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I. ABSTRACT:

“India, though boasts the title of the largest democracy and the fastest growing major economy, is infamous in the whole world for the basic human rights violation committed in the country whether it may be in the form of Custodial Torture, Mob Lynching and Communal Violence. Since ancient times, we have also had a Caste System based on birth, in which the lowers castes were highly oppressed. Though slavery was not well established as an institution in India as it was in the European society in ancient times but was practised in India through different names and forms. With the passage of time, the institution of slavery transitioned from the traditional form to the modern form, also known as Neo-Slavery or Contemporary Slavery.

Indian population is the worst victim of this Modern or Neo-Slavery; the institution is being practised through different forms like Bonded Labour, Child Labour and Human Trafficking. The laws of the land, despite being positively against the issue, have not proved to be enough for the protection of bonded labourers and prevention of human trafficking mostly due to their improper implementation. Though things seem to have changed quite a lot from the
colonial era due to improved banking and law enforcement system, the way is still long to go for the largest democracy of the world.”

Keywords: Slavery, Modern India, Caste System, Law, Bonded Labour.

II. INTRODUCTION:
Since ancient times, the public opinion towards slavery has changed. It was considered a normal practice even 300 years ago but now, as people are made aware of how much of an inhumane act it is, slavery is illegal in most of the world. In ancient times, most of the work done by the slaves in medieval Europe was done by the low castes or ‘Shudras’ of India. The term often used for slaves in Ancient Indian texts is ‘Dasas’ which literally means servant in Sanskrit. The powerful nations of the world used slaves for working on their plantations and these slaves were forcefully taken to far lands without against their will.

India, even though is the seventh largest economy and also boasts the title of the largest democracy of the world with over a billion people residing in her territory, has her citizens, victims of the violation of basic human rights. The Global Slavery Index 2018 ranked India in the first position with the highest number of slaves in the world and is ranked fourth in the ratio of slaves with the total population. Out of the global number of 45 million slaves, 18 million of them reside in India.

Though slavery may not be easily identifiable in the country, still is in practice in various forms. As universally accepted, modern slavery is a violation of basic human rights involving the control of one person by another in such a way that it leads to deprivation of their individual liberty and their exploitation for the use, management, disposal or profit of the

controller. As per the reports of Global Slavery Index 2018, about 6000 slaves are being enslaved since the last four years and on an average, 60 out of 100 people are vulnerable to modern slavery. This data makes it evident that modern day slavery is highly prevalent in modern-day India.

### III. SLAVERY IN MODERN TIMES:

Slavery traditionally means the presence of a person in analogous situations like debt bondage, human trafficking, forced marriage, forced prostitution, forced labour along with crimes related to children like child pornography, child marriage, sale of children, use of children in armed forces, etc.

It refers to a condition in which a person is ‘owned’ by another person and their basic choices are controlled by them. A slave is a human being who is not seen different to property and are thus not given any human rights by their ‘owners’ who control the place of their living and working for their own profit. Slavery has existed through ancient times and almost in every civilisation to have roamed the earth. Karl Marx, in his works on Historical Materialism, has mentioned slavery as a stage of development of civilisation which tells us about its pervasive nature in the human society throughout history. Though the situation is a little bit different in modern society. Traditional slavery has now been replaced by contemporary forms of slavery in modern times.

Contemporary slavery includes but is not restricted to issues such as *forced labour, debt bondage, children forced into slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage.* As a legally permitted labour system, traditional

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2. Ibid.
slavery has been abolished everywhere, but it has not been completely eradicated. It can persist as a state of mind among victims and their descendants and among the inheritors of those who practised it—long after it has formally ended. Contemporary forms of slavery often involve populations hidden from the majority, some of whom perform unlawful work. Slavery often occurs in areas which are isolated from the mainstream and access to such places can be compromised when workers are involved in illegal activities, when such places are geographically isolated, or when the working conditions of slaves are violent or exist in politically, economically or socially unstable countries or regions of the world.

The majority of sufferers of this menace are the poorest, most vulnerable and marginalised social groups in society who have lived their lives in fear to stand up against this inhumane practice which they are subject to. The members of these groups are often socialised in such a way that they accept their fate and offer little to no resistance towards the acts of their masters towards them. Of the 45 million of the world’s slaves, it is estimated that around 10 million of these contemporary slaves are children. These children are not given the proper education and healthcare which is very essential in their development but are engaged in inhumane working conditions against their wills.

Due to difficulty in its identification, loopholes in laws and improper implementation of these laws which protect against slavery, it still is a continuous practice though there have been breakthroughs in controlling it, slavery is still prevalent in the eastern parts of the country.

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6 Ibid.
8 Ibid.
### III.1 Slavery and Caste System:

The Indian Caste System is infamous in the whole world for its oppressive character. There may be class systems in other countries as well but none of them is as systematic and discriminatory as the Indian Caste System. Since the Vedic era, the lower castes have been discriminated against by the higher castes. The lowest caste of ‘Shudras’ has been called the property of the higher three castes, namely, ‘Brahmins, Kshatriyas and Vaishyas’. The duties prescribed to Brahmins are to perform religious ceremonies like Yajnas, teaching and maintaining religious knowledge; Kshatriyas are to participate in warfare and administration; Vaishyas are to indulge in agricultural practices, animal husbandry and trade and commerce; whereas the duties assigned to Shudras were to perform menial inhumane tasks and to serve the higher three castes or Dvijas. The concept of a slave was not there in ancient India as the Shudras did the work done by slaves in Europe. It wouldn’t be wrong to say that the condition of Indian Shudras was worse than the European slaves.  

Caste System is still haunting the rural areas where it still runs deep within the veins of their social structure, it is prevalent in areas where people are not properly educated and still go by the orthodox out-dated way of social practices.

### III.2 Similarities Between the Conditions of Shudras and Slaves:

The Indian Caste System and traditional slavery are very similar to each other in many respects. Both the Shudras and Slaves were and are denied of their basic human rights. The condition of Slaves in Ancient India though was worse as is visible in ancient Hindu scriptures like Manusmriti, Mahabharata and other scriptures. Shudras, just like slaves were not allowed to amass wealth even if they are able to do so. (Mahabharata Shanti Parva, Chapter 29). Neither are they even allowed to sit in the vicinity and consume food with the

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higher castes? *(Mahabharata 13.136.20-22).* Slaves are employed against their wishes in the work they do and so is the case of Shudras as there is no scope for them to go against the duties prescribed to them. Offspring of a slave has the same fate as their parents, i.e., slavery and so is the case with the Indian Caste System. A person who has taken birth in a particular caste cannot change his caste. Just like the Caste System, there is very little room of making up the social ladder.

### III.III RELATIONSHIP BETWEEN SLAVERY AND MODERN DAY INDIA:

Despite their prohibition, Caste-based discrimination and Slavery both are widespread in the country. Forced and bonded labour is often interlinked with the Caste System; the outcome of this is the loss of control over the working conditions and the terms and conditions of work which causes feudal-like relationships. If we look upon the conditions in the Modern Day India, it can be observed that except a few exceptions, only the Dalits are engaged in manual scavenging.

In the times of disasters, the ‘Safai Karamcharis’ are called to do the job of getting the dead bodies of animals and humans who may be subject to any such disasters and even the volunteers refrain from doing such work. This clearly is very similar to slavery and it wouldn’t be wrong to deem such practice as caste-based slavery. Those who are employed as bonded labourers in India mostly belong to the low castes or are Dalits, also known as ‘untouchables’. According to a report by Anti-Slavery International published in 2009, the vast majority of bonded labourers (around 90% of the total) are from the scheduled castes and minority groups.

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Poor financial conditions, weak economic status and lack of resources increase a Dalit’s dependence on wage labour and such wage labour has no security whatsoever. Those engaged in such kind of work are even unaware if they will be able to make the two ends meet the next day as there is no guarantee of work the next day. Extreme poverty and social exclusion forces Dalits to take up loans and as they hold no other assets except their labour to lever their debt, they are forced into bondage. Dalits, after they have taken the loan from high caste member of the village, they are forced to work until they are able to pay back the loan or work as per the wish of the lender. Interest on such loans is usually very high that the economically poor Dalits will never be able to pay back so they are, for their lives are employed as the ‘Slaves’ of their lenders. These lenders are usually from the high caste as the social structure is such the only the high castes are able to achieve high economic status. Such an event of incapacity to pay the loans due to high-interest rates is called Debt Trap12.

Though now even the lower castes are aware of their rights, but when they try to exercise their rights or resist abuse and exploitation, they are faced with extreme hostility and brutal resistance by the villagers belonging to the higher caste so that they can uphold their high position in the hierarchy. Consequently, when Dalits resist their oppression, they risk complete boycott, cutting them off from land use, access to markets and employment. Other retaliation against Dalits resistance which is against exploitation include killings, gang rapes, looting and arson committed by the member of high castes13. Dalits are particularly vulnerable to bonded labour, because of their poor socio-economic status, but bonded labour is also conjoined with the caste in the form of caste-based occupations. Two well-known forms of caste-based and bonded occupations in India are manual scavengings and the systems of forced prostitution.

13 Ibid.
III.IV VARIOUS FORMS OF SLAVERY IN MODERN INDIA:

In this modern era, slavery has changed its form. Though different from the traditional form, slavery still affects millions of people around the world.\(^{14}\)

*The various forms of Slavery in the contemporary era are:*

**a) DEBT BONDAGE:**

A person has their body held collateral against their loan. The physical labour done by the bonded labourer is the means of repaying the loan he had taken. The loan taker has no asset except their body for payment of the load they had taken which in turn results in them being bonded. Hardly do such labourers receive any pay so repayment of a loan is difficult and due to high-interest rate, their debt may further increase. After death, their debt may be transferred to the next generation.

More than 300,000 people were identified as victims of debt bondage, with the largest—official—number in Uttar Pradesh, followed by Maharashtra, according to a statement made in the Lok Sabha (lower house of Parliament) in December 2015.

**b) SERFDOM:**

A person forced to work for another person by law, custom or agreement amounts to serfdom. It is classified as slavery as there is no scope of change in their occupation.

**c) FORCED BEGGING:**

Most of the Indian beggars are under threats and criminal pressure. A first-hand survey conducted by *The Walk Free Foundation* suggests that beggars are deprived of basic needs

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required for survival and is continuously threatened by their employers\textsuperscript{15}. The leading source of income for homeless children is rag-picking and is practised by 16\% of them, according to a study by \textit{Save the Children} NGO, an international advocacy group\textsuperscript{16}. Begging is a leading occupation for both young boys and girls where the latter constitute 8\% while the former constitute 14\%.

\textbf{d) FORCED LABOUR:}

A person who is forced to work under coercion, force, penalty, threats, intimidation and the denial of freedom.

\textbf{E) SALE OF CHILDREN AND WORST FORMS OF CHILD LABOUR:}

In India, millions of children against their will are forced into slavery. Child Slavery includes situations of child labour which are characterised by slavery, sexual exploitation, illicit activities and hazardous work that is likely to harm the health, safety or morals of children. In India, instances of forced begging, domestic servitude, work in quarries, brick kilns and dangerous work in the fishing industry for long hours and no pay are very common.

\textbf{F) COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN:}

The worst kind of slavery a child can be subject to include child prostitution, child sex tourism and child pornography, where the child who is not yet able to consent for sexual acts is forced into doing such acts.

\textbf{G) TRAFFICKING IN PERSONS FOR SEXUAL EXPLOITATION AND FORCED LABOUR:}

People are forcefully recruited by the usage threats, deception or coercion, for the purpose of economic or sexual exploitation. Traffickers confiscate documents of their victims, withhold


wages, and force victims to work against their will without any pay. In other cases, individuals have forceful removal of their organs which are then sold in the black market. Trafficking is an evil which haunts India continuously. Cross border trafficking through Bangladesh and Nepal are very common sights to the border security personnel. According to a 2013 report by the Ministry of Women and Child Development, out of the 3 million people engaged in commercial sexual exploitation, 1.2 million of them are minors, i.e., below 18 years of age\textsuperscript{17}.

Around 5,500 cases were filed across India under the present slavery laws in the year 2014, as reported by the National Crime Records Bureau\textsuperscript{18}. Human trafficking as well rose 92\% over six years to 2014, as reported by IndiaSpend in the year 2014\textsuperscript{19}.

\section*{H) sexual slavery:}

Individuals are sexually exploited through the use or threat of force, often occurring in times of armed conflict like internal rebellion or war or belligerent occupation. The purpose of this kind of slavery is not financial or economic but is indeed to satisfy the sexual needs of the offender. It has become a very common practice in the war-torn Iraq and Syria where ISIS have legalised sexual slavery.

\section*{I) FORCED OR EARLY MARRIAGE, THE SALE OF WIVES AND WIDOW INHERITANCE:}

Practices which appear to be like slavery have existed within the context of marriage. Forced marriage takes place without the free or valid consent of either or both parties and on payment of money or in kind to third parties. In widow inheritance, a girl who has her husband dead is forcefully remarried to his husband’s brother or another member of the


\textsuperscript{18} Shreya Mittal & Sukanya Bhattacharyya, Modern slavery in India: 5,616 enslaved every day over last two yearsScroll.in(2017), https://scroll.in/article/809570/modern-slavery-in-india-5616-enslaved-every-day-over-the-last-few-years (last visited Mar 22, 2019).

\textsuperscript{19} Ibid.
family without her consent. In such a practice, a woman is treated as a property and not as an independent individual who is capable enough to take their decisions according to their will.

**J) OTHER FORMS OF SLAVERY:**

The institution of contemporary slavery is a global and dynamic phenomenon. The forced recruitment of children into the army during times of war, forced labour in agricultural farms and fisheries, domestic servitude, prostitution, sexual tourism and illegal activities within certain cults are among the practices that very similar to slavery.

**III.V IMPACT OF SLAVERY ON INDIAN ECONOMY:**

Slavery in India is done in the informal sector of the economy. Those who are engaged in the informal sector are devoid of basic human rights. No job security, no retirement benefits, no surety of work, no fixation of work time are few of the drawbacks associated with it. Around $32bn in annual ‘profits’ are made by the slave owners. Such a number may sound impressive if we ignore the conditions these slaves live their lives in. Slave owners often make the mistake of ignoring the same or turn their blind eye to this issue. These ‘profits’ are illegally generated and don’t really add up to the GDP of the nation but create a shadow economy which may even be larger than the real economy.

Slavery is an act which is legally as well as morally wrong and it must be recognised that profits earned through criminal means frames the problem and create a burden on the economy. Slavery-like economic activities lead to the creation of *Shadow Economy* which functions independently of the real economy.

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a) SHADOW ECONOMY:

The *Shadow Economy* refers to all economic activities and financial transactions that occur ‘below the radar’ of the government—economic activities which are not declared and for which taxes, which should be paid, are not paid. Shadow economy is also known as the underground economy, the grey economy or the black economy, and includes illegal activities such as drug dealing and smuggling, as well as legal jobs, such as gardening, working in construction, or selling products to car drivers at traffic lights.

Slavery constitutes to shadow economy due to the reason that slavery cannot be declared, it being an illegal act and also no taxes are paid to the slaves. No essentials of a formal economy are fulfilled in an economic system run by slavery. Shadow economy also includes situations where individuals in exchange for things other than money i.e., trade of manual labour in exchange of commodities. Another constituent of Shadow Economy is the system of *Company Scrip*. It is a system in which employees are issued company’s currency in exchange of work and this currency can only be used in stores owned by the employers. This system has now almost extinct\(^2\).

When economists calculate the GDP (Gross Domestic Product) of a country, the shadow economy is not included in it as we are unaware of its statistical data. This means that countries across the world are probably considerably richer than suggested by the official statistics.

If we visited an enslaved village in the northern part of India, we will not find potential productive contributors to the Indian economy but instead, we will see starved, beaten, oppressed human beings who are struggling for their survival. If we take into consideration

the lost labour productivity of the 40 million people estimated to be enslaved today, the population even greater than the entire population of Australia, it becomes apparent what massive damage slavery is doing not just to people's lives but to the broader global and national economy.

The real damage to the economy is, in practice, way worse than the above simple estimate would suggest. In the case of child labour, consideration of the economic and social costs curtailing from the system of this organised crime, an economy with unpaid taxes and the removal of the opportunity cost of having millions of otherwise potential workers removed from the main economy. Factor in the tragic living conditions in which the enslaved are kept in resulting in their premature deaths.

Or take the case of the many millions of people, forced into labour with no pay or incentives. There are massive opportunity costs to the wider economy of having able-bodied productive workers who can serve as major human resource, working in the conditions where they never will be able to work at their full capacity, due to the absence of normal incentives.

When freed, slaves contribute massively to the main economy. Those enslaved have the know-how of their work, when given the freedom to work for themselves and support their own families, their productivity increases.

Driven by this will, their productivity increases to an extent and so does their consumption of commodities like food and medicine, clothes and housing, which they were denied when enslaved. Freed slaves do their best to educate their children, knowing this is a powerful

shield against slavery. Extensive research in this phenomenon, following villagers from slavery to freedom, has shown a substantial *freedom dividend*\(^\text{23}\).

**IV. SAFEGUARDS PROVIDED BY THE INDIAN CONSTITUTION:**

As we are now totally aware of the system of slavery. We shall now investigate how the law of the land protects us against such a menace. In the Constitution of India, there are a few safeguards which address the issue at hand\(^\text{24}\).

**a) ARTICLE 21 OF THE INDIAN CONSTITUTION:**

It can be called as the most important fundamental right and the primary protection against any exploitation of human lives and their personal liberty. It, being a part of the Basic Structure of the Constitution, cannot be amended. It secures the right to life and right to live with human dignity to every person in India. So, any practice of bonded labour would be in contravention of this Constitutional provision since bonded labour deprives a person of numerous liberties.

**b) ARTICLE 23 OF THE INDIAN CONSTITUTION:**

The Constitution of India expressly provides for the abolition of forced labour, human trafficking and prohibits such form of forced labour in the territory of India. Not only it prohibits bonded labour but also covers the practice of Begar and other forms of human trafficking in India. It, being a fundamental right, can be enforced in the courts of law. *(Under Article 32 – Supreme Court, Article 226 – High Court).*

**c) ARTICLE 39 OF THE CONSTITUTION:**

This is covered in the Directive Principle of State policy under Part IV of the Indian Constitution. This constitutional provision directs the State to secure the right to an adequate

\(^{23}\) Ibid.

\(^{24}\) The Constitution of India, art. 21, 23, 39, 42 ,43.
livelihood. It also directs the state to formulate its policies with the aim that no citizen is forced out of economic necessity to enter occupations which are not suited to them.

d) ARTICLE 42 OF THE CONSTITUTION:

A Directive Principle of State Policy which states “The State shall make provision for securing just and humane conditions of work”. This means that the state must ensure that every person has a working condition which is just and humane for them. However, since it is a DPSP, it is not enforceable.

e) ARTICLE 43 OF THE CONSTITUTION:

This directive directs the State to secure proper conditions for work so as to ensure a decent standard of life. Apart from the constitution, there are other safeguards available to the citizens of India against slavery, as well. There are other legislations which deal with the issue at hand. However, The Bonded Labour System (Abolition) Act, 1976 deals highly with the issue. Apart from this, there are a few more legislative acts in agreement with this major law in India such as Contract Labour (Regulation and Abolition) Act, 1970, Minimum Wages Act 1948 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Indian Penal Code, 1860.

V. CONCLUSION:

India, now rising to be a superpower with the fastest growing economy of the world, we still are unable to control the violation of basic human rights on our territory. India has the title of the largest democracy of the world, but we still lack proper implementation of our very wise laws. Slavery, now a thing of past in many of the developed nations, still haunts India tremendously. Over 40% of all world’s slave live in inhumane conditions on Indian territory\(^{25}\). Though having proper laws for their betterment, we still aren’t able to implement those laws. Though slavery may not be practised in its traditional form but have changed into

contemporary forms. Practices like bondage labour, forced labour, human trafficking, forced sexual commercialization and child labour are few of those inhumane slavery-like acts. Indian Caste System and Slavery are very interlinked to each other. Looking at the statistics, it is visible that most of the bondage labours belong to the *Dalit* community and are discriminated against since ancient times. Possible solutions to this menace can be proper implementation of laws and increasing the coverage of banking institutions in rural areas so as to decrease the dependence of people on informal sources of credit which forces them into a debt trap. India has one of the best anti-slavery laws in the world, but its people still live a life of fear. As per the Global Slavery Index, 55 out of 100 people in India are vulnerable to be forced into this institution\(^{26}\).

Despite having the best laws, our drawbacks are improper management by law enforcement agencies, corruption, and the improper banking system in rural areas to name a few. Though change is clearly visible as the ratio of population to slavery has decreased over the years and many non-governmental organisations have come forward to stand against this evil. People are being made aware about their rights and how to enforce those rights which has led to a decrease in this institution, but we still have a long way to go to see a visible change in society.