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THEME: SOCIAL EXCLUSION – INCLUSION

[MARGINALIZED GROUPS]

FROM PERPETRATORS TO PROTECTORS :
ANALYSIS OF TRIBAL MARGINALIZATION THROUGH
BONDED LABOUR.

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ABSTRACT :

Social Exclusion and Inclusion of Marginalized Groups: A Re-envisioning of Vulnerability.

This paper aims to explore the social exclusion and inclusion dynamics experienced by marginalized groups, particularly focusing on their victimization and vulnerability. The research targets bonded laborers within tribal communities, specifically the Toda, Irulas, Narikuravas, and Kuravas, followed by scheduled tribes and castes. While the common perception of bonded labor often associates it with prolonged working hours, incorrect, irregular, or absent wages, etc., even after the amendment of the Bonded Labor System (Abolition) Act 1976, many marginalized groups are still being used as forced laborers and bonded laborers due to the absence of proper land reform acts, such as the Zamindari Abolition and Land Reform Act 1950. Due to the elder man of the family who might have taken a loan from the landlords not paying it back, they are also being used as bonded laborers. According to past recorded cases, most of the bonded laborers were rescued from brick kilns, rice mills, and small-scale industries. Tribal marginalized groups face significant social exclusion, being marginalized economically, socially, politically, and culturally. Our motive is to convey how the people of marginalized groups (tribal) use magic as a tool for them to exercise power as a mechanism to reinforce societal norms and values to attain a process of social inclusion.

The study adopts a mixed methods approach utilizing both quantitative and qualitative research methods such as focus group discussions (FGDs) to analyze the multifaceted challenges faced by tribal communities. The findings aim to corroborate the issues raised in this study.

Keywords: Magic, bonded labor, Land Reform Act 1950, social exclusion and inclusion, marginalized groups.

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1. Land reform act 1950: <https://www.toppr.com/guides/economics/indian-economy-1950-1990/land-reforms/>
 2. Magic: <https://anthroholic.com/magic#:~:text=Social%20Dimension%20Magic%20can%20be%20a%20form%20of,a%20mechanism%20to%20reinforce%20societal%20norms%20and%20values.>

INTRODUCTION:

The concept of marginalized groups can be explained as populations or communities that experience discrimination and social exclusion. While many may assume that the concepts of marginalization and social exclusion are synonymous, they are distinct. However, both share common influences such as age, gender, culture, immigration, homelessness, and ethnicity.

Here are a few examples of social exclusion: gender exclusion, ethnic exclusion, and age-based exclusion. Marginalized groups include women, the physically challenged, LGBTQ individuals, religious and linguistic minorities, and tribal people. Each marginalized group experiences vulnerabilities in various ways. In this research paper, we will focus on marginalized tribal communities facing social exclusion as bonded laborers.

Understanding Tribes:

The term "tribe" is defined by Article 366(25) of the Indian Constitution as "scheduled tribes," encompassing tribes, tribal communities, or groups identified under Article 342. There are 705 communities classified as scheduled tribes in India, with a total tribal population of 104.3 million according to the 2011 census. Kerala and Tamil Nadu host 36 different tribal groups demographically represented. Among these, we are concentrating on four marginalized tribal groups in Tamil Nadu: Kuravas, Irulas, Narikuravas, and Todas.

Tribal peoples are selected as marginalized groups for our study because their populations are unevenly distributed across the country and belong to various racial and linguistic categories, including Mongoloid, Negrito, Dravidian, Australoid, and Aryan racial groups. Despite differences in race, language, or place of residence, they share a common identity as many tribes still live in forest areas and depend on forests for various products essential for their sustenance.

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3. Article 366(25) of Indian constitution
 4. 2011 census - <https://tribal.nic.in/Statistics.aspx>

However, with the enactment of the Forest Act of 1927, the lives of tribal peoples were significantly impacted, depriving them of access to basic needs such as shelter and food. Consequently, many tribes were forced to leave the forests and settle in nearby lands, leading to social exclusion based on economic, cultural, linguistic, and racial factors.

This has been a major factor pushing tribals into bonded labor. Reasons for this include the absence of proper land and forest reform acts and the economic situation of tribes.

Objectives of this study:

1. To analyze the social exclusion faced by tribal peoples as marginalized groups.
2. To analyze the social dimensions of marginalization.
3. To identify the factors leading to tribals' involvement in bonded labor.
4. To analyze the vulnerability faced by marginalized groups.
5. To examine social inclusion following the rescue of bonded laborers.

Hypothesis: Tribal individuals, due to family situations, resort to working as bonded laborers in brick kilns, rice mills, small-scale industries, or under landlords.

REVIEW OF LITERATURE:

Marginality: A Critical Review of the Concept by

Charles Varghese and Sheethal S. Kumar (19th May 2022): In common parlance, the term 'marginalised' refers to people or communities on the lower spectrum of the hierarchy in terms of economic, social or cultural resources or power. These resources are critical for equal participation in a given society whether it is regional, national or global. Therefore, 'margin' is often defined in relation to a 'centre' or a 'reference' with a set of ideal values, processes and resources.

Sociologist: Park (1928): "New type of personality" which was emerging out of rapid human migratory patterns during the end of the nineteenth century and the beginning of the twentieth, and how they would affect present and future relations between groups.

Dickie Clark (1966) introduced the term "marginal situation" and moved the discussion from the personality of the marginalized to a more pointedly sociological reference point. Dickie Clark concluded that the Park-Stonequist model, largely Stonequist's extension of Park's early model, subverted and distorted the sociology of marginality by creating an exclusive model of the marginal who became permanently stereotyped as "irrational, moody, and temperamental."

The government of India, Ministry of labor and Employment, Central Sector Scheme for rehabilitation of bonded laborer-2016, letter F.NO. S-11012/01/2015 BL, DATED 18.05.2016 AND 23.06.2017: It freed unilaterally all the bonded laborers from bondage with simultaneous liquidation of their debts.

The term social exclusion was used by **René Lenoir (1974)**, to refer to the situation of certain groups of people – "the mentally and the physically handicapped, suicidal people, aged invalids, abused children, drug addicts, delinquents, single parents, multi-problem households, marginal, asocial persons, and other 'social misfits' – whom he estimated to comprise one tenth of the population.

Benussi, Matteo. (2019) 2023. "Magic". In The Open Encyclopedia of Anthropology, edited by Felix Stein: Magic is one of the most puzzling phenomena studied by social scientists, which has inspired and challenged generations of observers.

With Tylor and Frazer, magic is superstition-an evolutionarily early stage of science, inadequate and misleading. With Durkheim, magic is immoral and anti-social: where religion solidifies the group, magic is individualistic. Both traditions thus proceed, not by an analysis of the lives of peoples where magic plays a significant role, but rather by invidious comparison with a major institution of Western society (science, religion).

6. Park definition: https://sociology.iresearchnet.com/sociology-of-race/marginality/#google_vignette

7. Definition of Tylor and Frazer: <https://www.journals.uchicago.edu/doi/10.1086/200420>

8. Government order - G.O.(Ms). NO .35 of Labor and employment (U1) department

METHODOLOGY:

Data collection procedure:

The statistical data and the policy book of bonded labor were collected from the State Crime Record Bureau (SCRB), which was the driving factor for this research paper. It provided us with a clear count of the bonded laborers involved in each district. Secondary data were collected with the help of lawyers to enhance knowledge about past judgments and rescued cases of bonded laborers in the regions of Kanchipuram, Chengalpattu, Uthiramerur, and Arakkonam.

Data processing and analysis:

This study has used a unique, multifaceted approach to explore the complex dynamics of marginalized people through bonded labor. Initial conversations with victims were made to build confidence with the interviewer and the victims. Meanwhile, the study's purpose was also explained. A properly structured interview was scheduled by the researchers to inquire into the victims who were selected for the study. Further, the data were categorized into major themes and sub-themes.

Ethical consideration:

The study's information was disclosed to victims before the interview, and informed consent was obtained. There was no payment for the interviewees' participation, as it was entirely voluntary. The confidentiality of the study, the victims' freedom to withdraw at any moment during the trial, were explained to them.

RESEARCH QUESTIONS:

- A. Name and address of the industry/place from where the bonded laborer is rescued.
- B. Whether the rescued bonded laborer is staying on the premises of the place of employment.
- C. How did he/she come to work for the employer (on his/her own/middleman/other)?
- D. Did he/she receive wages per day/per week/piece rate, and if so, how much?

DISCUSSION AND ANALYSIS:

According to the Bonded Labor System (Abolition) Act 1976, the definition of bonded laborers can be traced from past-year judgments given by the Madras High Court: "If a man is employed to work for wages, fully or partially restricted minimum wages with great deprivation of rights or freedom of movement by himself or anywhere, he becomes a bonded laborer. Under sections 10, 11, 12, the Revenue Divisional Officer (RDO) is empowered as an officer to find and rescue bonded labor under various orders of the government of Tamil Nadu."

Bonded Labor Inquiry Procedures:

During the inquiry, officials should question each laborer. It is not necessary to question the owner of the facility. The inquiry must be held in a free and fair environment where the laborers do not feel coerced or intimidated, such as the RDO's office. The laborer should be separated from each other during questioning so that each may tell his individual story. The official should ask questions limited to identifying the elements of bonded labor set out by their BLA. The official should refrain from asking questions that deviate from the issues identified in the BLA.

- The migrant/displaced laborers are defined as any laborer who is working outside of his native district or state in small-scale industries like brick kilns or rice mills, etc.

- Rescue Team: The district magistrate/district collector shall form a team of officials consisting of revenue officials and police officials. One of the revenue officials should not be below the rank of deputy tahsildar. Mainly, the revenue officials should be below the rank of deputy tahsildar, and on the police side, the officials should be below the rank of sub-inspector. Finally, if the case involves women, one of the team members should be a woman. The team should have fewer than three members.

9. Letter no. 19656/ADW-6(1)2014-1, Dated 8.1.2015

10. INQUIRY PROCEDURE: https://cms.tn.gov.in/sites/default/files/go/labemp_e_35_2019_0.pdf

TABLE 1: STATEMENT ON THE BONDED LABOR SYSTEM (ABOLITION) ACT 1976 IN TAMILNADU DURING 2018 - 2023

S.NO	YEAR	DISTRICT	CASES RECORDED	TOTAL NUMBER OF VICTIMS	PERSONS ARRESTED
1.1	D1-2018	ERODE	8	87	8
1.2	D2-2018	VELLORE	5	76	9
2.1	D1-2019	CHENNAI	3	77	2
2.2	D2-2019	VELLORE	36	86	100
3.1	D1-2020	THIRUVALLUR	4	263	0
3.2	D2-2020	CHENGALPATTU	2	11	0
4.1	D1-2021	TRICHY CITY	2	11	3
4.2	D2-2021	CHENGALPATTU	13	13	27
5.1	D1-2022	KARUR	3	65	5
5.2	D2-2022	THANJAVUR	4	4	7

***NOTE:** In the above formulated table, we have mentioned the top 2 districts which have recorded more cases from the year 2018 – 2023.

By analyzing the cases reported in all 38 districts, we have found that the common footprints are as follows: The districts which have more small-scale industries like brick kilns, rice mills, agricultural land, tea estates, etc., are facing more bonded labor cases, particularly with respect to tribal marginalized people. This is because in India, some tribal communities are labeled with caste-based occupations. For example, Irulas tribes are labeled with robbery as an occupation by the so-called modern society. ***From here onwards we mention our victims with the name V1,V2....Vn.***

Case study 1:

The abolition of bonded labor act of 1976 - Kanchipuram district – and under Circle - V1 states that V1 father of V2 - Periyakarumpur village, along with 14 persons, was rescued as bonded slaves from Pallur village of Arakkonam circle and released back to the village. Letter number: 3112/2019, dated 11/07/2019.

Using focus group discussion, we enquired with several members from different families of the rescued bonded laborers on March 9th, 2024, in Periyakarumpur village, Kanchipuram district.

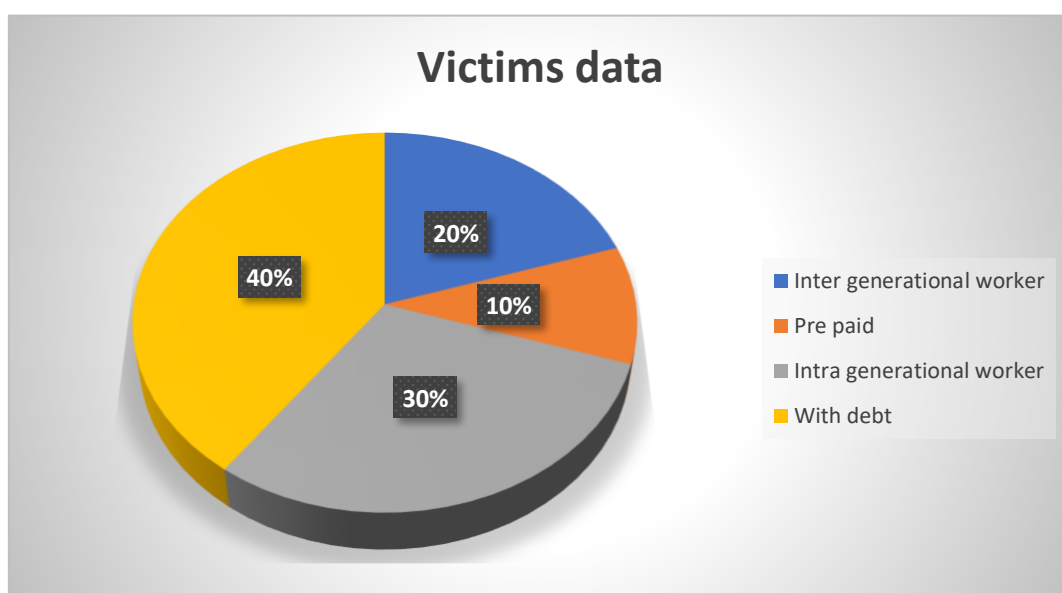


Figure 1: Identification of migrant bonded labor and their background of employment.

The statements of this case provide a troubling picture of debt-based bonded labor in Tamil Nadu, revealing various forms of exploitation and abuse endured by the victims:

Statement 1: Many victims have been working as timber workers for over a decade, yet they receive inadequate payments, which violate the Payment of Wages Act, 1936. Some victims have been coerced into becoming prepaid bonded laborers, receiving an initial amount of ₹20,000 but being denied fair wages for their labor. This practice is enforced through agreements that victims cannot violate, leading to a cycle of exploitation.

Statement 2: Approximately 40% of the victims have been ensnared in debt bondage due to familial financial circumstances. In some cases, debts were inherited from previous generations, while in others, victims themselves acquired debts. Regardless of the origin, victims and their families find themselves unable to repay these debts, forcing them to resort to using family members as bonded laborers to settle the debts.

Statement 3: The victims endure exhausting working hours, starting as early as 6 am and lasting until late at night, with minimal breaks. They work long shifts without adequate rest, often until the early hours of the morning. Additionally, they are confined to restricted areas and provided with cramped living quarters, further exacerbating their plight.

Case study 2:

First information report under section 154 Cr.P.C – FIR NO.16 – Kanchipuram district – Kavanurputhucherry - Uthiramerur taluk - Uthiramerur Police station – dated on 22-01-2019 – The intervention for the 65-year-old man's personal rice mill, where 9 cases of bonded labor and actions taken against them are related - Family 1 (5 members) where 3 are women and 2 are men – Family 2 (4memembrs) : where 2 are women , 1 baby and 2 are men.

Statement: The investigation revealed that the person from the native village went to the owner with a personal guarantee to investigate the above-mentioned debts. Moreover, tasks such as planting, watering and transplanting paddy were assigned, and other tasks like harvesting were done, which amounts to forced labor. Additionally, it was found that once every three days, a family was given a loan of 200 rupees, and it was discovered that it was not allowed to go to the native village or the hometown. If work was not done properly, it was considered as a punishment as well, according to the investigation.

12. First information report : <https://services.india.gov.in/service/detail/view-fir-details-tamil-nadu-police>.

The nexus between migration and labor exploitation:

Every instance of bonded labor can be considered a form of forced labor, but not every case of forced labor necessarily involves bonded labor.

Bonded labor is indeed a form of forced labor, where individuals are compelled to work in order to pay off a debt. This debt might have been incurred by the laborer or even by previous generations of their family. This system is often perpetuated by socio-economic factors and can particularly affect marginalized groups such as tribal communities.

Forced labor, on the other hand, encompasses a broader range of situations where individuals are compelled to work under threat of penalty. This could include threats of violence, coercion, or other forms of intimidation. Unlike bonded labor, forced labor does not necessarily involve a specific debt that the worker is trying to repay. Instead, it encompasses any situation where individuals are deprived of their freedom and coerced into work against their will.

Reasons for migration:

- **Climate:** People can be forced to leave their usual residence due to sudden or progressive changes in the climate. This was addressed in Case Study 1.
- **Human rights violations:** People may shift from a place where their rights are violated to safer places.
- **Family and economic status:** The area where the family is living may lack job opportunities for the next generation members of that family, so they may migrate to other places.

In so-called modern societies, migrant peoples can be categorized in two ways. In one scenario, educated individuals may migrate due to work transfers or job opportunities. In the other scenario, uneducated individuals migrate from many places in search of work, often accepting lower wages and inadequate living conditions. In this latter case, individuals may unknowingly or knowingly find themselves in

situations resembling modern bonded labor, as outlined in the characteristics of the Bonded Labor Abolition Act of 1976.

Unlike traditional bonded labor, where individuals are compelled to work to repay a debt, in these cases, individuals may not have a specific debt to repay but are still subjected to exploitative working conditions and inadequate compensation.

Social inequality & exclusion faced by marginalized groups :

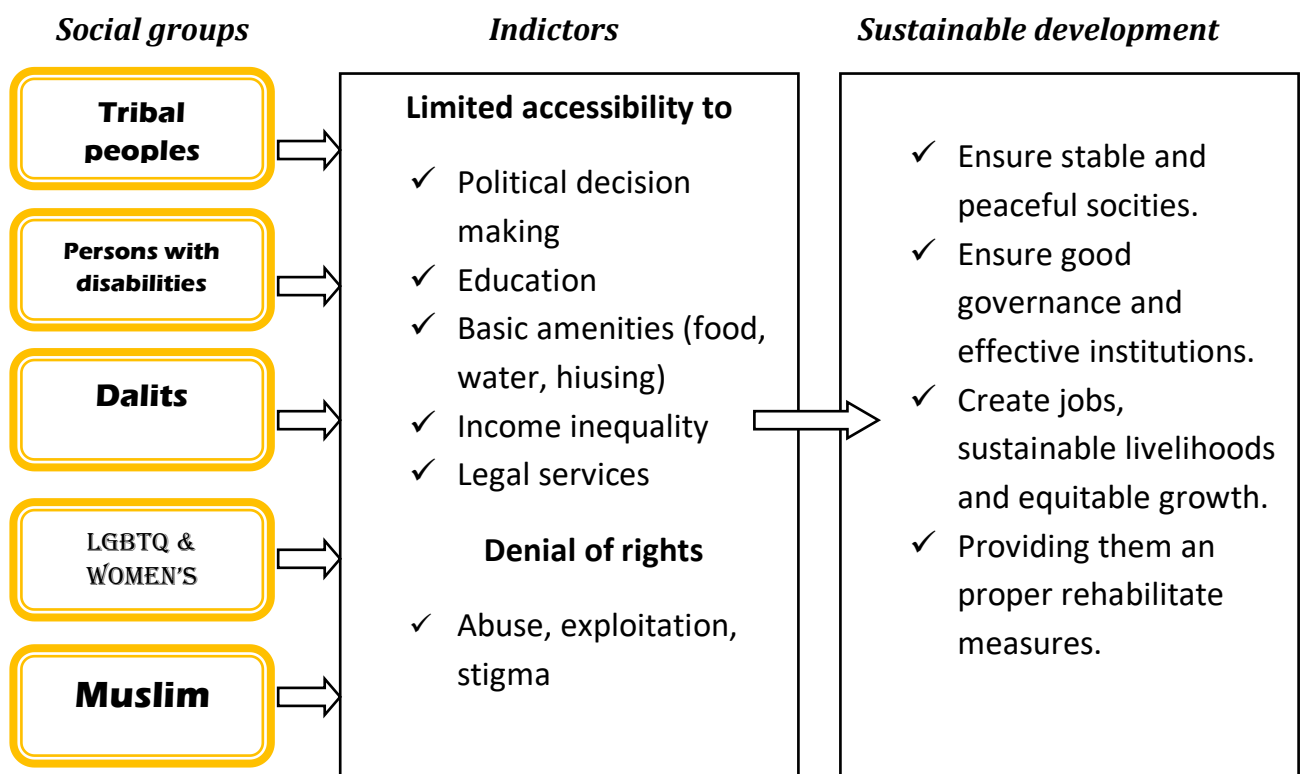


Figure 2: Analytical Framework - Indicators of Other Socially Excluded Groups.

LGBTQ: Discriminatory laws and socio-cultural norms continue to marginalize and exclude lesbian, gay, bisexual, trans and gender-diverse persons from education, health care, housing, employment and occupation, and other sectors. This environment of exclusion lends itself to violence and discrimination.

Persons with disabilities: The disability community views social exclusion as an outcome of institutional exclusion. Institutions perpetuate social exclusion through the lack of responsiveness, corruption, clientelistic, accountability, preferential treatment and poor law enforcement.

13. LGBTQ: <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/effective-inclusion-lgbt-persons>

14. Persons with disabilities:

<https://www.undp.org/sites/g/files/zskgke326/files/migration/al/Profile-PWD-ang-web.pdf>

Social exclusion faced by tribal peoples as bonded labor in detail.

⇒ **Historical marginalization's:**

During British colonial rule, the Criminal Tribes Act of 1871 classified several tribes as hereditary, habitual criminals who, by nature, were predisposed to committing petty offenses. This alleged likelihood to commit crime at any moment justified a blanket classification, which was the primary sociological paradigm through which the colonial state understood and perceived criminality. This labeling of few tribal groups as habitual criminals by birth led to major social exclusion of those groups in many ways, such as forced assimilation, land dispossession, and limited political representation.

⇒ **Economic exploitation:**

Tribes and people from nearby villages typically derive their livelihoods from activities in and around the forest. However, due to the Forest Act of 1927, entry into the forest, hunting, cattle grazing, and collecting fruits and vegetables have become illegal activities. Tribal peoples often find themselves trapped in bonded labor due to economic vulnerabilities. They may lack access to education and economic opportunities, leading them into situations where they become indebted to landlords, moneylenders, or employers.

⇒ **Social discrimination:**

Even though there are many marginalized groups all over India, tribal peoples are often subjected to bonded labor for various reasons. In my perspective, one of the reasons may be the Criminal Tribes Act of 1871, which labeled many tribal communities as habitual criminals by birth. Another reason, as mentioned, is that every tribal group has community-based occupations. For example:

1. **The Irula tribes - Tamil Nadu** are famous for snake catching and venom removal.

2. **The Kurumba tribes - Tamil Nadu** are known for their black magic and witchcraft.

Furthermore, the community-based occupations of many tribal groups can contribute to their vulnerability to bonded labor. Traditional occupations such as snake catching, black magic, and folk arts may be misunderstood or stigmatized by mainstream society, leading to discrimination and social exclusion.

The case of **Rajakannu vs. State of Tamil Nadu 1993** sheds light on the systemic injustices and social stigma faced by tribal communities, such as the Irulas, in India. Despite their traditional occupation of snake catching and venom removal, members of these tribes are often unfairly labeled as criminals or associated with theft based solely on their ethnicity and socio-economic status.

The investigation conducted by Thiru B. Perumalswamy, I.P.S., revealed a pattern of false allegations and police harassment against tribal communities, leading to generations of discrimination and abuse. Women face sexual harassment, while men are subjected to physical violence and coerced into accepting false charges. This reflects the prejudice and discrimination prevalent in mainstream society against tribal peoples.

Additionally, in the case of **BANDHUVA MUKTI MORCHA Vs UNION OF INDIA 1984**, In this case, the affected person has testified that they were unfairly subjected to restrictions on their freedom, denied the minimum wage, and deprived of their freedom and rights to work after they were released from prison. They are identified as victims of exploitation, but were unaware of their rights. This is presented as evidence against the High Court's decision. They are vulnerable to exploitation as bonded laborers, trapped in cycles of debt bondage and are denied basic amenities, freedom of movement, and suffer verbal and physical abuse at the hands of landlords. Women in these communities are particularly vulnerable to harassment and abuse, further exacerbating their marginalization.

15. Rajakannu Vs State of Tamilnadu 1993:

https://magbook.in/ArticleView.aspx?ArtID=191500&Title=Original-Real-Judgment-of-Jai-Bheem#google_vignette

16. Bandhuva mukti morcha Vs union of India 1984:

<https://www.scribd.com/document/510744500/Bandhua-Mukti-Morcha-v-Union-of-India-and-Others>

Role of magic as social inclusion:

Magic, as defined by anthropologists, encompasses various forms and meanings within religio-cultural systems across societies. In the context of bonded labor systems, the social dimension of magic can be seen in the rehabilitation efforts provided to rescued laborers. These efforts often involve governmental and non-governmental schemes aimed at empowering and reintegrating individuals into society.

For instance, in **Case Study 2**, children of rehabilitated bonded laborers receive education through the efforts of the Department of Education. Thanks to this support, a child successfully completed their 10th-grade board exams with the guidance of teachers and representatives from the Adi Dravidar and Tribal Welfare Department. This close monitoring and provision of necessary resources contribute to the child's development.

Additionally, initiatives such as the establishment of a **night school in Kanchipuram by District Collector V. Iraiyanbu** demonstrate the use of education as a tool for social inclusion and empowerment. This night school provides an opportunity for children and parents to receive education after 6 PM daily. As a result, children who were previously engaged in forced labor, particularly in weaving jobs in areas like Pillayar Paalam, have access to education and opportunities for a better future. Moreover, the night school has facilitated the education of dropout students and those who couldn't attend regular school, thereby promoting literacy and socio-economic development. Some individuals from the case study have even progressed to completing the 8th standard, with support from revenue department officials who guide them to obtain licenses and secure rehabilitation opportunities, such as employment in the transportation department.

Overall, the provision of education and rehabilitation services plays a crucial role in breaking the cycle of bonded labor and empowering marginalized individuals to exercise agency and pursue their aspirations. These efforts highlight the transformative potential of social interventions in addressing systemic injustices and promoting inclusive development.

17. Night School : <https://www.dailythanthi.com/News/Districts/2017/04/15152858/Education-in-light-winds-Moonlight-School.vpf>

Conclusion:

Here, I conclude my paper with a few of my views based on conversations with victims, as well as perspectives from the police, revenue officials, and lawyers.

I find that during olden days, people were not educated about government policies that provide access to banks for loans, etc. This lack of awareness continues in the modern digital era, as we still rescue many bonded laborers in our state and country. The 2017 census of bonded labor across the country clearly explained that many states in India still practice bonded labor in one form or another.

When we consider the perspective of moneylenders or landlords, their business mindset often leads them to focus on completing work rather than the well-being of the people working. Here, I support the landlords in the sense that the social exclusion they impose on bonded laborers is not correct. Instead, I suggest that lower-middle-class individuals, when in need of loans, should approach banks or Self-Help Groups (SHGs) where they can obtain loans with minimum interest, rather than borrowing from landlords and subsequently becoming bonded laborers for generations.

In modern times, we are all susceptible to becoming bonded laborers in various fields, such as IT and teaching, where we may agree to stay for a certain number of years. Similarly, in fields like childcare, we often employ workers who are paid minimum wages with low salaries.

In conclusion, I would like to emphasize one thing: diligence will lead to success, but laziness will inevitably result in forced labor.