of inequality (see e.g. Verma 1998 and Olsen, 2009a and 2009b).

Conclusion

In this paper, we have set out a narrative structure that illustrates how forced labour can develop from traditional rural debt bondage to new forms in new contexts, some of which involve cycles. Forced labour is not disappearing. It is integrating into capitalism. Some remain more vulnerable to unfree outcomes than others and this is tied up with structures of social relations. At the same time some forms of development and of capitalism make unfree outcomes more likely. In the case of India the dominance of an informal economy creates opportunities for exploitation. On a global scale one might also note that a neo-liberal form of globalisation creates extended and difficult to monitor supply chains in which exploitation can flourish. And this is to say nothing of the problem of international human trafficking for sexual and economic purposes.

Solutions to the problems can come at many levels and we by no means wish to suggest that the Indian government has made no attempt to address forced labour. India has ratified key ILO conventions and translated its commitments into domestic law. However, criminal and civil enforcement require resources, awareness, transparency and accountability. Enforcement is chronically under-resourced, exploitation is entrenched in local culture and normalised. Officials and police are often part of the problem, since a web of payments within the informal economy can often be part of their income, and to go against the unwritten rules on an individual basis can seem both pointless and against officials own interests (US Dept of State, 2011: p. 189). Many Indian states now have inspection teams focused on victims of human trafficking, forced prostitution, and also debt bondage. However, as the annual Trafficking in Persons Report consistently indicates, prosecuted cases run to the 100s, whilst the problem according to the ILO’s conservative estimates involves millions of victims. An effective approach, therefore, requires funding more and better-educated specialised and incorruptible teams of inspectors, prosecutors, and enforcement officers. But it also requires something be done about context.

Criminal and civil enforcement are reactive rather than proactive. Liberating people from forced labour does not prevent them and others continuing to be vulnerable to such situations. Poverty, inequality and informality must also be addressed (e.g. Bhatia, 2012). It is social and economic empowerment and the development of decent work that will reduce the vulnerability. This is a national and a local issue. An effective education system, for example, keeps more children in school, raising the demand for adult labour. However, it is also an issue for transnational capitalism. Corporations should not be encouraged to simply withdraw contracts when caught using least cost outsourcing based on exploitative labour practices. The basic tendency to seek out least cost is then simply perpetuated. It is for this reason that the ILO seeks to bring together unions, employers and states (e.g. ILO, 2005; Ghai, 2006; ILO, 2009: Chp 4). The UN and the ILO work to eradicate forced labour and this is important. However, it is also important to recognize that the ILO’s general orientation does not flow with the weight
of discursive and policy momentum of neo-liberalism. Economics theory is part of that weight and wherever mainstream economics theory is applied to the problems of forced labour that problem is confused and deformed.

References


BBA; Bachpan Bachao Andolan (2012) Child labour Free India Initiative http://www.bba.org.in


Chandramouli, C. (2012) 'Housing, Household Amenities and Assets – Key Results from Census 2011’, Registrar General & Census Commissioner, India; censusindia.gov.in


Corbridge, Stuart, Harriss, John and Jeffrey, Craig (2012) *India Today* Cambridge: Polity

Crabtree, James (2012) 'India’s growth threatened by old abuses’, *Financial Times* May 15th

Deshingkar, Priya (2008) ‘Circular internal migration and development in India’, in Dewind, Josh and Holdaway, Jennifer eds. *Migration and Development Within and
Across Borders: Research and Policy Perspectives on Internal and International Migration New York: Social Science Research Council


Narayana, Kurupati (2011) ‘Causes and Consequences of Microfinance Crisis in India (A diagnostic analysis of MFI episode of AP)’, Mimeo, Dept of Economics, Kakatiya University, Andhra Pradesh, India


World Bank (2012) ‘Poverty Headcount Ratio at $2 a day (PPP) (% of population)’

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