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## **Human Rights Through the Eyes of Bonded Labourers in India**

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# Human Rights Through the Eyes of Bonded Labourers in India

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## Abstract

Human rights are one of the most characteristic ideas of our time and human rights talk is widely used today to discuss various problems, including modern slavery. The human rights-based approaches to slavery are adopted by various development actors. This paper aims to examine how human rights are understood by Indian bonded labourers who participate in rights-based programs run by NGOs. The paper demonstrates the links between the concepts of human rights, human dignity and normality and argues that the discourse of human rights provides a powerful foundation for development of agency among bonded labourers.

**Keywords:** slavery, bonded labour, human rights, India, polyphony

## Introduction

Human rights are one the most characteristic ideas of our time. The references to human rights became a commonplace in many discussions, including the ones on transnational migration, international relations, human trafficking, and modern slavery. However academic literature on human rights contains lively debates on their nature and universality. Human rights are widely criticized for being western-centric ‘devices of exclusion’ of people in the Global South<sup>1,2</sup>. Several scholars argue that human rights are a product of an imperialist discourse of domination that operates in a top-down fashion and legitimizes Western powers to intervene in political and economic affairs in the Global South<sup>3,4</sup>. At the same time, there is a growing number of studies that discuss the role of human rights in social movements and resistance

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<sup>1</sup> Adamantia Pollis and Peter Schwab, *Human rights: new perspectives, new realities*. (Boulder, Lynne Rienner Publishers, 2000).

<sup>2</sup> Gayatri Chakravorty Spivak. ‘Righting wrongs’, *The South Atlantic Quarterly*, 103, 2, (2004), 523-581.

<sup>3</sup> Spivak, ‘Righting Wrongs’, 523-581.

<sup>4</sup> Slavoj Žižek, *Against Human Rights*. (Delhi, Routledge India, 2012).

against poverty and oppression<sup>5,6</sup>. These studies argue that the discourse of human rights is effectively adopted by grassroot groups for their purposes<sup>7,8,9</sup>.

Studies that examine the role of human rights in social movements argue that human rights should be understood in relation to the local contexts<sup>10</sup>. Human rights are constantly constructed and re-constructed through actual struggles and by people's understanding of "what they are justly entitled to"<sup>11</sup>. Using the words of Baxi the oppressed and suffering people remain "the primary authors of human rights"<sup>12</sup>. The roots of human rights can be found in experiences of injustice and suffering of people from all over the world. This approach sees rights as a political process "in which people translate their needs and aspirations for a better life into demands and enforceable commitments"<sup>13</sup> and in this way give "voice to human suffering"<sup>14</sup>. This means that human rights are rooted in ideas of the illegitimacy of suffering and cruelty and "demand for an end of domination and oppression"<sup>15</sup>, and therefore they implicitly challenge the structures of power and oppression.

While this perspective shows that human rights can be understood as a 'discursive formation'<sup>16</sup> that is born from the interplay between global and local realities and frameworks, it also opens up a discussion on possible interpretations of human rights and their role in social

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<sup>5</sup> Neil Stammers, 'Social movements and the social construction of human rights', *Human Rights Quarterly*, 21, 4, (1999), 980-1008.

<sup>6</sup> Sally E. Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle', *American Anthropology*, 108, (2006), 38-51.

<sup>7</sup> Mark Goodale, 'The Power of Right(s): Tracking Empires of Law and New Modes of Social Resistance in Bolivia (and Elsewhere)', *The Practice of Human Rights: Tracking Law Between the Global and the Local*. (Cambridge, Cambridge University Press, 2007), 130 -162.

<sup>8</sup> Celestine Nyamu-Musembi, 'An Actor Oriented Approach to Rights in Development.' *IDS Bulletin*, 36, 1 (2005), 41 – 51.

<sup>9</sup> Ariadna Estévez 'Human rights in contemporary political sociology: The primacy of social subjects', *Human Rights Quarterly*, 33, (2011), 1142.

<sup>10</sup> Stammers 'Social movements and the social construction of human rights', 980-1008.

<sup>11</sup> Nyamu-Musembi 'An Actor Oriented Approach to Rights in Development'. 41-51.

<sup>12</sup> Upendra, Baxi, 'Voices of Suffering and the Future of Human Rights', *Transnational Law and Contemporary Problems*, 8, (1998), 125- 170.

<sup>13</sup> Lisa VeneKlasen; Valerie Miller; Cindy Clark, and Molly Reilly, *Rights-based approach and beyond: challenges of linking rights and participation*. (Brighton, Institute of Development Studies, 2004), 34.

<sup>14</sup> Baxi 'Voices of Suffering and the Future of Human Rights', 127.

<sup>15</sup> Michael Goodhart, 'Human Rights and the Politics of Contestation', Goodale M. (ed.). *Human Rights at the Crossroads*. (Oxford, Oxford University Press, 2013), 31.

<sup>16</sup> Ariadna Estévez, 'Human rights in contemporary political sociology: The primacy of social subjects', *Human Rights Quarterly*, 33, (2011), 1142.

mobilisation around local and global injustices. Many studies argue that human rights are utilized by various local movements, but only few studies focus on the way in which local people understand human rights<sup>17</sup>. This paper aims to examine local understandings of human rights by bonded labourers in India that participate in human rights-based programs organized by international and local NGOs.

Bonded labour defined as “the status arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt”<sup>18</sup> can be found in almost all sectors of economy in India from agriculture to mining and garment production<sup>19</sup>. This paper examines agricultural bonded labour among the Sahariya tribe. Drawing on extensive ethnographic research, this paper argues that bonded labourers understand human rights as closely linked with the ideas of equality and abnormality of enslavement and social segregation. The paper shows that this local understanding of human rights may provide a foundation for resistance ‘from below’<sup>20,21</sup> against bonded labour and everyday oppression of marginalized indigenous people.

### **Theoretical lens: multivocality of discourses**

Human rights draw on international law with its conventions, declarations and protocols as well as national legislation. The Indian Constitution provides a wide range of rights and freedoms, starting from the right to live in dignity to the right to social protection and support. Articles 21, 23, 29, 33, and 42 directly prohibit all forms of slavery, trafficking in person, and deprivation of personal liberty, and promote just conditions of work. Moreover, the Bonded Labour System Abolition Act 1976 explicitly declared that all forms of debt bondage are illegal. Additionally, there are several laws that aim to protect indigenous (Adivasi) people along with a full range of governmental schemes that should support the most vulnerable groups, including the Public Distribution Scheme, Mahatma Gandhi National Rural Employment Guarantee (MGNREGA), and National Old Pension Scheme.

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<sup>17</sup>Sally E. Merry; Peggy Levitt; Mihaela S. Rosen; & Diana H. Yoon, ‘Law from below: Women’s human rights and social movements in New York City’, *Law & Society Review*, 44, 1, (2010), 101-128.

<sup>18</sup> Supplementary Slavery Convention, Article 1a.

<sup>19</sup> Elena Samonova, *Modern Slavery and Bonded Labour in South Asia: The Human Rights-Based Approach* (London, Routledge, 2019).

<sup>20</sup>Santos, Boaventura de Sousa, and César A. Rodríguez-Garavito. “Counter-Hegemonic Globalization.” *Law and globalization from below: towards a cosmopolitan legality* (2005), 1.

<sup>21</sup> Sally E. Merry, Peggy Levitt; Mihaela S. Rosen; and Diana H. Yoon, ‘Law from below: Women's human rights and social movements in New York City.’ 101-128.



While human rights are universal, grassroots actors have to elicit the meaning of a “human” in each context and find ways to apply these global ideas to the local realities<sup>22</sup>. Merry calls this process vernacularization or adaptation of global ideas to local contexts and meanings<sup>23</sup>. To capture this process, I utilize the postmodern paradigm which understands social processes as the fluid field of multiple agencies and meanings. Human rights discourse from this perspective comprises a variety of meanings, experiences and perspectives of heterogeneous groups and actors. To navigate through this complex and sometimes contesting sea of voices I use the concept of polyphony first developed by a Russian philosopher Mikhail Bakhtin.

The term polyphony emerged in Bakhtin’s analysis of the novels of Dostoevsky that include a “multiplicity of independent and unmerged voices and consciousness each with equal rights and its own world”<sup>24</sup>. The narrative of the novel is presented through the eyes of multiple actors and its complexity arises through actors’ counter-looks on life. For Bakhtin, such a polyphonic narrative stays in direct opposition to the monologic discourse that “is a discourse where only one point of view is represented”<sup>25</sup> and which “denies the existence outside itself of another consciousness with equal rights”<sup>26</sup>. Polyphony, in turn, implies a dialogue with the world that is never finished but is always open to new voices, new interpretations, worldviews and positioning.

While this concept of polyphony emerged within the field of the literature studies, it was later applied by various authors to other fields<sup>27,28</sup>. It is often seen as a useful alternative to the traditional positivist discourse and is used in pedagogy, social sciences and gender studies as a way to challenge the dominant discourse by introducing voices of others into the narrative and destabilising the finalized stories by adding new viewpoints and meanings<sup>29</sup>.

If we look at human rights as a polyphonic discourse, we have to admit that there is no dominant and privileged interpretation, but rather a multiplicity of interpretations and meanings associated with it. This means that the perspective of bonded labourers on human rights contain

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<sup>22</sup>Sally E. Merry, ‘Transnational Human Rights and Local Activism: Mapping the Middle’, *American Anthropology*, 108, (2006), 38-51.

<sup>23</sup> Sally E. Merry ‘Transnational Human Rights and Local Activism: Mapping the Middle’, 38-51.

<sup>24</sup> Mikhail Bakhtin, *Problems of Dostoevsky’s poetics* (trans. C. Emerson). (Minneapolis, University of Minnesota Press, 1984), 208.

<sup>25</sup> *Ibid*, 290.

<sup>26</sup> *Ibid*, 292.

<sup>27</sup> Steven A Tyler, ‘Post-modern ethnography: From document of the occult to occult document’, *Writing culture: The poetics and politics of ethnography*. J. Clifford and G. E. Marcus (eds), (Berkeley, University of California Press, 1986), 122-140.

<sup>28</sup> Marshall M. Rhodes, *Orality, print and popular culture: Thomas Nashe and Marshall McLuhan*, (London, Routledge, 2016).

<sup>29</sup> C. Rhodes, ‘D’Oh: The Simpsons, popular culture, and organizational carnival’, *Journal of Management Inquiry*, 10/4, (2001), 374–383.

the same importance as an interpretation of a lawyer in Geneva. Moreover, these two interpretations may come into a dialogue with each other producing a vibrant interplay of meanings. Such a polyphonic perspective allows us to acknowledge the voices of marginalized people in human rights talk and capture their ways of making sense of global concepts.

## Methods

The paper draws on qualitative data collected during two rounds of fieldwork that took place between November 2015 and December 2016. Each field visit lasted 2 months. The fieldwork was conducted in six villages: two in Kishanganj block and one in Shahabad block of the Baran district in Rajasthan and as well as three in the Sheopur district in Madhya Pradesh. The villages were selected based on the number of Sahariya people living there (up to 60% of the whole village population), high level of Sahariya's involvement in the activity of the right-based NGOs in the area, and accessibility by car/bus.

The main method of inquiry were in-depth semi structured interviews and group discussions with bonded labourers and ex-bonded labourers who were liberated by NGOs in the recent past. In total, 15 individual interviews and 7 group discussions were conducted. The groups consisted of up to 10 people, an optimal sample size because it allows active participation of all group members and provides insights into a variety of experiences. To avoid gender bias, I conducted three types of group discussions with mixed groups, male groups, and female groups. The participants were landless agricultural labourers between 20 and 60 years old. Additionally, I conducted interviews with local activists and staff of NGOs that work in the field to gather a fuller picture of the policies and practices on bonded labour in the region.

Due to my yet limited knowledge of Hindi, which is the native language of the Sahariya tribe, local interpreters (male and female) translated and transcribed the interviews for me. To avoid possible biases and meaning losses in translations I conducted a training with the interpreters beforehand, explained the main purpose of the study and went through all interview questions to make sure that they understand the intentions of these questions. Interviews with NGO staff were conducted in English and transcribed by me.

I interpreted the data with the help of grounded theory in order to identify the links and connections between various sets of data<sup>30</sup>. In contrast to other research methods, in grounded theory analysis of data takes place directly during the process of data collection when a researcher develops categories and tests hypotheses through constant comparison with new data. I tried to conduct the first stages of analysis as soon as possible, usually directly after interviews and group discussions. To analyse the data, I applied the rules of circular deconstruction during which I broke my data down into meaningful segments to develop main categories and concepts. Later these codes were grouped in conceptual categories such as 'human-rights' 'de-humanisation' 'normality'.

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<sup>30</sup> Anselm Strauss and Juliet Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, (London, SAGE, 1990).

As any ethnographic study, this research has its limitations. While the use of ethnographic methods allows to gain deeper insights into the lived experiences of participants, the small sample does not allow to generalize the findings. Additionally, the position of the qualitative researcher raises important questions related to power, accountability, and reciprocity. There is always a danger of misinterpretations and cultural bias that I tried to reduce through the extensive work with local interpreters and building trustful relationships with participants. Additionally, the use of qualitative methods made the issue of research ethics vital, that is why I always reassured the participants that their names would not be mentioned in any occasion and that they could withdraw from the study at any point. All names used in this paper are pseudonyms.

### **Agricultural bonded labour among Sahariya people**

The Sahariya tribe (also written as *Saharia*, *Sehariya*, and *Seheria*) belongs to the Adivasi group or indigenous inhabitants of India. Today, most Sahariyas live in three Indian states: Rajasthan, Madhya Pradesh and Uttar Pradesh. This study focuses only on the experiences of people living on the border between Rajasthan and Madhya Pradesh. The Sahariya people have traditionally lived deep in forest and were not included in the dominant Hindu and Muslim social systems. They formerly practiced shifting cultivation and collected minor forest produce such as tendu leaves, honey, and some medicinal herbs. For centuries the Sahariya had little, if any, contact with the outside world, but as in the case of other Adivasi groups in India, this traditional status quo was challenged in the 20th century.

New forest policies, non-recognition of traditional agricultural practices such as shifting cultivation and communal land ownership, as well as illiteracy and unawareness of the tribal people led to the inability of many Sahariyas to register the land they used as their legal property. The massive migration into the region also contributed significantly to the loss of land by the Sahariya tribe. The majority of migrants belong to a relatively wealthy group of Sikhs from the states of Punjab and Haryana, who moved to Rajasthan and Madhya Pradesh to find cheap and fertile land. Studies conducted by NGOs and activists show that not all the land used by these landlords was legally purchased<sup>31,32</sup>.

The practice of bonded labour among Sahariya people begins with a debt taken by a poor and often landless peasant. Labour in this case is a collateral to the loan, which means that theoretically bonded labourers can repay the loan and free themselves. However, the system functions in such a way that repayment of a loan is almost impossible, and debt bondage in the region has a long-term and often intergenerational character. The common opinion among bonded labourers was that once a person enters in this circle of exploitation it is almost

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<sup>31</sup> Doosra Dashak. *Women's Empowerment through Community Actions*. (Gwalior, Unpublished Report, 2016).

<sup>32</sup> Pamela, Philipose, *Tomorrow Will Not Be Like Yesterday. Sahariya Tribals Emerge from the Shadows*. (New Delhi, ActionAid. 2014).

impossible to leave it without external assistance. Ram, one of bonded labourers living in Kishanganj district of Rajasthan describes his situation as follows:

*I worked there for one year and in one year I got only Rs.<sup>33</sup> 300 per year and 40 kg grain for food and that's it. And at the end of the year after working I could not repay it [debt] because the interest was there, and it was added to my money. So, I have to work for this person till the debt is repaid.*

It is mostly a male head of family who makes such contracts with landlords; however, it does not mean that only men are bonded as contracts between landlords and debtors often deny the freedom of the whole family. In many cases wife and children of a bonded labourer are forced to work for the same landlord for long hours and with minimal payment (or without any payment at all). However, even in the cases when a landlord does not require the labour of the whole family, family members of a bonded labourer are not allowed to work elsewhere. As Aisha who is married to a bonded labourer explains:

*Like one is bonded, the whole family like the wife, sisters, daughters, whoever it is, they cannot work on someone's farm, in someone's house, in fact they cannot do anything for someone else. They just live with this person [bonded labourer] and when they have some problems in their life, they again will take the money from that landlord.*

This practice does not only significantly limit the family income but also enables the landlord to exercise total control over the whole family of his bonded labourer. Once Sahariyas take a loan and enter the bonded labour agreement, they lose not only the ability to change an employer and to choose the nature of the work they perform but also freedom of movement and even freedom to determine their social routines as most landlords clearly prohibit them from engaging in any community gatherings. While discussing their lives, most bonded labourers stress that this lack of control over their own lives is the most significant negative consequence of their loan. At the same time, most of the research participants did not see any other way to survive and access cash in times of crises other than taking a loan. As one of the female bonded labourers explained:

*We do not sit at home, we work every day, but the money is enough for food only. If a single problem comes to our life, like health [issue], we take money from the landlord and become bonded. We don't have anything like jobs, other sources of income, nothing and that's the major problem. Everybody works, and nobody is free.*

This narrative of work that is not enough to survive in crisis times is very common in interviews with bonded labourers. The destruction of their traditional way of life and alienation

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<sup>33</sup> Rs means Indian Rupee



of resources without provision of meaningful alternatives led to degradation of these groups to a pool of cheap labour that can be secured through exploitative labour agreements including debt bondage. Thus, debt can be seen as a by-product of the whole situation of multiple vulnerability, dispossession and chronic poverty in which Sahariyas live. This status-quo between Sahariyas and landlords is largely supported by violence/ threat of violence and internalized powerlessness. Fear of being beaten and abused is a constant theme in interviews with bonded labourers. Hemraj who lives in Sheopur district of Madhya Pradesh explains their situation as follows:

*Landlords are often cruel to us and they beat us. We cannot complain to the police because we are afraid of landlords. Every landlord has a gun.*

The other common narrative is the absence of any hope for a better life. Most bonded labourers who do not receive support from an NGO do not believe that they will ever have a chance to escape from this situation of constant exploitation. As Nardev, a young bonded labourer, says:

*I cannot come out of this because I don't have enough income. I will live like this my whole life. All other people in my village are in the same condition, so no one can help me. This is a lifelong process.*

Hemraj who lives in the same village agrees with Nardev, claiming that they are 'under landlords like slave' and cannot do anything to help themselves.

Following the tradition of Paolo Freire<sup>34</sup> this situation can be called 'de-humanization' meaning that through the denial of personal freedom, bonded labourers are denied their status of human beings as active subjects of their own will. Sahariya bonded labourers are seen as objects of possession and means of labour rather than subjects of their own agency. As interviews show this view is shared not only by landlords who are interested in constant supply of cheap labour but also by bonded labourers themselves who internalize this low position in the society.

### **Human rights-based approach and bonded labour**

The problem of bonded labour in the region has attracted attention of several national and international NGOs. These NGOs apply various approaches, including rights-based approaches to bonded labour, which draw on the broad understanding of rights as struggles for social justice. Such NGOs focus on the relationships between rights holders and duty bearers to empower rights holders to claim their rights, hold duty bearers accountable for rights violations, and to help duty-bearers fulfil their obligations towards rights holders and to develop their ability to protect and

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<sup>34</sup> Paolo Freire, *Pedagogy of the Oppressed*. (London, Penguin Books, 1970).

fulfil human rights<sup>35,36</sup>. Bonded labourers, in these approaches, are seen as active subjects of their own development that are able to act towards the transformation of the oppressive structures, which should happen from below, driven by the most oppressed and marginalized people<sup>37,38</sup>.

In Rajasthan and Madhya Pradesh, the right-based approach to bonded labour is actively implemented by several grassroots NGOs which are technically and financially supported by international rights-based organisations. The main focus of their interventions is collective empowerment, the mobilization of people, building of local leadership and support of the grassroots groups and organizations. These rights-based programs include such components as awareness raising, the establishment of links between marginalized people and their rights guaranteed by the national laws and international human rights law, as well as lobby and advocacy work on the level of local and national governments. In this way, the rights-based strategies focus on the development of people's capacities to challenge existing norms and accepted practices, as well as support peaceful protests in order to exert pressure on the government and achieve some changes in the legal system and practical implementation of this system.

As the phenomenon of bonded labour itself can be seen as an expression of deep power imbalance within the society and long-term marginalisation of the Sahariya people, the application of the rights-based approach to this issue seems to be a suitable answer to this problem because this approach focuses on the root causes of the violation of human rights and the underlying power structures through creation of new sources of power within the community and redistribution of existing power. Empowerment and participation of bonded labourers potentially can challenge internalized beliefs and practices of subordination and help to hold duty bearers accountable for the non-implementation of rights. That bonded labour is internationally and nationally seen as an illegal practice can provide a solid foundation for claim making processes, which allows making direct claims about basic rights without a fear that these claims will be seen as too general and not concrete.

At the same time, human rights are a foreign concept brought to the area by international NGOs that has no local parallels, which raises the question about the local interpretation of human rights. As Merry (2006) argues, middlemen such as NGO workers play a significant role in the translation of human rights discourses to local realities. Sahariya bonded labourers would hardly come across these ideas without an external assistance of rights-based NGOs. At the same

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<sup>35</sup>Elena Samonova, *Modern Slavery and Bonded Labour in South Asia: The Human Rights-Based Approach* (London, Routledge, 2019).

<sup>36</sup> Sam Hickey and Diana Mitlin, 'Introduction', Hickey S. & Mitlin, D. (eds). *Rights-based approaches to development*. (Sterling, Kumarian Press, 2009), 3-20.

<sup>37</sup> Chris Jochnick and Paulina Garzon, *Rights-Based Approach to Development. An Overview of the Field*. (New-York, CARE/Oxfam-America, 2002).

<sup>38</sup> Urban, Jonsson, *Human rights approach to development programming*. (Nairobi, UNICEF, 2003).

time, it is also important not to diminish the ability of local people to interpret concepts presented by NGO workers (and acknowledge the fact that these interpretations do not always reflect the position of NGO staff) and develop their own understandings of human rights, contributing to the multiplicity of the discourse.

### **Bonded labourers and the concept of human rights**

During the interviews the words ‘rights’ and ‘obligations’ were widely used by those bonded labourers who participated in rights-based programs of NGOs. The analysis of the data revealed two main connotations of the concept of right that are interconnected with each other. The first connotation refers to the national legislation and the duties of the government towards the citizens, which also includes social protection measures introduced by the government. Bonded labourers speak about the national legislation and their rights to food security and education. Interestingly, Sahariyas do not make a distinction between the national laws, state laws, and social welfare schemes, and call all of them “laws”. They claim that these “laws” provide the minimum security that is necessary for “normal life”:

*We know that there are laws that should support us. We know that we have rights to a lot of things. The government says that we should receive support and live like other people, the government promises us food and housing, so we could have a normal life like other people, like landlords...*

The narrative of ‘normal life’ is present in most interviews with Sahariya people. A ‘normal life’ for them means having such basic resources as adequate food, water and fuel, shelter, education for children, and access to government services, including ration cards and pensions. Sometimes, these entitlements are framed as ‘promises’ that the government makes under the framework of various social programs for the most vulnerable people. At the same time, it is clear from interviews that ‘to have rights’ in this context means to be able to access an entitlement rather than to know that it exists on paper. As one of the bonded labourers, Raj, puts in a group discussion on the access to social welfare services and MGNREGA scheme “we have all papers, so we can show it, but we have no rights”, meaning that despite having all required documentation they cannot access the service they are entitled to.

This concept of ‘normal life’ or ‘normality’ that should guarantee the fulfilment of rights is closely connected with the second connotation of rights, namely “humanity” of bonded labourers. For bonded labourers the fact that there are ‘rights’ (e.g., laws and social protection programs) designed for them means that they are “normal people”, equal to the landlords and the other people in the village. “Normal people”, in turn, should have equal access to food, labour market, and education. This link makes clear that the oppression and extreme poverty in which they live is not ‘normal’ and bonded labour is not a traditional agricultural practice as some of the landlords argue but rather something that should not take place.

As we have seen above, bonded labour can be described as a process of ‘de-humanisation’ which means that bonded labourers are denied their status of agents and human beings. The concept of ‘normality’ can be linked with the opposite process of re-humanisation or restoration of human dignity that is required for the deconstruction of oppressive relationships. The awareness of one’s own ‘normality’ and ‘equality’ supports the deconstruction of internalized oppression and positively influences self-image in the eyes of bonded labourers. Thus, the idea of rights reinforces the wish of bonded labourers to be treated like “normal people” and provides a powerful and legitimate foundation for their struggles against exploitation. As Saya, who is still bonded along with her husband, mentioned:

*There was a time 2 or 3 years ago when we were so suppressed that we were afraid to even report about our problems, because our owners live in the same villages as we, and if they came to know that someone is talking to a stranger it could be [not good]. Now we aren't afraid to talk to you. We are not afraid to criticize the state and the owners [landlords]. We know that we have some problems, and we have a hope that these problems will be solved in the future.*

This testimony demonstrates that the concept of rights helps people to regain the feeling of their “normality” and equality to others, as well as encourages them to resist the oppressive relations. As bonded labour is illegal, the protests against such practices are not the expression of discontent and rebellion against the government but rather social and political participation of citizens of the country in their attempts to hold the government accountable<sup>39</sup>. The inclusion of social welfare programs within the concept of ‘rights’, in turn, provides a basis for valid claims addressing the root causes of bonded labour, including the claims for implementation of the social welfare schemes and labour rights.

At this point, two connotations of human rights come together: on the one hand, the knowledge of rights promotes the ideas of equality and ‘normality’ that supports the ability to resist the oppression; and on the other hand, this knowledge provides the instruments to such resistance within the legal and political framework, which supports the development of peaceful protest strategies. In other words, the concept of rights supports both the empowerment of bonded labourers and their ability to claim their rights using existing legal ways of protests.

At the same time, bonded labourers remain very aware about the local power dynamics in their communities and do not believe that a simple submission of claims will solve their problems. They are also not able to leave their landlords unless the official document on their liberation is produced by the government, as otherwise the landlords require that they repay their debts and threaten them and their families. These official documents, in turn, are difficult to receive without the support of NGOs and the willingness of local authorities and the latter is hard to secure. Corruption and close local personal and family contacts between landlords and local

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<sup>39</sup>Elena Samonova, *Modern Slavery and Bonded Labour in South Asia: The Human Rights-Based Approach* (London, Routledge, 2019).

officials are often mentioned in interviews as main obstacles not only to the liberation from bonded labour but also to proper implementation of social welfare schemes. In one of the group discussions participants described their problems with the owner of a local shop with subsidized prices, claiming that in this shop they are often denied the access to goods they are entitled to under the government scheme:

*There is [his] family here, he is a member of a family from here. You can complain [about] this person, but you know that he won the tender, and he is the only supplier here, he knows everything and everyone. Who would you complain to, he is the government, you can't do anything about it...?*

However, participants of this group discussion agreed that now they at least know that what happens is wrong and that they have the right to access the amount of food and fuel that is defined by the government and not by the shop-owner. They reveal that they have less fear to criticize landlords and other important stakeholders in their areas knowing that there are some ways to oppose them or at least reduce the everyday burden of poverty through advocacy of proper implementation of social welfare programs.

## Conclusions

This paper examined local interpretation of human rights by bonded labourers in northern India. I argued that human rights is a multivocal discourse that should be understood as a polyphonic formation consisting of various meanings and interpretations. The paper has shown that for Sahariya bonded labourers human rights mean acknowledgement of their own 'normality' and the right to live free from oppression and extreme poverty. In the context of the structural oppression and systematic "de-humanisation" of bonded labourers, such interpretation of human rights can positively affect self-image, reduce fear to oppose the oppression and motivate bonded laborers to raise their voices against injustice and search for appropriate methods of resistance. While it remains unclear whether these changes in perceptions and practices will lead to the real liberation of bonded labourer, the analysis clearly shows that human rights discourse can serve as a tool for resistance against injustices at the grassroots level. While local interpretations of human rights can support the deconstruction of ideologies of dehumanization and open democratic spaces of resistance, they do not exist in vacuum but are rather linked to the global discourses of life in dignity and freedom from fear. Local narratives of violence, forced labour, minimum remuneration, and systematic ethnic-based discrimination easily fit into the broader discussion on social justice, and the local focus on rights as legitimization of human dignity and equality can be placed within the global debates on human rights as tools against poverty and discrimination. These links illustrate the polyphonic nature of human rights that comprise experiences of suffering from all over the world and create a complex picture of different voices talking about similar issues from different perspectives.



## Bibliography

- Bakhtin, M. M. *Problems of Dostoevsky's poetics* (trans. C. Emerson). Minneapolis, University of Minnesota Press, 1984
- Baxi, Upendra. 'Voices of Suffering and the Future of Human Rights', *Transnational Law and Contemporary Problems*, 8, (1998), 125- 170.
- Baxi, Upendra. *The Future of Human Rights*. Oxford, Oxford University Press, 2002.
- Doosra Dashak. *Women's Empowerment through Community Actions*. Unpubsihed Report, 2016.
- Estévez, A. 'Human rights in contemporary political sociology: The primacy of social subjects', *Human Rights Quarterly*, 33, (2011). 1142.
- Freire, Paolo. *Pedagogy of the Oppressed*. London, Penguin Books, 1970.
- Goodale, Mark. 'The Power of Right(s): Tracking Empires of Law and New Modes of Social Resistance in Bolivia (and Elsewhere)'. In: Goodale, M & Engle, M. (eds.). *The Practice of Human Rights: Tracking Law Between the Global and the Local*. Cambridge, Cambridge University Press, 2007, 130 -162.
- Goodhart, Michael. 'Human Rights and the Politics of Contestation'. In: Goodale M. (ed.). *Human Rights at the Crossroads*. Oxford, Oxford University Press. 2013, 31 -44.
- Hickey, Sam and Mitlin, Diana. 'Introduction', In: Hickey S. & Miltin, D. (eds). *Rights-Based Approaches to Development*. Sterling, Kumarian Press, 2009, 3-20.
- Jochnick, Chris and Garzon, Paulina. *Rights-Based Approach to Development. An Overview of the Field*. New-York, CARE/Oxfam-America, 2002.
- Jonsson, Urban. *Human rights approach to development programming*. Nairobi, UNICEF, 2003.
- Merry, S. E., Levitt, P., Rosen, M. Ş., and Yoon, D. H. 'Law from below: Women's human rights and social movements in New York City'. *Law & Society Review*, 44, 1, (2010), 101-128.
- Merry, Sally E. 'Transnational Human Rights and Local Activism: Mapping the Middle'. *American Anthropology*, 108, (2006), 38-51

- Nyamu-Musembi, Celestine. 'An Actor Oriented Approach to Rights in Development', *IDS Bulletin*, 36,1 (2005), 41 – 51.
- Patterson, Orlando. *Slavery and Social Death. A Comparative Study*. Cambridge, Harvard University Press, 1982.
- Philipose, Pamela. *Tomorrow Will Not Be Like Yesterday. Sahariya Tribals Emerge From the Shadows*. New Delhi, ActionAid, 2014.
- Pollis, A. and Schwab, P. (eds.). *Human rights: new perspectives, new realities*. Boulder, Lynne Rienner Publishers, 2000.
- Rhodes, C. 'D'Oh: The Simpsons, popular culture, and organizational carnival', *Journal of Management Inquiry*, 10/4, (2001), 374–383.
- Rhodes, M. M. N. *Orality, print and popular culture: Thomas Nashe and Marshall McLuhan*. London, Routledge, 2016.
- Samonova, Elena. *Modern Slavery and Bonded Labour in South Asia: A Human Rights-Based Approach*. London, Routledge, 2019.
- Santos, Boaventura de Sousa, and César A. Rodríguez-Garavito. "Counter-Hegemonic Globalization." *Law and globalization from below: towards a cosmopolitan legality* (2005), 1.
- Spivak, Gayatri Chakravorty. 'Righting wrongs', *The South Atlantic Quarterly*, 103.2, (2004), 523-581.
- Stammers, N. Social movements and the social construction of human rights. *Human Rights Quarterly*, 21,4, (1999), 980-1008.
- Strauss, A. and Corbin, J. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. London, SAGE, 1990.
- Tyler, S. A. 'Post-modern ethnography: From document of the occult to occult document' in *Writing culture: The poetics and politics of ethnography*". In: J. Clifford and G. E. Marcus (eds). Berkeley, University of California Press, 1986, 122-140.

VeneKlasen, Lisa; Miller, Valerie and Clark, Cindy; Reilly, Molly. *Rights-based approach and beyond: challenges of linking rights and participation*. Brighton, Institute of Development Studies, 2004.

Žižek, Slavoj. *Against Human Rights*. Delhi, Routledge India, 2012.