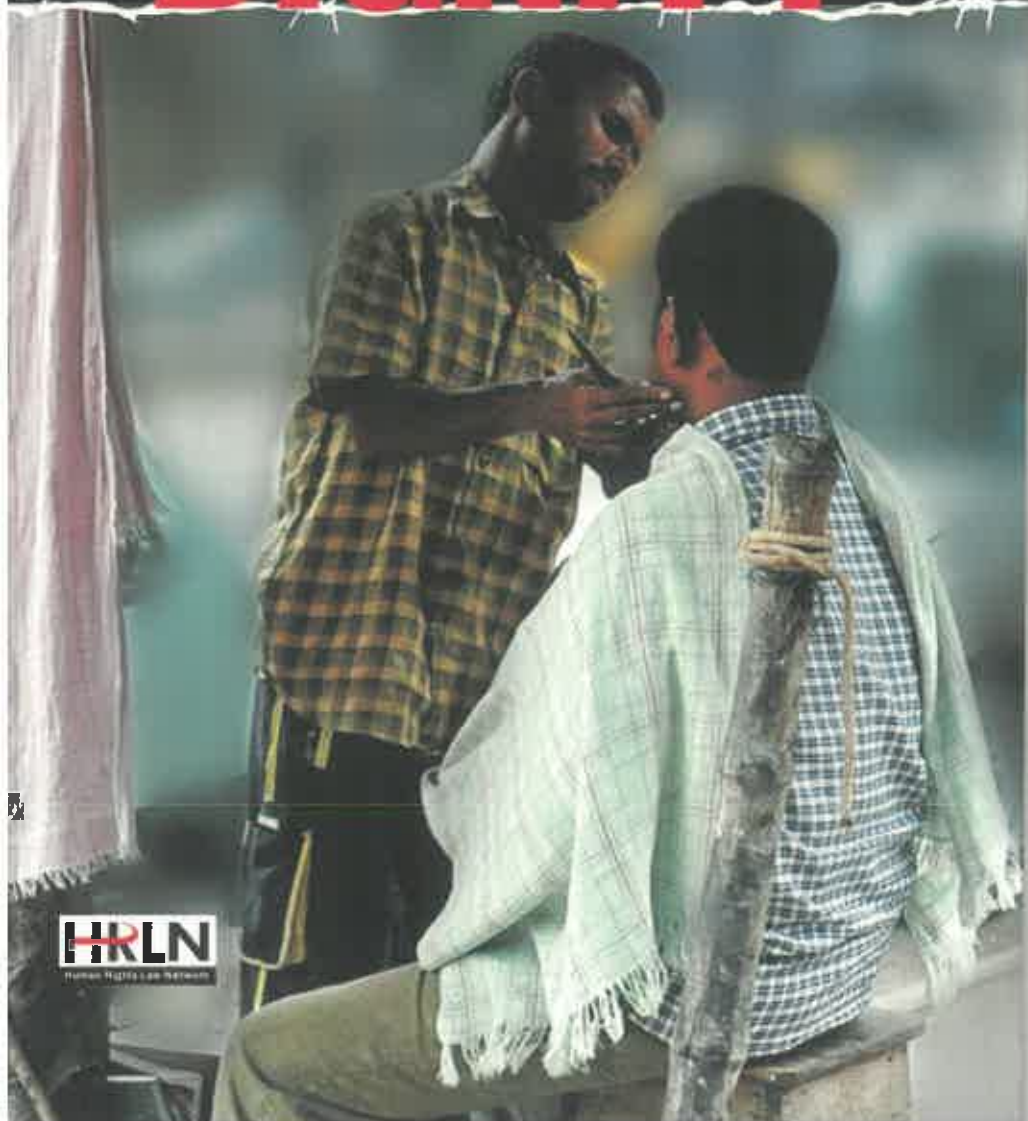


STRUGGLE FOR DIGNITY





Struggle for Dignity

Baghambar Pattanaik



Human Rights Law Network

&

Odisha Goti Mukti Andolan

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Struggle for Dignity

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ACKNOWLEDGEMENT

On one side India is shining and on the other side slavery is prevailing unabated in some form or the other. Those people under contemporary forms of slavery are born to render services to the upper castes as per customs and because of the obligations forced on them by succession. They are to maintain their family in lieu of an advance called '*bartan*' customarily paid once a year or in lieu of a piece of land called '*Heta*'. If they deny to render such service they are socially and economically boycotted and tortured. They are struggling for their right to live with dignity and get wage for their work. They are bonded labourers as per the Bonded Labour System (Abolition) Act, 1976. Most pathetic is that only the upper castes extract service from these castes. In most of the states such system is prevailing in rural areas nowhere they have been identified, released and rehabilitated as bonded labourers. The people's struggle started in some villages of Brahmagiri block in Puri district of Orissa against customary service, which has now been named as movement for abolition of bonded labour system. This movement has not come to an end. In the year 2004 the Government of Orissa did not admit that they are bonded labourers. But in the year 2007, the government was forced to admit that they are bonded labourers. But till date not a single struggling bonded labourer has yet been identified or released by the Government of Orissa in the year 2007.

We are grateful to Colin Gonsalves who inspired us to carry on people's struggle in the year 2004 when the victim-bonded labourers were sitting on dharna before the residential office of the collector, Puri for 271 days. He offered us support in filing cases at the High Court and Supreme Court. But we felt that our first duty was to raise the consciousness of the victims and the people in general as well, after which approaching court will be beneficial. But now we realise that the time has come to approach the courts as well. Whatever we are doing or whatever people are struggling all of us are one to think that there is a man behind us to help when we will be in any danger. That man is none other than Bibhu Prasaad Tripathy, advocate, Orissa High Court.

We are grateful to the Human Rights Law Network Family for publishing this document of people's struggle.

— Baghambar Pattanaik
Odisha Goti Mukti Andolan

PREFACE

Peoples' movements and struggle take different shades and colours. Thus, some catch public attention while others go unnoticed. Yet even the muted ones among them may turn out to be as strong and vociferous as to lift sinking spirit of those setting out on such recourse. This is exactly the story about a struggle undertaken by members of Orissa's barbers' community.

During a solidarity visit to four villages in Puri district in early 2007, we were taken aback by the endurance and determination of the barber community. They had resolved to lead the life of dignity in the midst of forced poverty and squalor. Members of this community joined the *Odisha Goti Mukti Andolan* in the wake of a six-year-long social and economic boycott. It is extremely difficult for the barber community, who generally have a maximum of five to eight families in a village, to live in the midst of hostile and muscle flexing dominant upper caste. They had imposed social boycott against barbers. The economic and social ostracism spreads over 40 villages in Puri district of Orissa and this has been continuing for the past seven years or so.

As per the customary Hindu tradition in Orissa, the barbers are to provide services to the dominant caste in lieu of '*bartan*' (advance), ie, 10-15 kg of rice which they are paid annually. Other than providing the traditional service of hair cutting, other caste related task extend to undignified services like washing the feet of guests visiting upper caste families, cleaning utensils, carrying load, performing other services during death and marriage, etc. When the community in almost all 40 villages in Puri questioned such practises and refused to perform them, they had to face social and economic boycott and physical assault, hostility and intimidation.

The movement gained momentum over a period of seven years as it tried to assert their rights through democratic means like dharnas, mass demonstrations, petitions and legal recourse. At the same time the community as a whole decided at the village level that they no more are going to continue the inhuman and degrading practices reserved for them.

The numerous petitions to the district collector, submissions to the state and national human rights commission, and numerous court cases

that they have filed could not bring any positive change in their lives. All these modern day democratic institutions appear hollow to the barber community who have tried all these avenues only to realise that these may give them little protection. On the contrary, these institutions were more effective in protecting the perpetrators of discriminatory caste practices against the barbers. The main demand of the barber community before the government was to declare them as bonded labourers as their condition is as bad as this could be under bondage. Their lives are tied to the services they provide to the upper caste who pay them a small advance of 15 kg of paddy each year. In turn barbers have to provide service to the whole family of dominant upper castes. Surprisingly, the government response has been cold and police refused to register barbers' cases at police station. The numerous submissions that they gave to the collectors and government fell on deaf ears. Their leaders were arrested and kept in jail for more than three months for protesting against government. The bureaucracy as also local police have been hand in glove with the perpetrators of discriminatory caste practices. And till now no action could be taken against any of the culprits and none of the of the barbers' demands were addressed to. This is an absolute mockery of "democracy" which we claim to uphold.

The Bonded Labour System (Abolition) Act, 1976 is interpreted more in terms of relationship between creditors and the debtor. Often it is links bondage to debt. But any attempt to define bonded labour in terms of caste based tasks which thousands of Dalits and other underprivileged communities perform every day will reveal that thousands of Indians are living under constant bondage by serving the dominant castes. Slavery is a shocking feature of Indian caste system. Millions of Dalits are forced to perform their caste-based tasks either without any remuneration or for a pittance given in the form of coarse grain or meal so that they could keep body and soul together.

The definition clause of the Bonded Labour System (Abolition) Act, 1976 addresses the "bonded situation" that arises of "caste obligations". The Act puts "bonded labour system" includes "any system of forced, or partly forced labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that "by reason of his birth in particular caste and community", he would "render by himself or through any members of his family, or any person depend-

ent on him, labour or service to the creditor" or "forfeit the freedom of employment or other means of livelihood". Millions of Indian population are entrapped in caste related bonded practice as mentioned in this book and they are forced to perform numerous tasks to the benefit of upper caste population. The Bonded Labour (Abolition) Act has an overarching angle to define the bonded labour or the bondedness in terms of debtor-creditor relationship despite the fact that this has to a great extent failed to address customary caste bondages that exist and thrive throughout the country in one form or the other.

Though customary labour is nowhere directly addressed in the Act and the subsequent Supreme Court judgments through which the Act was elaborated, the concept of forced labour was clarified by the Supreme Court in the *Asiad Workers' Case* (1982) and the *Bandhua Mukti Morcha Case* (1984). The court noted "any factor which deprives a person of a choice of alternatives and compels him to adopt a particular course of action, may properly be regarded as 'force' and if labour and service are compelled as a result of such 'force' it would be 'forced labour'.

In this context, any reluctance on the part of local administration and state government in initiating any positive step to bring the customary practise of bondage under the purview of the Act could simply be the fact that hegemonic caste ideologies control them as well. The State and the local administration cannot be separated from the caste structure that directly controls our social system. The complexities of the age-old caste system have taken a modern form to control modern institutions as well.

The struggle of the barber community to free them from the bondage has entered into eighth year. Yet state machinery remains unmoved. And when it moves, it does so only to help hostile dominant castes. So in solidarity with the *Odisha Goti Mukti Andolan* and numerous other people's struggle undertaken in different parts of the country, HRLN is publishing this booklet chronicling long, hard and tireless struggle of a group of people to free themselves from customary bondage.

**Dalit Rights Initiative
HUMAN RIGHTS LAW NETWORK**

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1

CASTE SYSTEM IN ORISSA

Karunakar Barik of the village of Kahalapada in Puri district, Orissa, has no right to practise farming because of his birth in a particular caste of barbers. He is, first of all, required to perform his hereditary profession of hair cutting after which he may be allowed to cut his ripe paddy from his own fields. The restriction imposed by the upper caste Khandayats of the village has been supported by an official who belongs to the Khandayat caste currently serving in the panchayati raj department of the state of Orissa.

Damodar Raut could only watch as cattle grazed on his ripe paddy in his village. He lost 80 bags of paddy during 2003 and could not cultivate his land during 2004 due to the social and economic boycott imposed by the upper caste villagers.

In pursuance of customary social obligation, Panchanan Barik of the village of Handiali in Puri district lives on an advance given by upper caste villagers, and for this, is required to wash the feet of upper caste villagers. As per an agreement made in the village police station, the Khandayats have the right to compel him to wash their feet. Because of Panchanan Barik and his wife, Rani Barik, refusal to obey the customary obligation, face physical violence. Members of the upper caste have beaten and paraded Rani Barik naked in public. The police have refused to file a case against the perpetrators. The dharna (squatting) performed by

the couple in front of the residential office of the district magistrate and collector, Puri, which continued for 271 days in order to access justice, i.e. legal action against the perpetrators of the attack and for their release from the confines of the bonded labour system ended with no results.

In pursuance of obligations passed on them in succession, Bhimasen Barik and his family, living in the village of Dumuduma, have to render their customary services, such as lifting of leftovers, washing of feet, cutting hair, etc, for the upper caste members of the village. The refusal to adhere to caste-based employment has led to social and economic boycott, physical assault, theft of property and restraint on their right to movement.

All such actions directed towards the barbers by members of the upper castes are well known by the administration. It is the policy of the administration, dominated by the upper castes, to ignore such cases. The district administration goes as far as allowing the trafficking of barbers from other villages and districts for the members of upper castes. Both the Puri district administration and the state government – instead of taking action as per the law against the perpetrators of the offence of bonded labour – collaborate with them openly, which blatantly contravenes the International Human Rights Instruments, Constitution of India, the Bonded Labour System (Abolition) Act, 1976 and the judgments of the Supreme Court.

STATUS AND CONDITION

Barbers are a serving caste, along with castes such as washermen referred to as *sewaks* (slaves). The difference between the two is that while the barbers belong to the category of caste Hindus, the washermen are regarded as belonging to the Scheduled Castes in Orissa. People of various castes inhabit the villages of Orissa. *Brahmanas* (priests); *karanas* (writers); and *khandayats* (fighters) represent the upper castes, while castes such as *chashas* (farmers); *gaudas* (milkmen); *gudias* (sweetmakers); *banias* (goldsmiths); *badheis* (carpenters); *kamaras* (blacksmiths); and *barikas* (barbers) represent the lower or intermediary castes between the upper castes and the scheduled castes. While at the bottom of the social structure are the Dalits mainly Bauri (coconut pluckers), *Doma* (drum beaters), *Hadi* (manual scavengers), *Kandara* (fishing net weavers), *Betara* (Basket makers), *Pana* (drum beaters), *Chamara* (mat weavers).

Barbers render services to the members of upper and lower castes but not to the members of scheduled castes. Barbers, however, render services to the *kaibarta* (fisherman) caste, which at present is enlisted as a scheduled caste in the state of Orissa. They also render their services to the Muslim community.



Rally in Puri to commemorate the International Day for the Remembrance of the Slave Trade & Its Abolition

The barber caste is divided into four sub-castes: *kanamuthia*, *jamukhadia*, *benamuthia* and *pathania*. *Kanamuthia* barbers render services only to the upper castes. *Jamukhadia* barbers render services to members of lower castes, including the *kaibartas* (fishermen). *Benamuthia* barbers render services to the *suddha* (purified) castes; which are the result of intercaste unions, where the father is from an upper caste and the mother from a lower, yet non-untouchable caste. *Pathania* barbers render services to Muslims. There has been no previous history of intercaste marital alliances amongst these four sub-castes of barbers. Sub-caste hierarchy is determined by which upper caste is being catered to. These members of the upper castes are the ones who had trafficked the barbers and housed them in their respective villages for generations.

Brahmanas remain in particular villages, which are generally established by kings and landlords, where no other non-*brahmana* castes are allowed to stay — except for the barbers. The barbers are provided with housing and some cultivable land owned by a *brahmana* community known as *heta*. Barbers are allowed to cultivate this land in order to feed their family as long as they render the required services for upper caste villagers. Similarly, landlords belonging to *kshatriya*, *khandayat* and *karana* castes have housed barbers, and provided them *heta* land in order to have access to their services throughout their life. When a barber dies, his son is simply required to carry on with the profession of his father, and does not have the right to choose an alternative profession.

When land reform measures were carried out in the post-Independence era, the lands cultivated by servicing castes were, in some cases, recorded in the name of the members of the barber castes. In most of the cases the poor barbers, living under the custody of the upper castes, were much too afraid to get the land registered in their own names, which is why the land remained either in the name of upper caste persons or in the name of village communities. Till date barbers in many villages are rendering services to the upper caste villagers by cultivating land owned by the upper castes which is given to them as *heta*, or the land owned by village deities.

On the other hand, even though *heta* lands have been recorded in the name of some members of the barber castes; they are rendering their service to the upper caste members, the village community as a whole, and to the village deity without any financial compensation in pursuance of customary and social obligations. In villages resided by both lower and upper castes, barbers who render various types of service under certain local customs and traditions have been trafficked and housed in the villages. One such tradition is that of *bartan*. It is a payment in paddy, which is calculated according to the number of married males in an upper caste family. For each married male a family has to pay the barber four to six *gouni*, i.e. 10 to 15 kg of paddy per year as *bartan*. It is a customarily paid in advance annually at the time of the festival of *dolapurna-mi*¹ but the customs differ from village to village. No further monetary compensation is received after that.

Though *bartan* is paid only according to the number of married males in a family, the barbers are to render their services to the entire family. If an upper caste man remains unmarried, as per the custom, he is entitled to free services from the barber community throughout his life. *Bartan* is given at a yearly basis. Thus, if a barber is unable to work due to old age or illness, or death, his descendant or any member of his family, or any person dependent on him has to render services to the particular upper caste family for the rest of his/her life. The cycle continues generation after generation.

Because of the *bartan* the barbers have to forfeit the freedom of employment or other means of livelihood for a period of one year, which

1. A day before the festival of *hail*, which is celebrated to welcome the spring season.

then continues year after year, and is hence bonded throughout his life to render services to a particular upper caste family. It is not only to the individual upper caste families to whom a barber renders services, but also to other castes in the village community as a whole. Because of such customary social obligation devolving by succession, barbers are forced to forfeit the right to move freely throughout the territory of India.

Barbers render services to the upper castes, in lieu of *heta* or *bartan*, for no remuneration, throughout their life. They are also forced to forfeit their right to appropriate compensation at market value. The system compels them to live at the mercy of the upper caste family whom they are to serve.

Also, linked to this customary bondage are a few shameful practices. At the time of customary annual ceremonies, the barbers' wives move from door to door with utensils in which they collect cooked food. At occasional family functions, such as marriages, the barber and his wife are provided with new clothes, besides the cooked food, which the barber's wife brings home after the wedding is over.

In the case of a death in the upper caste family, on the tenth day of the funeral rites, when all the members of the bereaved family bathe in a tank or in a river for purification after having had their heads shaved, they leave their old clothes on the bathing *ghat* and wear new ones. The barber takes the old clothes home, sharing them with the washermen.

On the occasion of *dasahara*, an annual function among the upper castes, the barber is also provided with a new pair of clothes by the upper caste family, as a result of which the basic necessities of life, i.e. food, shelter and clothes are met by the villagers.

A barber is also attached to the sorrows and happiness of the upper caste family, as well as that of the village as a whole. His attachment to the village is so deep that he always speaks of the village as his own. In spite of this attachment towards the village, it is often the case that when something goes wrong within the community, the barbers are blamed and punished for it. There exists a proverb in Oriya language, "*mar mar bhandariaku mar*" (Beat, beat, beat the barber). The proverb is used whenever a person is punished for the wrongdoing of others.

There are also other similar proverbs, which indicate the status of the barber in the society. Another such proverb is "*barika muthi - tanka chha...*" (the barber has six rupee coins in his box). When a person with

a negligible amount of money dreams of a big business, such a proverb is used.

"*Bhoi bhandari gauda rajak – emane samantabadara rakshaka*". (Bhoi is a scheduled caste working as a serf, *bhandari* is a barber, and *rajak* is washerman) The above phrase means *the serfs, barbers, milkmen and washermen protect feudalism*.

"*Babu! Barika jatita bada kabu*" (Sir! The barber as a caste is slave). *Kabu* may be defined as *lumpen proletariat* and this proverb signifies that the barber is a slave.

"*Panas khaila kie – bhandari mundare atha*" (Someone ate the jackfruit – but the gum is on the head of the barber). When a clever person uses an innocent person for his own enjoyment without the innocent person being aware of it, such a proverb is used.

"*Kanhi Ramachandra kanhi Ramia bhandari*" (Where is *ramachandra* and where is *ramia* barber.) When a person with a higher social status is compared to a person with a lower social status, such a proverb is used.

Byasakabi Fakir Mohan, the great novelist of Oriya literature, in his famous novel *Chha Mana Aatha Guntha* has written – "*Ati nunuchhana andhara rati – ati nunuchhana bhandari jati*" (The barber caste is hated and disliked like the dark night).

Poet Radhanath Roy, who brought modernism to Oriya poetry, has written in his famous verses *Darabara* "*Darabare thani kete sevakari – tanka priyapatra gauda bhandari*" (There are so many servants in his court – but his dearest among all are the palanquin-bearers and barbers).

The work of the barber involves handling dirt, and this makes the occupation ritually unclean. Handling hair and nails is supposed to defile the person handling them. The *brahmana* caste is extremely particular about ritual purification after having their heads shaved by a barber. The spot where he and the barber sat is washed with a solution of 'purifying' cow dung. Though taking a bath after shaving is a must for *brahmanas*, some of the non-*brahminical* castes are not very particular about bathing after being shaved by a barber. Nevertheless, most upper caste people perceive the work of a barber as inferior. The *brahminical* caste hierarchy has used barbers for the continuation and maintenance of the caste system till date. It has kept barbers on the lowest strata of the caste system – just above the scheduled castes.

Although education has become a fundamental right for all Indian

citizens, the children of barbers by-and-large remain illiterate or at best semi-literate. A common observation is that not too many barbers are educated. A similar situation prevails in the public service sector too. Persons belonging to barber castes are found as fourth class employees in good numbers in governmental sector. They are barely visible as class three employees at the district level. But they have either no or extremely small representation in the state level as first or second class government officers, engineers, doctors, professors, judges, etc. Reservations have been made in government jobs for backward castes but for various socio-economic reasons, it is the higher strata of backward castes who are benefiting from it, and nothing is left for the barbers remaining in the lowest strata of backward castes. As regards representation either in the Orissa Legislative Assembly or the Indian Parliament, not a single person from that community has been elected from Orissa till date. Therefore, no debate has been conducted in the legislature for their release from hereditary bondage even after the enactment of the Bonded Labour System (Abolition) Act, 1976.

2

BONDEDNESS OF BARBERS

WORK & MONETARY COMPENSATION

Many individual upper caste families house a number of barbers for domestic work. The barbers serve them in return for food, clothes and shelter. They are not allowed to work for anyone outside of the family. They consider the house of their masters as theirs and work for the family without any hesitation. Though they serve the upper caste families like slaves, they never express their grievances against them.

Apart from the type of barbers attached to individual families, there are barbers working for a number of families either in one village or in a number of villages in one district. Their work relates firstly to individual families, secondly to the village community and thirdly to the village deities. Their service to all the members of individual families is based on payment in advance only from certain members of such families, which also includes customary services to all family members without any payment. Their service to the village community and to village deities is totally customary, which they render for no monetary compensation. These customary services vary from family to family and village to village. The service rendered depends on what ranking a particular caste has, given the rigidly stratified caste structure of our society. For instance, the *brahmanas*, *karanas*, *kshatriyas* and *khandayats*, unlike the less



Reminding the State that slavery in any form is no longer tolerable

leisured intermediate castes, enjoy the privilege of having their feet washed by the less empowered community of barbers.

This chapter largely deals with the services provided by barbers. The primary work of a barber is the cutting of hair. Having a box in hand with shaving instruments inside it, he moves from door to door and cuts the hair of males at least once a month and shaves their beards at least four times a month. He cuts the hair of boys and girls and shaves the heads of old men and women. At the time of cutting hair, he also cuts nails.

In some families when the head of the household, i.e. the man dies, the barber attached to the family shaves the head of the dead body, after which the body is cremated. Similarly when a married woman dies leaving her husband alive, the wife of the barber paints a border of two feet around the dead body with *alata* (red liquid) after which it is cremated.

Funeral rites in caste Hindu families take place for 12 days. On the tenth day, members of the family and their kith and kin including men, women and children, as well as those who cremated the dead body go to the bathing *ghat*. The barber accompanies the men and his wife accompanies the women with oil in hand for a bath. Before bathing, the men are shaved while the women have their nails trimmed, which the barber and

his wife cannot single-handedly operate. It is therefore the duty of the barber and his wife to gather other barbers, both male and female, from neighbouring villages to assist them. However, barbers receive no monetary compensation for their work. At best, they are provided with a meal.

On the tenth and the eleventh days of the funeral rites, a number of *brahmanas* and guests are invited by the host for lunch. As soon as the *brahmanas* reach the house, the barbers wash their feet. Once the food is served and eaten, it is the customary duty of barbers to remove leftovers and clean the site for the next group.

On the twelfth day of the funeral rites as well as on the occasion of a marriage ceremony, cooked food is served to all and sundry. The barber carries water and whatever is necessary for the feast. If he is unable to do so single-handedly, he is to gather other barbers from the locality to help him in rendering the services for the family he works for. The host does not pay any remuneration to the barbers. The barber's wife is provided with food. If there is dearth of food, she is compensated with rice, lentils, vegetables, etc., by the host.

The customary service of the barber is obligatory in most of the village functions. Marriages are usually arranged by the village elders. The process of arranging marriages is quite complex. The decision-making is usually the responsibility of the family, kith and kin and the village elders. When one group, proposing the alliance, reaches the house of the other party with the prior information provided by a mediator, the barber attached to the family waits with a brass water pitcher full of water, a small jug, a low wooden stool and napkin on his shoulder. When the party reaches the doorstep, the barber washes and then dries the feet of the guests, after which the guests enter the house and discussions begin. The barber prepares pan, distributes it among the guests and helps the head of the family in taking care of the visitors. As often the selection of a bride or bridegroom is not done through a single such meeting, the barber has to provide the service each time a meeting of this kind takes place. No remuneration of any kind is provided for the same.

When the decision is finalised and the date of the wedding is fixed, the barber distributes betel nut and invitation cards with *prasad* from village to village. For reaching distant areas, he will be provided with the bus or train fare. The barber also constructs the marriage altar by bringing soil from outside and his wife washes it with water and cow dung.

On the eve of the wedding, the bath water of the bride and the room in their own houses is purified with holy water. The barber's wife collects the water for the purpose. With a pitcher full of water, she joins a procession of women with band players. The barber also accompanies them with a bamboo-winnowing pan with holy objects of worship. The procession reaches the statue of the goddess of the village where a *brahmana* worships the goddess. After the ceremony, barber's wife distributes a little oil and pounded turmeric women in seven families, who in turn pour some water in the pitcher carried by the wife of the barber. This is the holy water used for the bride's ritual purificatory bath.

Two types of marriage systems prevail amongst Hindu families: *tolakania* and *duaribibha*. In *tolakania*, a family member of the groom reaches the house of the bride in a procession with bandplayers to invite her to the house of the groom. The barber also accompanies them with a box of clothes and cosmetics for the bride. The barber then washes the guests' feet. Thereafter all of them return to the house of the groom where the marriage ceremony is performed.

In the *duaribibha* system of marriage, a family member of the bride reaches the house of the groom to invite him to their house for the wedding ceremony. Accordingly the groom reaches the house of the bride with family members, friends and relatives, persons of the same caste and a *brahmana* in a procession with band players. As soon as they reach, the barber attached to the family of the bride washes their feet one by one.

On the very day of the marriage, the groom offers a special handful of rice to the gods and goddesses of the village as well as to his mother. He is dressed in fine new clothes and a *punjabi* shirt with a *tilak* marked on his forehead and an *alata* painted on the border of his feet. He moves on the village road in a procession with band players having unparboiled rice and betel nut with the palms of his hands joined together. The barber accompanies the bridegroom with a cane basket full of unparboiled rice and fills the palms of the groom with it. When the groom walks, the barber holds the end of the narrow folds of the cloth hanging in front of the groom with his right hand.

The barber's wife helps the bride walk to the altar with her face covered with a cloth. Both the bride and the groom sit on the altar, and the ceremony begins by the chanting of mantras by *brahmanas*. The barber

and his wife remain present near the altar. They bring and take the necessary articles for the altar. In the final stage the *brahmanas* on the altar perform a *yajna* and tie the palms of both bride and groom together with a knot. The ceremony ends when the younger

sister of the bride opens that knot. The wife of the barber again helps the bride in walking from the altar.

For all this work—which can take as long as a week—the barber and his wife do not get any monetary compensation. They only receive some incentives and his wife gets a *saree* and rice for her work after the ceremony is over.

During the first year of the marriage of the bride, on the four days of full moon, as well as on other Oriya festival days like *raja*, *savitri*, *dutia*, *osha*, etc., the barber carries loaded baskets of fried paddy and rice seasoned with sugar and *gur*, cakes, vegetables, etc., to the place where the newly married bride resides. That is, from her father's house. If she remains at the house of her mother-in-law or from the house of her mother-in-law if she remains at the house of her father. Though the barber carries the baskets without getting any compensation, he receives some incentives from the party who receives it. These are some of the services rendered by barbers to the upper caste families from whom he gets the advance in kind known as *bartan*.

When someone decides to call a village meeting, the person orders the barber to gather the villagers for the meeting. The barber then gathers the people by walking from door to door while beating a drum. The responsibility of informing those who were not present at the meeting of the decisions taken also lies with the barber.

In Orissa, almost thirteen big festivals are observed every year in order to please the village deity. The barber is to render his services during such festivals as per the traditions. On some festival days, deities are



Rally in progress on the International Day for Abolition of Slavery

brought outside the temple on palanquins. They are moved from village to village and from door to door of the upper caste households in processions in which *bhog* is offered. Barbers are required to catch the from in front of the deities. During this time the barber gets a handful of *bhog* offered to the deity from each door.

On some festival days, feasts are arranged in temples. It is the barber who collects rice, money, etc., from upper caste families and deposits them with the head of the village. At the time of cooking for the common feast, it is the barber whose duty it is to cut vegetables, ground spices, carry water and help the *brahmana* cook with the oven. When the cooking is over, food is first offered to the deity after which the villagers eat. After they have finished eating, the barber lifts the leftovers with a leaf, throws them away and then cleans the temple. Generally all such work lasts until late at night. The next morning the barber will clean the brass utensils used for cooking as well as the site of cooking. No remuneration is paid to the barber.

3

BARBERS' RESISTANCE

Upper Caste And Administrative Response

The socio-economic transformations in the post-colonial era have had an impact on the brahminical caste hierarchy. Members of the farming castes — even if acting as serfs who traditionally were lower castes in the feudal society — now identify themselves as *khandayats*. The original *khandayats*, who were small in number, accepted this change. All of them were associated with the *kshatriyas*. The newly self-identified *khandayats* demanded that the services, which the barbers were rendering to the original *khandayat* and *kshatriya* landlords, be rendered to them as well. Barbers, however, have refused to render services to the newly self-identified *khandayats*. There was no initial non-compliance on the part of barbers. However, when the higher castes took the stance of remaining silent on matters regarding services expected from barbers for the newly self-identified *khandayats*, the barbers gradually refused to perform the customary services of feet washing and lifting of leftovers to all the upper castes.

The farming castes and the artisan castes were once treated as lower castes at par with barbers but when the farming castes upgraded their social status through association with the upper castes, they managed to gather support from all other lower castes — except from the barber caste. Now the members of both upper and lower castes demanded cus-

tomary services such as feet washing and lifting of leftovers from the barbers. In this process, conflict started rising in the villages between the barber castes and rest of the castes, led by the newly self-identified *khandayats*.

Two caste associations working in Orissa were involved in the conflict. *Nikhil Utkal Barika Samiti* – led by some teachers and clerks of the barber community – supported the cause of barbers openly; whereas *Odisha Khandayat Kshatriya Mahasava* led by a retired IAS officer in association with the administration from state to district level, as well as politicians of upper castes provided support to the *khandayats*. It was the *khandayat* leaders working at the local level that came to the limelight.

Though the conflict started during the eighties, it was only in 2001 when the *Ambedkar Lohia Vichar Manch* (Orissa), a social organisation working for the cause of *Dalits* and backward castes, started supporting the cause of barbers. But it is the barbers themselves who resisted the oppression most vehemently and consequently suffered the most. Some barber struggles launched without any organisational support in different villages of Puri district have been documented here.

a. Sanabenakudi village

In 1986, the people of Sanabenakudi village under Brahmagiri police station of Puri district, who were mostly farmers and self-identified as *khandayats*, compelled a barber of the village, the late Bhramar Barik, to clean the brass utensils that had been used for community cooking. His non-compliance resulted in complete social ostracism for him. Therefore, he was forced to stay in Naharapada Bazar, some 5 kilometres away from the village.

On February 19, 1986, while Bhramar Barik, along with another person, was going to another village, some members of the *khandayat* community of the Sanabenakudi village, armed with bamboo sticks restrained him near a culvert. He was thrashed by the upper castes, and a cloth was tied around his neck and he was dragged to the village. Thereafter, they directed him to take the position of a standing donkey and tied bells on his waist and neck. Two of the villagers then sat on him and rode him on the village road saying, *Chal ghoda chal* (walk donkey walk).

When someone informed the police, the officials rescued him and sent him for a medical examination. The police filed a case against the

accused persons. The case was adjudicated and 18 accused persons were convicted in the first trial Court u/s 148/341/323/506/149 I.P.C. By that time Bhramar Barik had suffered a mental breakdown and died before the judgement was read. Thereafter, the convicts struck an out of court compromise with his young son and were acquitted.

b. Luniapadar village

The barbers of Luniapadar village under the Brahmagiri police station refused to conduct their customary service of feet washing. Members of the *khandayat* community of the locality became angry and imposed a social and economic boycott on the barbers. When the barbers refused to comply, the *khandayats* retaliated by entering into their houses on January 31, 2001. They beat them, drove them away and looted all their belongings.

The victims complained to the OIC (Officer-in-charge) of Brahmagiri police station. The *khandayat* association took it as an issue of honour that the barbers should render them the services they had asked for. Two associations working in the local level took up the case and the OIC of the police station became the mediator for an amicable settlement. A meeting was called within the premises of the Brahmagiri police station on February 11, 2001 in which, apart from the leaders of both the associations, a large number of people of *khandayats* were also present. Though it was meant to be a forum for discussion, the truth is that all decisions were drafted by the *khandayat* leaders, which were then imposed on the barbers, who had no option but to agree. Accordingly, an "agreement" was reached in the meeting.

In the beginning of the written agreement, it was stated that the agreement was the result of what was mutually acceptable to both castes.

As per the first decision regarding the washing of feet — on the occasion of marriage, barbers would wash the feet of the groom, the guardian of the groom and the honoured male members of the community. In addition to this, when the honoured male members of the community visit any house in the hope of striking a marital alliance, barbers would wash the feet of all of them. The second decision was that no *khandayat* would abuse, criticise, or behave in an ill-mannered way towards the barbers. If this happens, the *khandayat* association would take action against the culprits. The third decision was that the *khandayats* would not compel

the barbers to wash the feet of other lower caste members. The fourth decision dealt with the complaint made by barbers in the police station with regard to the looting of property, which would be resolved by the *khandayat* association by sending a team of five members to Luniapadar village. The responsibility was given to a barber to call all the villagers for a gathering. The last decision was with regard to the grievances of the barbers, which was referred to the next meeting to be held in course of time.

This written agreement between the *khandayat* and the barber associations was submitted to the OIC of the Brahmagiri Police station. Based upon this, the complaint lodged by the barbers was withdrawn.

Under these circumstances, the social organisation *Ambedkar Lohia Vichar Manch, Orissa* came forward to support the barbers. On March 21, 2001 a memorandum was submitted to the chief minister of Orissa through the collector, containing documentation on how the rule of the upper castes was prevailing over the rule of law. *Ambedkar Lohia Vichar Manch, Orissa* demanded that the derogatory hereditary practices should be abolished, and the culprits should be punished. When no action was taken at any administrative level, the barbers sat on *dharna* outside the collector's office on March 30, 2001. The Collector assured the barbers that he would take the required course of action, except that no action has been taken till date.

Again the *khandayats* compelled the barbers to carry on with upper caste feet washing. When they refused, they were again placed under social and economic boycott. When some of the barbers were beaten and tortured in various ways, they complained at Brahmagiri police station by which the police filed a case against the miscreants u/s-341/323/294/34 IPC in 2001 vide FIR-145 (6) on November 7, 2001.

The police did not implicate the accused u/s-374 IPC for unlawful compulsory labour along with other sections of the IPC. It is noteworthy that Section-374 of the Indian Penal Code for unlawful compulsory labour has never been used by the police in any police station of Puri district, in spite of repeated complaints made to that effect.

c. Ambapada village

The barbers of Ambapada village were rendering their services to the upper caste members of three villages, namely, Ambapada, Kantikera

and Bamundi under Puri Sadar Police station of Puri district. At the call of the barbers' association, they refused to continue with their customary services. Upper caste members of the three villages assembled in the premises of the Ambapada village temple and summoned the barbers. On March 30, 2001 a "meeting" was conducted, in which the barbers were forced to sign an agreement.

The barbers were forced to state that they had been performing their hereditary services as per the customs but due to the call of the barber association, they had stopped rendering the services of feet washing and load carrying and as a result had brought a severe blow to the honour of the upper caste families. They were forced to state that when they discontinued the customary services to the upper caste families and to the village deity, they had made a grave mistake. The villagers had therefore been left with no option but to take action. They were made to state that they were completely at fault and therefore apologised.

Further, the barbers stated that they would carry on with rendering customary services. They also agreed that the agreement was binding on their descendants.

Having made such an agreement with upper caste villagers, the barbers rendered their customary services for the next eleven months; after which there appeared another conflict. On a complaint lodged by the barbers in Puri sadar police station, the OIC summoned both parties to the police station where the agreement given by the barbers to the upper caste villagers was offered for scrutiny. Discarding this unofficial agreement, the police officer advised them to make a fresh agreement on mutual consensus.

Accordingly, another meeting was called to Puri Sadar police station on February 12, 2002. In that meeting, the barbers and upper caste members were present. A new agreement was made. The first decision was that the barbers would not render services to the villagers, and even if they were compelled to do so, the upper castes would not be held responsible. The second decision was that the villagers would not compel the barbers for customary service and if they decided to engage in it, they would do it on their own accord. The third decision was that both parties would live in the village as they were living before the rift took place and to see that no conflicts should arise again. The fourth decision was that the agreement made earlier would be submitted to the OIC, Puri Sadar

police station. Lastly, it was mentioned that anyone defying the above conditions would be punished as per the law.

A copy of the new agreement, along with the previous one, was submitted to the OIC. But after some days, upper caste members again compelled the barbers to perform their customary services, and when they refused to do this, a social and economic boycott was imposed on them. When the barbers put in a written complaint to the OIC of the police station, he refused to listen to them.

At that time on December 2, 2005, the International Day for Abolition of Slavery, a meeting was organised at Jadamath, where a number of bonded barbers were present. From that place a rally went to the Puri collectorate. After detailed discussions with the district administration, it was decided that the sub-collector, Puri would visit the village. Accordingly the sub-collector, Puri went to the village and discussed the matter with the conflicting parties. In that meeting the *khundayats* demanded that the barbers pay a fine to the deity for withdrawal of social and economic boycott as they feared they would be substituted and replaced by a new set of barbers. The barbers, left with no choice in the matter, put in the fine amount in the name of the village deity and since then the *khundayats* have been getting all manner of tasks done by a trafficked barber from outside the district.

These Barbers have been trafficked from Ganjam district to the village of Puri district not by force but by the payment of an advance. In the concerned village they render services to the upper castes without wages on the basis of an advance called "*bartan*". Here the term Barber cannot be used to refer to a person from outside the village because he can return home in the evening everyday. The entire barber family has been trafficked from Ganjam district.

d. Balabhadrapatana village

Late Chandramani Barik from the village of Balabhadra Patana under Puri sadar police station was compelled to wash the feet of upper caste villagers, which he refused to do. Agitated by this, members of the upper caste restrained Chandramani Barik's family members from walking on the road, bathing in the water tank and harvesting his paddy field. He complained to the OIC of Puri sadar police station, where an order was given for both the parties to reach a compromise. Accordingly, on May

29, 2001, a written agreement was produced in the police station, which stated that the upper caste villagers would not restrain the members of the barber's family. It was submitted to the OIC and the case was dealt with.

After four months, the villagers started compelling Chandramani Barik to conduct feet washing again. They came to his house and abused and threatened him and his family. A written complaint was given to the O.I.C of the police station on 25 September 2001, but the case was not registered. As a result, the upper caste villagers excommunicated the barber and his family.

In the meantime, Chandramani Barik died. After his death, his son Sanatan Barik left the village. When he later heard that his thatched house was about to collapse, he hired persons from the neighbouring village to repair his house. While the house was being thatched, the upper caste members, who disapproved of what was going on, forbade the hired persons from thatching the house. The work stopped. Sanatan Barik put in a written complaint on April 25, 2004. The OIC of the police station told him to come on a later date. When Sanatan Barik met the OIC again, he realised that the OIC had nothing but bad words for him. Sanatan Barik narrated the entire matter and attached a copy of the complaint. Yet nothing happened and his house remained half-thatched. Some human rights activists met the DIG of police, Bhubaneswar range, regarding the matter; after which the OIC of the Puri police station listened to him and he was finally allowed to complete the thatching of his house. However, the police did not register a case against the perpetrators of abuse.

As per the report of the OIC, Puri sadar police station, proceedings u/s 107 of the Code of Criminal Procedure were drawn against Sanatan Barik and his brother, as well as against his perpetrators by the executive magistrate, Puri Sadar, for breach of peace in the locality, with a direction to appear before the Court on September 17, 2004. The police, who came to serve the notice, did not hand it over to Sanatan Barik, saying that he had only brought one copy, which he had given to the other party. He then took Barik's signatures and went away. Sanatan Barik and his brother were present before the court of the executive magistrate, Puri Sadar, on the above mentioned date through an advocate. The case was adjourned to October 11, 2004. Sanatan Barik and his brother gave a writ-

ten petition stating that they had been compelled to perform customary services as bonded labourers. They also narrated how they faced difficulties in thatching their house and how the police had taken their signatures without handing over the copy of the notice of the case. In their petition they requested the executive magistrate to issue them a copy of the notice of the case. The copies of the petition submitted to the executive magistrate were also sent to the OIC, SP, sub-collector and the collector. The executive magistrate heard them out in person and wanted to know whether they had already submitted copies of the petition to the officers mentioned in it, which they affirmed. The case is still pending and the family continues facing ostracism by upper caste villagers.

e. Haladia village

Arakshit Barik is an old barber in the village of Haladia of Puri district. When he refused rendering customary services such as feet washing and lifting of leftovers in marriage ceremonies, members of the upper castes of the village tortured his family members, for which he complained at the police station. The OIC of the police station called for both the parties and made a compromise between them. The upper caste villagers put in a written assurance stating that they would neither torture nor compel the barber to render any service to them.

Fifteen days after the agreement, the upper castes compelled them for feet washing and lifting of leftovers. When he refused, his family was restrained from walking on the road, taking water from the public tube well, etc. Thereafter, the upper caste villagers came to their doorstep, hurled obscenities at them, warned them of the imminence of death and badgered them into providing their customary services. During the incident, they assaulted an old barber by the name of Arakshit Barik. His son Kalu Charan Barik gave a written complaint to the OIC again on April 25, 2001 narrating what had happened.

Instead of taking action against the perpetrators as per the law, the OIC again called both the parties to the police station for a compromise solution on April 27, 2001. He also advised them to come along with some decision-makers. A meeting was held in Puri Sadar police station under the guidance of the OIC of the police station, in which two decisions were taken. As per the first decision—no family of the village would compel the barber Arakshit Barik to do any menial work except

for hair cutting, and he would also render his services to all the families of the village equally. As per the second decision — the barber would not be compelled to work without any valid reason, and if the barber becomes incapable of working, he should not be compelled to do so.

After returning to the village, some of the upper caste villagers again compelled the barbers for feet washing and lifting of the leftovers. When they refused to perform these tasks, a social and economical boycott was placed upon them. The barbers again gave a complaint at the police station but the OIC did not listen to them. Till date, barbers of Haladia village are under social and economical boycott.

f. Barudi village

Naba Kishor Barik of Barudi village, under Puri Sadar police station, is a policeman stationed at the world famous Jagannath temple at Puri. He was appointed to the post by the Temple authorities. Before his appointment as a policeman, he was working as a barber to serve the upper caste villagers for no remuneration. When he was to take his new appointment, the villagers did not allow him to accept it. He gave them the assurance that some or another family member would continue providing customary services and took up the post.

When all the barbers of the village refused to render customary services, he joined them in their protest. This aroused the ire of the upper castes. Life became a living hell for the barbers in the village. A meeting was called, in which the barbers were told to continue rendering their customary services and pay a fine, after which they could rejoin the village community. Accordingly, the barbers paid the fine but refused to remove leftovers and wash the feet of the upper castes. The upper caste villagers then excommunicated them from the village. They also trafficked new barbers from outside the district, housed them in the village and made them perform their customary services as per the traditions.

In the meantime, one of the leaders of the upper caste villagers showed support for the excommunicated barbers of the Barudi village. Again a new conflict arose and harassment spiralled. They again filed a complaint at Puri Sadar police station. The OIC of the police station directed the parties to come to some sort of a working agreement. Accordingly on January 21, 2003 a meeting was held.

Naba Kishor Barik and the other barbers of the village decided that they would continue rendering their customary services, except for feet washing and lifting of the leftovers, and take *bartan* of 15 kilos of paddy or the cost of it in rupees per head annually; half on *magha amavasya* (the no moon day of the month of magha) and rest at the end of the year. It was further decided that the barbers would cough up a fine of Rs. 5000/- per family to the villagers for defying the upper caste villagers. The barbers were also directed neither to harass the new trafficked barbers nor to influence them. They were warned of the dire consequences if they violated the decisions. It was further decided that the barbers would call the villagers pay the fine amount, after which they could return to the village. The proceedings of the meeting were submitted to the OIC of the police station, who signed and provided copies of the proceedings to the concerned parties.

But Naba Kishor Barik refused either to take *bartan* or cut the hair of the villagers and did not sign the minutes of the meeting. Thereafter, in the presence of the ASI of Puri Sadar police station and the local decision-makers, he was again compelled to agree to cut the hair of the villagers by moving from door to door for five days in order to retain the honour of the upper caste villagers. The five days soon became fifteen days. He kept hoping he would find freedom from bondage. But the upper caste villagers did not release the family from hereditary bondage; instead they again restrained his family members from walking on the roads, taking water from the community tube-well, bathing in the community tank and making purchases from the village shop. When the upper caste villagers conspired to loot the family's property, he gave a written complaint to the OIC of the police station, narrating the case on May 18, 2003. He requested the OIC to take action as per the law against the persons compelling forced labour and to provide protection for his family and their property. But the OIC refused to listen to him.

On May 20, 2003, the upper caste villagers looted their property worth Rs. 60 000/- and tortured the family members, including women. This happened in broad daylight. Thereafter, as per the FIR lodged by Rina Barik, the police lodged a case u/s 294/379//354/506/34 I.P.C dated May 21, 2003.. The family continues to face harassment.

g. Mathapatana village

Fakir Barik, aged 75, lives in the village of Mathapatana under Puri Sadar police station. He was trafficked to the village a long time ago and

now has homestead land in his name. When he became unable to work due to old age, members of the upper caste families compelled his family members and dependants to provide services. When he told them that he could not do this, as his only son was paralysed, he faced much hostility. He was not allowed to walk on the road, nor was he allowed to take a bath in the community tank or to purchase necessities from the village shop. The upper caste villagers also cut away bamboo and other trees from his land. His neighbour did not allow him to come to his side of the yard to repair his mud-wall and thatch his roof that was going to collapse. When the upper caste villagers did not allow his granddaughter to take drinking water from the community tube-well and hurled obscenities at her, he gave a written complaint to the OIC of Puri Sadar police station on October 31, 2003 and requested that action be taken against the perpetrators of abuse. When the OIC did not register the case, he met the SP, Puri, with a petition along with the complaint given at the police station. He requested the SP to enquire into the matter and file a case against the perpetrators. The SP assured him that necessary action would be taken. However, no case was registered. Though at present Fakir Barik and his family members are not restrained from walking on the road, bathing in the community tank or taking water from the community tube-well, they are nevertheless restrained from going to the community hall, purchasing from the village shop and worshipping the village deity.

h. Kahalapada village

Shri Karunakar Barik is an old barber residing in the village of Kahalapada under Brahmagiri police station in Puri district. He wanted to give up the job of a barber and lead the life of a farmer, as he owns three acres of land. When he informed the *khandayat* community of the village of his decision, they excommunicated him from the village unit and restrained him from reaping paddy from his field. On March 29, 2003 he put in a written complaint to the OIC, Brahmagiri, requesting that he be provided with police security, particularly while reaping his paddy. When the OIC of the police station took no action, he along with other barbers and human rights activists met the SP in his chambers on April 7, 2003 and handed in a written petition. The SP assured them of police assistance. But the local police refused to provide the assistance.

On April 17, 2003 at 7 a.m. the *khandayats* of the village restrained his family members and guests, from coming out of the house even if to fetch drinking water. Being informed of this, two police officers from Brahmagiri police station went to the village and rescued them. He was advised to strike a compromise of sorts with the villagers. He begged the *khandayat* community for a time of four days to reap his paddy, which was granted. Nevertheless, the next morning when he went to reap his paddy, the upper caste villagers again restrained him. On April 22, 2003 he re-opened talks with the villagers, who then demanded four lakh rupees from him as a fine. When he expressed his inability to give such a large amount of money, they again restrained him from reaping his paddy. On April 23, 2003, he put in a written complaint to the OIC, Brahmagiri police station, on which no action was taken.

On April 26, 2003, Shri Karunakar Barik and other barbers met the collector in his chambers and described the details of the harassment. The collector heard the case out but took no action.

While the cattle were grazing his paddy in the field, Karunakar Barik and his family members were accused of being anti-social in nature, and a case under section 107 CrPC was drawn against him and all his family members by the executive magistrate, Brahmagiri, for keeping peace in the locality. To counter this, he sent an ultimatum to the collector to sit on *dharma* in front of the residential office of the collector, which he did starting from for a period of 15 days.

i. Dumuduma village

Four families of barbers, a total of 45 persons, live in one compound in the village of Dumuduma under Brahmagiri police station in Puri district. They are providing hereditary service in lieu of *bartan* to the upper caste families of Dumuduma and three other villages. When they refused to conduct their services of feet washing and lifting of leftovers — keeping intact their other services — the upper caste villagers became irritated. They trafficked a barber from the district of Khurdha, housed him in the village and engaged him for all the traditional services, including feet washing. Refusal of feet washing by the resident barbers of the Dumuduma village made their life pitiable as they were constantly harassed and attacked.

From 14 March 2003 onwards, eleven complaints have been lodged with the OIC, Brahmagiri police station on various dates within a period of one and half years. The complaints include enforcement of bonded labour, obscenity, unlawful compulsory labour, criminal intimidation, assaulting a woman with intent to outrage her modesty, wrongful in-house restraint for long hours time and again, causing grievous hurt and endangering the life and personal safety of others.

Of these eleven complaints, only three complaints were registered by the police, and that too only when the villagers have attacked the barbers in the presence of police officers. Eight complaints have been sent to the SP either on registered post or by hand. The S.P has been requested to enquire into the matter but no action has been taken. Within these complaints there are incidents where the upper caste villagers have wrongfully restrained all the four families of barbers living in one compound with weapons at hand. The barbers have not been allowed to come outside the house even to fetch drinking water. Although police officers have rescued them from such in-house restraints, no action has been taken against the perpetrators of violence and abuse. Similarly there is also an instance where a woman was disrobed in public. The police are of the opinion that barbers are rowdy *goondas*, anti-social in nature, with no regard for the law. Case no.50/2003 u/s - 107 of the Code of Criminal Procedure has been drawn against the barbers to keep the peace in the locality by the executive magistrate, Brahmagiri.

Khandayat assaults and the partiality of the police have forced the male members of barber families to flee from their homes and take shelter in other villages. The upper caste villagers have continued to assault the female members of the barber families still remaining in the village, upon which no action has been taken in spite of the fact that repeated complaints have been lodged.

The collector has also been approached time and again. Nothing has come out of these meetings with various state functionaries. Assaults made will probably never end.

Even after the death of a barber's family member, the upper caste villagers did not allow him to conduct the funeral rites in the village. At that time a human rights activist met the SP, Puri, with a memorandum on December 11, 2003 in which he mentioned how the barbers were being mistreated. He requested police protection, which was promptly provid-

ed. However, this stray instance of assistance and succour provided by the police is more the exception than the rule.

j. Bedarapada village

Naba Barik and Braja Barik are two barbers living with their families in the village of Bedarapada under Chandanpur police station in Puri district. They provide services to the upper caste families as per the custom. In January 2003 when a member of an upper caste family died, on the twelfth day of his funeral rites the villagers forced Naba Barik and Braja Barik to gather other barbers from the locality to bring whatever material was required for the funeral feast. They agreed to do the needful for no monetary compensation, but expressed their inability to gather other barbers from the locality to perform the same for no remuneration. Angered by this, the upper caste villagers turned hostile, trafficked other barbers from outside the district, housed them in the village and pressed them into service. On June 16, 2003 some guests had come to Naba Barik's house. Members of the upper castes assaulted the guests, as well as Tilottama Barik, Braja Barik's sister.

They gave written complaints to the OIC, Chandanpur police station, but instead of taking action as per the law, the OIC forced them to make compromise. Disappointed by this, Naba Barik and Tilottama Barik met the Addl. SP, Puri, and gave petitions both to the collector and SP, Puri, on June 6, 2003, who assured to take action. However, no action against the perpetrators has been taken.

Following this, a report of the OIC, Chandanpur police station, accuses Naba Barik, Braja Barik and all the other members of the family, as well as their guests as *goondas*. The executive magistrate, Puri, drew proceedings u/s-107 CrPC vide Misc Case No.378/2003 for apprehension of breach of peace. It resulted in more harassment by the upper caste villagers towards the barber families. Naba Barik and Braja Barik sent a petition to the chief secretary, Government of Orissa on September 13, 2003 to prevent further atrocities. They also sent petitions to the home secretary, Government of Orissa; director general of police, Orissa, and to the collector, Puri. No action was taken. Finally they had to strike a compromise of sorts with the upper caste members to provide them hereditary services and gather other barbers for their work on their own cost from now on.

k. Kadajitpatana village

Kadajitpatana is a small village under Puri Sadar police station in Puri district. The village houses 119 families, out of which 17 families belong to the barber caste. Out of the 17 families, only six render services to the upper caste villagers in lieu of *bartan*. One of the barbers owns 10 acres of land, while another owns a grocery shop in the village. One of them is working as a Grade-II assistant in GRIDCO, Bhubaneswar. This is the highest government job acquired by a person belonging to a barber caste throughout Brahmagiri and the Puri Sadar blocks of Puri district. The rest of the barbers of the village live either on marginal farming, agricultural labour, masonry or vegetable selling.

When the barbers working on *bartan* refused to continue the practice of feet washing, all the barbers of the village supported them. The upper caste villagers were annoyed with this and placed the barbers' families in a social and economical boycott. But one of the barbers, who was not working on *bartan*, separated himself from all the other barber families of the village and started providing the traditional services, including feet washing. The rest of the barber families were debarred from bathing in the community tank, walking on the road and working on their paddy fields. Complaints were lodged but to no avail.

A meeting was held on May 19, 2003. When asked in the meeting if the barbers were willing to work in lieu of *bartan*, they replied that they would render every service to the villagers other than that of feet washing. The leaders of the *khandayat* association demanded feet washing along with all other services from the barbers. When the barbers reminded them about the decision taken in the meeting in the chambers of the collector, the president of the *khandayat* association / member of the peace committee declared, "collector is collector, police is police, law is law but village law says that barbers will wash feet." He continued that if the barbers disobeyed the village law, they would face that much more hostility and more restrictions would be clamped upon them. Unable to bear the consequences, they would agree to render services to the villagers within 24 hours. He and other members of the *khandayat* association imposed a fine of Rs. 50,000 /- upon the barbers for disobeying the village law. Barbers agreed to give a collective fine of Rs. 16,000 /- (Rs. 1000/- per family). The leaders of the *khandayat* association would not agree to it. They insisted that the remaining Rs. 49,000 /- be paid. The ASI

of police, who attended the meeting on behalf of Puri Sadar police station, requested the leaders of the *khandayat* association to compromise the conflict in lieu of a fine of Rs. 16,000 /-, which they refused.

Having described all these matters in detail in a petition addressed to the collector, on June 11, 2003, all the barbers met the additional district magistrate, Puri, in his chambers on June 13, 2003. They requested him to give them justice and protect them from the severe harassment at the hand of the upper caste villagers. The ADM expressed his sympathy but gave no comments on how to redress the issue. He promised to communicate the matter to the collector.

I. Chamarakera village

Gangadhar Barik is a barber living in the village of Chamarakera in Puri District. His father used to cut the villagers' hair in lieu of *bartan*. When his father died in 1996, the upper caste villagers compelled him to render the service of hair cutting. When he refused on the grounds that he did not know anything about hair cutting, he was placed under social and economic boycott. When four other barber families living in the village expressed their support toward him, they were also placed under boycott. When an old barber died on June 2, 2004, the upper caste villagers threatened the other barbers not to conduct the funeral rites in the village unless they cut the hair of the villagers in lieu of *bartan*. Gangadhar Barik complained to the OIC, Puri Sadar, and gave a copy of the same to the SP on June 10, 2004. On the same day Gangadhar Barik and Sudarsan Barik jointly gave a petition to the sub-collector and met him in his chambers. In the petition they described how they were being enforced for bonded labour and requested to be released from the confines of the system. The sub-collector forwarded their petition to the SP, Puri, for necessary action.

Thereafter the OIC, Puri Sadar police station called both the upper caste leaders and the barbers to the police station in order to achieve a compromise in the matter. Accordingly, a meeting was held on June 13, 2004 where six decisions were taken : (1) the festivals of the village would continue as before. (2) barbers would provide services to the villagers in lieu of a payment in cash as *bartan*, which was increased and fixed to Rs. 65 /- per year per head, which would be collected from married men only. (3) two barbers of the village agreed to render services to the vil-

lagers in lieu of *bartan*, for which none would complain in any way in the future. (4) all the villagers would cooperate with each other for the promotion of social harmony. (5) the village leader would pay arrears of Rs. 200 /- to each barber for his services to the village. (6) thanks were given to the OIC , Puri Sadar police station for resolving the conflict.

m. Ichhapur village

Ichhapur is a small village in Satyabadi police, Puri, where four families of barbers cater to the upper caste members of the villager. As per tradition, the barbers are to lift the leftovers and clean the location whenever any upper caste family organises a feast.

On one occasion, on the eleventh day of a funeral ceremony, a member of an upper caste family compelled a 75-year-old barber Siddhi Raut to lift the leftovers. When he refused to do this, a village meeting was called. In the meeting all the barbers were asked whether or not they would render their traditional services. The barbers told the villagers that they would not render any services except for hair cutting. Agitated by this, the upper caste villagers placed the barber families under social and economical boycott. They restrained them from walking on the road, purchasing from the village shop, going to the temple etc. On November 1, 2004, all the barbers jointly filed a petition to the sub-collector and met him in his chambers. They mentioned in their petition how the upper caste villagers were extracting services from them under the bonded labour system. They also mentioned that they were paid an advance of 10 kilos of paddy once a year although they worked throughout the year for all the members of the family without any monetary compensation. They requested the sub-collector to release them from the confines of the bonded labour system.

The sub-collector forwarded the petition to the SP On December 13, 2004 upper caste villagers physically assaulted a woman named Chiter Barik, who belonged to the family of bonded barbers. She put in a written complaint to the OIC , Satyabadi police station on the same day. But the OIC did not take any action. On December 16, 2004 Chiter Barik approached the sub-collector with a petition to enquire what measures had been taken with regard to the incident of December 13, 2004. The sub-collector recommended the petition to the *Tahasildar*, Satyabadi. On December 17, 2004 the OIC called in the conflicting parties to the police

station to sign an agreement between both the parties, stating that no one would quarrel with any one else and the upper caste members would have the required services done by trafficked barbers from outside of the village if they so wanted.

Even after the agreement signed in the police station, assaults on the barbers continued. Bijay Barik and other victims met the sub-collector with a petition on January 20, 2005, asking to be released from the confines of the bonded labour system. The sub-collector, as before, forwarded the petition to the *Tahasildar*, Satyabadi for enquiry. On January 29, 2005 on the report of the OIC, the executive magistrate, Puri, started the proceeding case No. 19/2005 u/s 107 CrPC against the barbers, stating that they were engaging in caste politics. A notice was sent to them to appear in the court on February 16, 2005.

After the accused barbers received the notice of the Cri. Misc. Case No. 19/2005 proceeding u/s 107 CrPC on January 30, 2005, Sri Swadhin Pradhan and other upper caste villagers assaulted a barber by the name of Sri Sidhi Raut and looted his property. Yotsna Raut, daughter-in-law of Sidhi Raut gave a written complaint to the OIC but no action was taken against the perpetrators. On the same day the OIC called the accused persons to the police station and pressed the complainant to compromise. Accordingly, there was a compromise between the members of the upper castes and the barbers. According to it, both the parties would live and work as they had been living and working previously. Further it was agreed that the looted property would be returned.

But the upper caste members did not return the looted property. Among the property there was a bicycle, which belonged to one Siva Barik of village Nali Basant who was a guest of the barbers of Ichhapur village. Siva Barik gave a written complaint to the OIC, Satyabadi police station on February 2, 2005. Instead of taking any action, the OIC scolded the complainant.

On February 5, 2005 the convener, *Odisha Goti Mukti Andolan* (Movement for Abolition of Bonded Labour System) founded by Niranjan Raut, a barber, and human rights activist Baghambar Pattnaik met the district magistrate and collector in their chambers and presented a notice that the case would be taken up by human rights activists if no action is taken against the culprits.

On February 16, 2005 the accused barbers of Ichhapur u/s 107 CrPC,

being present in the court of the executive magistrate, Puri, gave their written statement that such a notice of the executive magistrate, had encouraged the upper caste villagers to assault them and to loot their property. They again mentioned in their written statement that there was clear possibility of further looting of their property after the upper villagers had executed a bond u/s 107 CrPC to keep peace in the village. As regards their execution of bond u/s 107 CrPC they denied the execution of such a bond. But the executive magistrate, Puri, took no action whatsoever.

On February 17, 2005 Niranjana Raut, one of the victims, gave in a petition to the collector; sub-collector; *Tahasildar*, Satyabadi, SP, Puri, and discussed with the DSP, human rights protection cell, SP office, Puri, regarding the possibility of further looting of their property. He asked for police protection but to no avail.

On February 18, 2005 at midnight, upper caste members of the village looted the houses of all the barbers. On February 19, 2005 Chitar Raut, yet another victim put in a written complaint to the OIC, Satyabadi police station, on which no action was taken.

However the OIC contacted the *Sarpanch*, Madhuban gram panchayat, who called the barbers and members of the upper caste villagers to the police station for mediation, which resulted in the upper caste villagers' decision to return the looted property. However, a copy of the agreement was not provided to the victim by the OIC of the police station. In the village some of the looted property was returned to the victims. On April 23, 2005 the *Tahasildar*, Satyabadi, visited the village and discussed the matter at length. Nevertheless, the abuse continued after the visit. On April 26, 2005 Sri Niranjana Raut met the sub-collector and handed over a petition to him, stating that they had secured no support whatsoever from the authorities and that this was only adding to their troubles. He requested the sub-collector to take action as per the law and gave a copy of the petition to the *Tahasildar*, Satyabadi. No action was taken on that petition.

On August 18, 2006 district magistrate and collector visited the village of Ichhapur. He met the barbers and listened to their worries. Having seen the district magistrate and collector, members of the upper caste community arrived to take part in the discussion. They informed him that the barbers were not agreeing to lift the leaf-plates of the *brah-*

mins who were engaged in the worship of deities. The collector noted, "how will it run if the *brahmins* do not do the work of a *brahmin*, cultivators do not do the work of a cultivator and barbers do not do the work of a barber". When the upper caste villagers then offered him green coconut, he refused the offer but said that he would come to the village again and eat with them after a solution had been found. He also advised the upper caste villagers not to compel the barbers. Having heard the words of the collector, Sri Bijay Barik, one of the barbers, was of the view that the court needed to take a stance on the matter.

n. Proporanga village

Proporanga is a small village under Pipili police station of Puri district. Satyabhama Barik lives in the village along with her husband Sri Kailash Barik and other family members. They are rather well off in comparison to many other villagers. The head of the family, Kailash Barik, is a government employee. He owns land, property and a *pucca* building — something which most upper caste villagers do not have.

Late Biswanath Barik was the father-in-law of Satyabhama Barik, who used to cut the hair of the upper caste members of the village as per custom in lieu of *bartan*. He had two sons, Kailash Barik and Bhaskar Barik, who assisted him in rendering the services. Kailash Barik joined the Bhubaneswar development authority as a peon in 1977 and therefore could not render customary services to the villagers. Biswanath Barik rendered his services up to his death in 1984. After the death of Biswanath Barik, the customary obligation devolved on his elder son Kailash Barik by succession, who then engaged his younger brother Bhaskar Barik to conduct the work. After a year Bhaskar Barik also joined a government job and therefore could not carry on with his erstwhile duties as a barber.

The upper caste villagers engaged in a propaganda campaign in order to compel him to continue with his barber's trade. He had the provision of getting the work done through any other barber on his behalf in lieu of *bartan*. Bhaskar Barik was compelled to engage Purna Chandra Barik of Bharatipur village to offer his services to the upper caste villagers of Proporanga on his behalf. Kailash Barik was paid *bartan* annually, whereas he paid Rs. 300 /- monthly to Purna Chandra Barik for his services to the villagers on his behalf. After two years Purna Chandra

Barik refused to render his services to upper caste villagers, after which Kailash Barik was again forced to render his services either on his own or through another person, who would do the work on his behalf.

Faced with Kailash Barik's non-compliance, upper caste villagers tied him to a coconut tree with a rope. Kailash Barik's wife, Satyabhama Barik, begged them to release him and when they refused, she informed the police at Pipili police station in person. The OIC of the police station sent an officer with her back to the village. However, Kailash Barik was freed before help could reach him.

Bringing in the police made the upper caste villagers even more furious. Kailash Barik faced much hostility. They were debarred from using the common tube-well. In order to get drinking water they set up a tube-well for themselves at their house. They were forbidden to use the village road, shop, temple and bathing ghat. A fine of Rs. 500/- was imposed on anyone seen talking to them.

Due to the boycott on the family, which also included a restriction on cultivating their six acres of agricultural land, the economic standard of the family gradually came down despite Kailash Barik's and Bhasker Barik's income from government posts.

On August 29, 2005, Mamina, a member of the Bharik family was washing utensils at the house tube-well, when someone threw a stone through their tile-roof, which hit Mamina on the head. Kailash Barik ran out of the room to apprehend the assailant. At the time, a feast organised by the upper caste members of the village was ongoing, and someone with an intention of insulting them had placed food leftovers outside Barik's door. Kailash Barik unknowingly stepped on the leftover and fell down. Angered by this, his son scolded the unknown person — without particularly naming anyone. Following this, some members of the upper caste instigated others to attack the family. Kailash Barik and his family ran back into the house and locked the door. The attackers broke the door open and entered their house. Kailash and Satyabhama, along with her mother-in-law, sons and daughters, entered into the inner room and closed the door from inside. As the attackers could not break the door open, they climbed onto the roof and started throwing tiles at them through the roof. Unable to escape, they had to open the door. The attackers dragged them out of the inner room and started beating them up. They kicked Kailash Barik and carried him to the *mandap* (temple).

Property and assets were looted. Kailash Barik was severely beaten up. The children of the family were also beaten with an iron rod. The upper caste attackers did not allow them to go to the hospital or to the police station the same day. The next day the family left their house and went to the hospital and the police station. Satyabhama Barik reported the incident at Pipili police station, and her statement was recorded u/s 161 CrPC vide Pipili police station Case No. 145/95 u/s 147/148/323/294/427/452/379/506/149 I.P.C The case is still pending in the court.

Following this incident, the entire family has left the village, where they had resided for more than twelve years.

o. Inchol village

Inchol village comes under Gop police station of Puri district and houses approximately 150 families. There are two barber families in the village who render customary services for the villagers in lieu of *bartan*. Apart from this, they also render customary services for the village deity as well as for the entire village community without any monetary compensation.

Iswar Barik, who was battling physical disability, informed the members of the village committee that he would not be able to render customary services. But members of the upper caste community did not accept this and threatened him with dire consequences if he refused to continue with his services. Despite the village committee's refusal to consider his request, he nevertheless decided to stop work.

Eight months later, members of the upper caste community called him to the village meeting and asked him if he would continue rendering community services. When he answered in the negative, he was placed under a social and economic boycott. He was restrained from walking on the village road, earning his monetary compensation in the village and from selling milk to the milkman. He was restrained from buying his daily necessities from the village shop. His children were also restrained to befriend other children. Life soon became a living hell.

In such a situation Iswar Barik put in a written police complaint. The OIC called in both the accused as well as the complainant to the police station for a negotiation. He heard both the parties out and a written agreement was signed.

In the written agreement members of the upper caste confirmed that Iswar Barik was rendering hereditary services to the villagers and to the

village deity as per the customs. When he refused to render community service to the village deity, the villagers became dissatisfied. In the village meeting it was unanimously decided to place a social and economic boycott over the barber's family.

In the agreement approved by the OIC on August 10, 2006 it was further decided that, due to the denial of community service, Iswar Barik would not be allowed to use any individual property or the property of the deity. Generally in villages one can take a bath in an open tank belonging to another. Similarly the property of the village deity is used by all for their day-to-day work. But Iswar Barik no longer had access to the facilities that other villagers were using.

p. Kashijharia village

Huri Barik is a barber living in the village of Kashijharia under Brahmagiri police station in Puri district. Prior to the commencement of the Bonded Labour System (Abolition) Act, 1976, Huri Barik and her family members have been working as *sewaks*. Under the system of *bartan* an advance of four *gounies*, approximately 10 kilos of paddy per head from each married male person of the families she is rendering her services to, is paid to the family of Huri Barik at the time of *dola purnami* once a year.

Huri Barik and her family members render various types of service such as cutting hair, washing feet, carrying loads, colouring the feet of women, etc.

The upper caste families of the village broke an unwritten agreement that has been continuing for generations. As per custom, the upper caste villagers are to give *bartan* every year at the time of *dola purnima* for the barber's family. But five families who were obliged to give *bartan* for the family extracted labour from the barber's family without giving *bartan* for a period of more than five years. Out of fear, the barber's family continued service providing. When they finally decided to stop rendering services to one of the families, the head of the family became extremely agitated.

On October 19, 2006 a certain person entered the house of Huri Barik, hurled abuse at her and then attacked her with a stick, causing heavy bleeding. He also stole a calf from Huri Barik. Apart Barik, Huri Barik's husband tried resisting him, but he was also beaten up.

On the same day, Huri Barik lodged a written police complaint to the OIC, Brahmagiri police station. The OIC implicated the accused u/s

452/323/325/294/354/506/380 IPC. The upper caste villagers held a meeting and imposed a social and economic boycott over the barber's family, and life became unbearable.

Huri Barik filed a petition in the court of SDM, Puri, u/s 2 (g) read with section 16,17,18 of the Bonded Labour System (Abolition) Act, 1976 on November 7, 2006 with an appeal to the court to make an enquiry into the matter and release the petitioner and her son, Kalu Barik, from the confines of the bonded labour system and to punish the offending party under the provisions of the law and provide some measure of relief to the petitioner as the court deems fit in the interest of justice.

The SDM took a long time to register the petition and finally a criminal Misc. Case No.1 of 2007 was registered. Swati Sucharita was the learned counsel for the petitioner and SN Tripathy, for the respondent.

The SDM, on September 27, 2007, pronounced his order which stated that there was no need to enquire into any matter concerning the status of barbers as bonded labourers. The petition was thus promptly rejected.

Being aggrieved over the order passed by the SDM, Puri in Criminal Misc. Case No.1 of 07 under the Bonded Labour System (Abolition) Act, 1976 with the observation that there is no evidence connecting the status of barbers as bonded labourers and they will not come under section 397 of CrPC has been filed in the court of district and Sessions Judge, Puri, vide Criminal Revision No. 105 of 2007 that has been admitted on December 10, 2007.

q. Bhubanapati village

Bhubanapati is a small village in Puri and is inhabited by approximately a hundred families. Among them there are five families belonging to a barber caste, out of which four of them render customary services like cutting hair, shaving, carrying loads, washing feet, etc., for the upper caste villagers in lieu of *bartan*.

The four barber families rendering customary services decided not to continue with the practice of washing the feet of upper caste villagers. On May 17, 2005 an upper caste villager invited a 76-year old barber to the village meeting where he forced him either to wash his feet as per tradition or to put in a fine of one lakh rupees to cover the cost of bringing in barbers from other districts. When he refused to carry out either of the demands, he was tied with a rope to the pillar and was severely beaten

up. After he lost consciousness, he was taken to the hospital. His son filed an FIR in the Brahmagiri police station on May 18, 2005. Following this, the upper caste villagers imposed social and economic boycott on the four barber families.

The same day Hadibandhu Barik, one of the barbers of the village, left the village as he feared for his life and safety. On May 21, 2005 he met and presented a petition to the collector to release the four families from the confines of the bonded labour system. That petition was then forwarded to the OIC.

On May 31, 2005 two small children of one of the boycotted barber families used the common tube-well, for which they were beaten. The mother of these children, Pratima Barik, put in a written complaint but no action was taken.

On June 1, 2005 the barbers of the village of Bhubanapati filed a petition in the Court of SDM, Puri, u/s 108 CrPC to direct the conflicting parties to execute a bond and to exhibit good behaviour. But that petition was kept pending for a long period.

On July 8, 2005 a Misc. Case No. 12/05 Proceeding u/s 107 CrPC was started against the bonded barbers with the allegation that they were engaging in caste politics and creating discord in the village. They were directed to appear in the court of the executive magistrate, Brahmagiri on July 28, 2005.

On July 28, 2005 the accused barbers of the village, being present in the court of executive magistrate, Brahmagiri in Misc. Case No. 12/2005 u/s 107 CrPC gave their written statement on the show-cause notice. They stated that instead of starting proceeding u/s 108 CrPC against the caste Hindu masters for their "good behaviours", the implication of the victim barbers u/s 107 CrPC is nothing but an abetment of bonded labour offence being able to stem the tide of violence, the executive magistrate, had only succeeded in endorsing the perpetration of upper caste wrongdoing. The executive magistrate, Brahmagiri, started proceedings U/S 107 CrPC against the barbers in Misc. Case No. 12/2005 demanding that they execute a bond for Rupees 1000/- for initiating caste conflict and discord in the village on July 28, 2005. Accordingly the accused barbers were present in the court of the executive magistrate, Brahmagiri. They also filed their written statement that the executive magistrate, Brahmagiri should have started proceedings U/S 108 CrPC against the

caste dominant caste for their "good behaviour" towards the barbers. It is the caste Hindu masters who have socially and economically boycotted the barbers and tortured them. They stated that they had been subjected to torture and unrest by upper caste Hindus. Their only fault was that they had refused to render customary services to their masters. It seems that the entire juridical system is loaded against lower caste barber community. Similar cases have happened in other villages where barbers have been subjected to virulent ostracism.

On August 5, 2005 Hadibandhu Barik, one of the ostracised barbers, again sent a petition to the collector appealing for a release from the confines of the bonded labour system and for protection of life and property.

When the sub-divisional magistrate, Puri, took no action to register the petition filed in the court u/s 108 CrPC, the barbers and human rights activists sat on *dharna* before the residential office of the collector on August 8, 2005.

On August 23, 2005 the upper caste villagers of Bhubanapati used the free services of a barber of the village to file a petition against other barbers and human rights activists u/s 108 CrPC. The SDM accepted that the matter had been lying pending for a long time and that he had taken as many as sixty seven days to register the case. On the other hand, the upper caste case lodged against barbers and human rights activists was promptly accepted without so much as a day's delay.

On September 17, 2005 the bonded barbers of the village filed a petition before the SDM, Puri, that Basant Kumar Barik be directed to serve a copy of the petition to them and that the court be adjourned for the next two days.

On September 17, 2005 the bonded barbers of the village filed a petition in the court of SDM, Puri, u/s 116 CrPC. They requested that before the completion of enquiry, immediate measure be taken for the prevention of breach of peace and commission of offence and to direct the miscreants to execute a bond for keeping peace and maintaining good behaviour. But the S.D.M did not take any proceedings on the petition filed u/s 116 CrPC.

On September 19, 2005 a group of upper caste villagers broke into the houses of the bonded barbers and looted all their belongings in broad daylight. They assaulted both men and women and drove them out of their homes. The police arrived and escorted the barbers away from the

village. The police lodged a case against the accused u/s 147/148/454/323/325/342/294/379/354/341/380/506/149 IPC.

Four families of bonded barbers, who left their village in a police escort on September 19, 2005 did not find a suitable place to settle in and spent the next four months wandering around the district. On January 16, 2006 they sat on *dharna* before the office of the collector, Puri. On January 20, 2006 the sub-collector informed them that decision would be taken at Brahmagiri police station. Accordingly, a meeting was held in Brahmagiri police station under the chairmanship of the sub-collector in which it was decided that no one would compel the barbers to render hereditary servitude, but if a barber were to provide services volitionally, no one would oppose it. After the meeting was over, the sub-collector and the OIC escorted the barbers back to their village.

After reaching the village all four families realised that their property had been destroyed. In addition, social and economic boycott continued. No one offered them work in the fields. Having no means of income, they finally had to compromise and drop all charges. It was clear to them that they had no option but to go back to their customary trade. Once this was done, all strife ended.

r. Chapamanik village

Benudhar Sethi, aged about 50 years, is residing in the village of Chapamanik. He is a *dhobi* (washer man) by caste and as such belongs to a scheduled caste. He is called a *sewak* whereas the upper caste members are referred to as *saantas*.

He gets a *bartan* of 12 kilos of paddy per head for each married male from the families of upper caste villagers for washing their clothes throughout the year. The same holds true once a year at the time of *dola purnima*. Beyond this no financial compensation is paid throughout the year. However, at ritual festival days the wives of the upper caste villagers give cooked food, cakes, etc., to the women of the washer man's family.

Benudhar Sethi washes the clothes of upper caste villagers but not those of the other *Dalits*.

He is treated as an untouchable in the locality. Neither he nor any member of his family is allowed to enter into the community hall, or temple. He is usually not allowed to enter the houses of upper caste villagers. On July 24, 2006 Benudhar Sethi, along with 15 other *dhobis*, held a meet-

ing at the *mandap* of the Satwikipur village. The community altar has been constructed with the help of government aid and is used for meetings. In the midst of the meeting a number of upper caste villagers attacked the *dhobis*. For the attackers it was unacceptable that people who were *dhobi* by caste had dared to hold a meeting at the altar. On July 25, 2007 a complaint was lodged against the accused persons.

s. Satwikipur village

Kelu Sethi and Kailash Sethi are brothers living in the village of Satwikipur under Brahmagiri police station of Puri district. They are *dhobis* (*washermen*) by caste. On the grounds of their untouchability, they are not allowed to sit on the *mandap*. Most of the higher caste villagers avoid physical contact with them and they cannot enter into the homes of most upper caste villagers. In community feasts they cannot eat their food along with other villagers.

They encroached upon fifty decimals of government land for twenty five years as a result of which the said land was leased out to them on October 12, 2000. Therefore, the villagers have tried to take away that particular land from their possession.

On March 27, 2003 upper caste villagers dismantled their hut. . The group of villagers also assaulted their father with an intention to dispossess them of their land. A social and economic boycott was imposed on the brothers and their families, and they were forced to register the land in the name of upper caste villagers.

The washermen put in a written complaint to the OIC on which no action was taken. They petitioned the *Tahasildar*, Brahmagiri, to restore the land to them, but no action was taken. Their repeated petitions to the collector and other higher authorities of the state government have been of no avail. Life has become unbearable for them. The upper caste villagers have compelled Kelu Sethi and Kailash Sethi to give the power of attorney to their agent to which they had to agree.

t. Gorual village

Gorual is the *Panchayat Headquarters* village under Puri Sadar police station of Puri district. Members of the *pana* (scheduled) caste include: Ramachandra Nayak, Bideshi Nayak, Sudam Nayak, Balabhadra Nayak and Markand Nayak.

Prior to the commencement of the Bonded Labourer System (Abolition) Act, 1976, the ancestors of Ramachandra Nayak and other *Pana Dalits* were allotted tax-free homestead and cultivable land and rights of tenancy. Their primary job was that of beating drums at the time of daily rituals and other festive occasions for no monetary compensation in lieu of paying tax to the intermediary.

Because of the economic consideration of tax-free homestead and cultivable land provided to the ancestors of Ramachandra Nayak and other *Pana Dalits* and in pursuance of customary and social obligations devolving on them by succession, and moreover, because of their birth in the particular caste, those *Pana Dalits* are compelled to beating of drums daily for about two hours at the time of evening rituals and other festivals of the deity without any monetary compensation.

A lot of these *Pana Dalits* are compelled to beat the drum for close on to two uninterrupted hours in the evening. If, for some reason, a *Pana Dalit* cannot attend the beating of the drums before the deity, he must allocate the task to any member of his family or to any other person dependent on him.

Because the *Pana Dalits* are bonded labourers for the service of the deity, they do not have the right to look for alternative employment. Also, they do not have the right to move freely throughout the territory of India they are not to be allowed to go out the village unless they render their service of beating drums before the deity. Even through they render the service of beating drums daily before the deity, they cannot enter the temples that are open to other Hindus.

On June 1, 2007 the *Pana Dalits* of the village declined to continue beating drums without monetary compensation. In the evening, the upper caste villagers called them to a meeting and compelled them to perform the drum beating. They were told that unless they complied, they would be forced to give up the possession of their cultivated and homestead land to the village committee. Scared, Markand Nayak and Balabhadra Nayak agreed to beat drums daily, whereas Ramachandra Nayak and Bideshi Nayak refused. Both men were beaten in the village meeting. Their houses was broken, property looted and they were driven out of the village. They informed the OIC, Puri Sadar police station, and the police lodged a case against the accused persons u/s 452/323/294/354/379/506/34 IPC and 3 SC & ST (PA) Act.

The victims sat on a dharna in front of the Collectorate, Puri. The Puri district administration twice arranged a non-formal meeting between the conflicting parties at the office of the sub-collector, Puri. Although neither the collector nor the sub-collector attended the meetings, other officers of the district administration did attend. But on both occasions the upper castes stated that they would not relent.

The upper caste oppressors had the audacity to put such demand before the district administration because the main accused was the president of the ruling BJD or Biju Janata Dal and an elected member of *Brahmagiri Panchayat Samiti*. Moreover, all the leading persons of the village, affiliated with different political parties, joined hands to extract bonded labour from *Pana Dalits*.

After sitting on dharna for more than 80 days, the victims went on an indefinite hunger strike. The ADM, along with city DSP, escorted the victims to their village on August 29, 2007 and since then a police team has been deployed there for their protection.

In the name of retaining peace and tranquillity in the village, the executive magistrate, Puri, as per the report of the OIC, Puri Sadar police station has started proceedings against the *Pana Dalits* and the upper caste oppressors u/s 107 CrPC to execute bond with sureties, but the *Pana Dalits* have refused to execute such a bond and filed a petition in the same court of the executive magistrate, Puri, u/s 108 CrPC against their upper caste oppressors to execute bond for their good behaviour. The case has resisted as case no CrMisc. Case No 581/07 and notice has been sent to the opposite parties. The upper caste villagers have appeared before the court and filed an objection. The trial of the case is pending.

4

ADMINISTRATIVE RESPONSE

When a number of barbers living on *bartan* were assaulted by upper caste villagers for refusing to perform any customary service, Panchanan Barik, an illiterate man, opened the path for non-violent struggle against hereditary bondage in Orissa. He is a barber, serving on *bartan* in the village of Handiali, under the Brahmagiri police station of Puri district.

On one occasion, he had carried some baskets of sweets and vegetables to the house of the daughter of one of the upper caste villagers. Once he arrived there, the head of the household compelled him to wash his feet, but Panchanan Barik refused. Later on that day, when he returned to the village, all the upper caste villagers assembled and were compelling him to wash their feet. When he refused, the upper caste villagers placed him under social and economic boycott. On March 16, 2003, he put in a detailed written complaint to the OIC, demanding that action be taken against the perpetrators of brutality and abuse.

The OIC assured Barik of his support to take action as per the law in consultation with his higher authorities. On March 17, 2003, he sent a copy of the complaint to the S.P., Puri, through registered post with a request to advise the O.I.C., Brahmagiri accordingly. The police however, did not perform an enquiry, nor was a case lodged against the accused persons.

On April 4, 2003 the upper caste villagers restrained Panchanan Barik's brother from reaping paddy from his field. Again he gave a written complaint to the OIC Ahmagiri police station, to take action against the perpetrators and to provide police assistance for securing the reaping of the paddy. On April 7, 2003 he met the SP, Puri with a written complaint, along with some other barbers who were in a similar situation. The SP assured them of his support and police protection. But this turned out to be a false promise. On March 19, 2003 upper caste villagers restrained all the members of Panchanan Barik's family in their house and did not allow them to come out of the house. While the family was trapped in the house, their paddy, cashewnuts and coconuts were looted, and his trees were cut down. His wife was also assaulted. Once again, he filed a complaint at the Brahmagiri police station. This time the OIC registered the complaint u/s- 342/294/323/379/506/354/34 IPC.

The OIC's report states that Panchanan Barik and his family were accused as rowdy *goondas* and anti-social in nature, and proceedings u/s- 107 CrPC were drawn by the executive magistrate, Brahmagiri, against Panchanan Barik and his family members on April 21, 2004. Among such accused persons was a person who had died fifteen years ago.

After filing the case against them, the upper caste villagers became furious and Panchanan Barik had to flee from the village. On April 26, 2003 he and two other barbers, who were in a similar situation, met the collector in his chambers, requesting him to form a peace committee in the locality, consisting of the intelligentsia, peace-loving persons, police and administrative officers, who could sensitise the people. No action was taken.

It was then that Panchanan Barik persuaded two other barbers, namely Karunakar Barik of Kahalapada village and Bhimasen Barik of Dumuduma village to lead a non-violent fight against the administrative callousness. On April 30, 2003 they informed the collector that they would sit on a *dharna* outside his office. The first demand in their ultimatum was that a peace committee be formed in order to sensitise the people on human rights issues, which would eventually lead to the abolition of forced labour in the district villages.

When there was no response from the collector the, three barbers started *dharna* in front of the residential office of the collector from May 5, 2003. After 15 days, the district administration formally requested the human rights activist, Baghambar Pattanaik, to attend a co-ordination

meeting on May 19, 2003 to be held under the chairmanship of the collector, Puri. Accompanied by Advocate Bibhu Prasad Tripathy, Orissa High Court; Advocate Ashok Das, Puri; Mohan Jena, then general secretary of *Ambedkar Lohia Vichar Manch Orissa* along with some other social activists and barbers, Baghambar Pattanaik attended the co-ordination meeting. To everyone's astonishment, the Collector had also invited the president and other members of the *khandayat* association to the meeting.

After a welcome by the collector, Baghambar Pattanaik wanted to know why the leaders of the *khandayat* association had been called for the meeting. He also presented a proof of how the *khandayat* leaders were instigating the upper caste villagers for extraction of feet washing and other services from them. The meeting continued, although the collector refused to reply the question. Among the issues discussed was how the upper caste villagers, especially the *khandayats* were compelling the barbers for feet washing and the resulting punishments which follow on refusal to do this. The case of Karunakar Barik of Kahalapada village was discussed in detail. He had not been allowed to reap paddy from his own field as a result of which he lost 80 bags of paddy in spite of repeated assurances of police protection from the SP. The SP gave a verbal order to the additional SP to inquire into the matter.

The president of the *khandayat* association promised that he would visit the disturbed villages within three days and assured the cooperation among of the upper caste villagers. Lastly, the collector announced his decisions in the meeting. As per the first decision — unwilling barbers would not be compelled to render feet washing and lifting of the left-overs. As per the second decision — no person, organisation or institution would obstruct the barbers in their servitude of own accord for maintenance of their family. As per the third decision — the cases, which would have been lodged on caste dispute, would be investigated by senior police officers after which the next course of action would be taken up. As per the fourth decision — the villagers could traffick in barbers from outside of the village for their marriage and funeral rites and nobody would obstruct them from doing so. The fifth decision was the formation of a peace committee. The collector proposed the name of the president of the *khandayat* association for the position of the president of the peace committee. Two barbers and Advocate Ashok Das were also selected to form the peace committee. On behalf of the administration,

the block development officer, Brahmagiri, circle inspector of police, Sadar, Puri and *Tahasildar*, Brahmagiri, were nominated to the peace committee. The *Tahasildar*, Brahmagiri, was nominated as the convener of the peace committee. The meeting of the peace committee was to be held at least once a month and the decisions of the peace committee were to be reviewed by the collector and the SP on a quarterly basis. As per the decision, the first meeting of the peace committee was to be held in the first week of June in the office of the SP, Puri. It was decided that all caste disputes would be adjudicated by the peace committee, and further actions on the disputes between the two community would be decided as per the decisions of the peace committee.

Immediately after the meeting, the movement gathered in Puri to evaluate the outcome of the meeting. The barbers decided that they would stand united in the face of dominant caste hostility and oppression. But as the decisions of the meeting was reviewed, and the barber community felt the decisions of the meeting were illegal, and even unconstitutional—though some of the decisions were nevertheless result of their struggle. With regard to the future course of action, it was acknowledged that it is necessary to build unity among barbers and *dalits* as the brahminical caste hierarchy had used the barbers, not only as slaves, but also as a tool for continuation of untouchability by not allowing them to cut hair of *dal*. In a historical decision, the barbers decided to extend the services of hair cutting to the *Dalits* and join the dalits in their non-violent struggle for dignity. A significant number of social activists and dalit leaders attended the meeting.

But the first decision regarding the ban on compelling the unwilling barbers to render feet washing as well as the last decision regarding the functions of the peace committee were not seen as realistic given what had taken place before. In the barbers' view, these decisions were nothing but an eyewash and a means for the police and administration to avoid their responsibilities.

As it turned out, unwilling barbers were compelled to render their services despite the decisions of the peace committee. Excommunicated barbers such as Panchanan Barik of Handiali village could not return to their villages. When the excommunicated barbers of Dumuduma village returned to their homes on May 28, 2003 they were again sort of house arrested. Having received information from other sources, the OIC, Brahmagiri

police station, reached the village of Dumuduma and released the barbers who were under house arrest. This time the police lodged a complaint but this move provided the barbers with no real feeling of security and many were compelled to leave their village as they feared for their lives.

The president of the *khandayat* association, who had been appointed president of the peace committee, now had a chance to project himself as a representative of the administration. He instigated violence and brutality against the barbers, and in many villages the barber community was ostracised. On June 6, 2003 a number of barbers from different villages wrote a petition to the collector, Puri. They met the additional district magistrate, Puri, and told that the so-called peace committee president was instigating the common people to act violently against them.

On June 13, 2003 human rights activist, Baghambar Pattanaik, wrote a memorandum to the collector, Puri. He met the additional district magistrate in his chambers and cited a number of instances where the decisions of the peace committee were intentionally violated. He also gave a number of suggestions on how to curtail brutality against the barbers. However, no action was taken. On June 26, 2003 he wrote another memorandum to the collector. He requested him to organise a meeting of the peace committee. He further mentioned in his memorandum that *Tahasildar*, Brahmagiri, and additional superintendent of police, Puri, were shifting responsibility to one another in order to not convene the first meeting of the peace committee. Therefore, he requested the collector to look into the matter. The administration chose not to respond.

Thereafter Panchanan Barik of Handiali village persuaded Karunakar Barik of Kahalapada village and Bhimasen Barik of Dumuduma village to jointly send an ultimatum to the collector through registered post in which they stated to sit on *dharna* in front of the residential office of the collector from August 5, 2003 unless the district administration acted. The ultimatum made the district administration active and another meeting was called by the additional district magistrate to review the problems of the barbers.

The second co-ordination meeting was held on August 1, 2003, chaired by the additional district magistrate, and was attended by police and administrative officers from block and district levels, leaders of *khandayat* association, bonded barbers as well as social and human rights activists. The OIC, Brahmagiri police station, said that the DSP, Puri, cir-

cle inspector of police, Sadar Puri and *Tahasildar*, Brahmagiri, made a joint inspection to some of the disturbed villages. According to him, no evidence of violence at any of the surveyed villages came to their notice. In some places, they admitted, the *khandayats* had trafficked in barbers from other districts and engaged them in customary service. Further they admitted that the barbers who had fled from their villages for fear of being assaulted had not been able to return to their villages.

The barbers talked about their miseries and how things had only gotten worse since the first meeting due to instigation and expansion of the barbers harassment to various other villages. Trinath Barik and Kanduri Barik, representatives of the barber community in the peace committee told that the barbers of the villages of Bauribasta, Pachhipal, Sahanikera, Ghanapana, Gaudiaghai, Balikera, etc., had informed the *Tahasildar*, Brahmagiri, in writing how out of fear and compulsion they were rendering feet washing and other services to the upper caste villagers. They requested him to discuss the matter in the meeting of the peace committee but the *Tahasildar* did not entertain the petition. The barbers demanded compensation for Karunakar Barik of Kahalapada village for his loss of paddy in two-and-half acres of land. They also demanded that the looted property of Panchanan Barik of Handiali village and that of the barbers of Dumuduma village be duly returned.

Nakul Barik of Dumuduma village cited specific instances of dominant caste violence and cited the actions of the president of the peace committee/president of *khandayat* association, who in person instigated members of the *khandayat* caste of 10 to 15 villages to gather in his village on June 1, 2003. A meeting, said that many barbers had been excommunicated for their refusal to wash feet of the upper caste people and pay a fine of Rs. 10 000 /- to the upper caste villagers.

Indramani Barik of Kadajitpatana village talked about the miseries of his family members and of other barbers of his village. He himself was a graduate and none of his family members had been engaged in the occupation as they had enough land to feed the family. When his kinsmen, who were practising the occupation, refused to render feet washing and other customary services, the upper caste villagers not only excommunicated those families, but also excommunicated their extended families. He said that the life of barbers had come to a standstill as they had been stopped from walking on the road, going to their paddy fields and even

using the village lavatory. He alleged that the president of the peace committee/president of *khandayat* association had himself instigated the upper caste villagers in a meeting held on June 8, 2003, in the presence of a police officer from Puri Sadar police station to excommunicate the barbers. He had also imposed a fine of Rs. 50,000/- to the barbers for having been defiant and rebellious. The president of the peace committee was so irritated on hearing this that he walked out of the meeting.

As per the first decision — the excommunicated barbers would fix up dates in consultation with the OIC, Brahmagiri police station, and return to their villages with the help of the administration. As per the second decision — all the government and non-government members would create awareness among the people not to spread the dispute to other villages. As per the third decision — the block development officer, Brahmagiri, would provide assistance to Karunakar Barik of Kahalapada village out of any government scheme. Lastly, the additional district magistrate, Puri, as the president of the meeting, in his concluding speech, requested the president of the *khandayat* association to bring peace back to the locality and withdraw social and economic boycott barbers of Kadajit Patana so as to bring back normalcy back to the village.

A few days later, a team comprising of the *Tahasildar* and a police officer was sent to the village of Kadajitpatana for inspection. The team called the upper caste villagers and the barbers to an open area. They discussed with them and advised the barbers to compromise with the upper caste villagers by calling them to a separate meeting. As per the date fixed, the barbers called the upper caste villagers to a separate meeting in the village. The upper caste villagers insisted the barbers to make a written agreement, not only in the village minutes book but also on stamp papers. The upper castes insisted that the barbers continue with feet washing and other services. They also insisted that they pay a fine for defying the upper caste villagers. Unable to find a way out, the barbers had no choice but to succumb to the pressure.

Thereafter, each barber family was to render services to a certain number of upper caste families. The services included hair cutting, feet washing and lifting of the leftovers. All the barber families of the village were turned into chattel slaves of the upper caste villagers. The other aspect of the meeting was the issue of Panchanan Barik of Handiali village and other barbers of Dumuduma village who had fled from their vil-

lages out of fear and had re-entered their villages with the help of the police and administration. But the police and administration offered no protection. On October 5, 2003 some upper caste villagers of Handiali assaulted Panchanan Barik's sister-in-law. Barik promptly lodged a written complaint. The OIC of the police station, instead of lodging a case against the accused, became abusive. So on October 10, 2003 he sent a petition to the SP complaining about the misbehaviour of the OIC. The copies of the petition were also sent to the deputy inspector general of police, Bhubaneswar Range and director general of police, Orissa, Cuttack and collector, Puri. But no action was taken at any level of the administration.

The particular OIC was harassing not only barbers but also *Dalits*. On the false allegation of upper caste villagers, Sanatan Bhoi, a *Dalit* from the village of Bhubanapur under Brahmagiri police station, was severely beaten in police custody. Seeing no other alternative more than one thousand *Dalits* and barbers sat on a *dharna* outside the Brahmagiri police station. Thereafter the notorious OIC was transferred from Brahmagiri police station, given a promotion and posted as *circle inspector* of police Sadar Puri, having control over three other police stations, including the Brahmagiri police station.

The atrocities on barbers continued on a daily basis. Again the barbers sent an ultimatum to the collector on November 1, 2003 to sit on *dharna* before his residential office unless their demands are met. The demands were simply the implementation of the decisions of the coordination committee meetings held on May 19, 2003 and August 1, 2003, i.e. police action against the perpetrators on the complaints given by the barbers at various police stations including the complaints of social and economic boycott on the ground of unlawful compulsory labour; seizure of forced agreement taken by upper caste people from the barbers at the village Kadajitpatana, etc. Having received the ultimatum, another meeting was called by the district administration on November 22, 2003. Excluding the collector and SP, all other district level police and administrative officers as well as the *khandayat* leaders were present. On behalf of the barbers, the social and human rights activists demanded for the presence of collector and SP in the meeting. Hence the meeting was postponed. The district administration called for another meeting on January 6, 2004. Again, all others except for the collector and SP were present.

Another meeting in which the aforesaid parties were requested to be present was again demanded for, which resulted in the cancellation of the meeting.

Thereafter the barbers sent another ultimatum on January 15, 2004 to sit on *dharna* before the residential office of the collector from February 9, 2004. At the same time, as forwarding their ultimatum to the collector, the human rights activist wrote a letter that though the Government of India, with a view to eliminating debt bondage, serfdom, etc., had enacted the Bonded Labour System (Abolition) Act in 1976, instead of taking action against the offenders and abettors under the Act, the Puri district administration was being used as an instrument in their hands for continuation of hereditary bondage in Puri district. In the letter it was requested that the collector should call for a meeting of barbers as well as police and administrative officers excluding the leaders of the *khandayat* association, as they had nothing worthwhile to contribute towards the discussion. The collector turned a deaf ear to the request.

On the scheduled date i.e. February 9, 2004, the *dharna* of the barbers started before the residential office of the collector. Again the district administration called a meeting in the chambers of the collector. It was held on February 22, 2004. Along with the collector and SP, all other district, sub-division, police station and block level officers as well as leaders of *Khandayat* association were present. Members of *Orissa Goti Mukti Andolan*, human rights lawyers and activist were also present.

Human rights activist Baghambar Pattanaik was requested to present his views. He was of the opinion that the issue at hand was not really a caste conflict at all. It was more of a conflict between feudal-minded people and *sewak* barbers under the bonded labour system against which the Government of India had enacted the Bonded Labour System (Abolition) Act, 1976. He also cited the landmark judgment of the Supreme Court and noted that the district administration had violated the judgment on several occasions. He requested the collector to identify and release the barbers working as bonded labourers.

In reply, the collector said that he would seek clarification from the Government of Orissa in this respect. *Sri Pattanaik* noted that as per the previous decision his letter No.3865/DRDA dated 23.9.03 on declaring the struggling barbers as bonded labourers was to be forwarded from the office of the district rural development agency, Puri to the deputy secre-

tary to Government of Orissa in *Panchayati Raj* department. This was again decided in the decision taken in the meeting of *Puri* district bonded labour vigilance committee for clarification. However, no letter seeking a clarification of sorts was ever sent. The collector replied that there was no necessity of seeking clarification from the government for identification of bonded labourers as the collector is empowered to do so by taking the help of the *Puri* district bonded labour vigilance committee and social action groups as per the decision of the Supreme Court. At the same time the collector insisted a need for clarification from the government.

Other issues raised in the in the meeting was inspite of the agreement between both the community, barbers are still forced to do all the cousta-mary practices, the president of the peace committee acting as the main instigator of violence. The problem that babrbers of the village *Kadajitpatana* was also discussed in the meeting and they narrated how the member of the peace committee-cum-president, *Khandayat* association himself instigated the common people against the barbers and fined Rs.50,000 to the barbers in a meeting for defying the villagers of *Kadajitpatana* in the presence of police officer on the question of feet washing on June 8, 2003. They also explained how only after joint inspection of police and administrative officers, the upper caste villagers forcibly took written agreements from all of them to render feet washing and other customary services. Even after hearing from the witness, the collector and SP didn't utter a single word against the *Khandayat* leaders for which one of them was proud enough to say that they would continue trafficking in barbers from outside the district for getting their feet washing and other services done by them. In this situation Mr. Pattanaik requested the collector as the president of the meeting to minute the exact version of the discussions of the proceedings.

Lastly, the collector requested the barbers to withdraw the *dharna*. The barbers refused to relent. So the meeting came to an end without any result. When the proceedings of the meeting were given to the participants, it was seen that most of the points raised by Mr. Pattanaik were not recorded in the minutes of the meeting. So he again mentioned those points and sent them to the collector asking him to insert the same in the proceedings.

Panchanan Barik of Handiali village, was facing virulent ostracism and all the villagers were restricted from talking to him. The same day

Panchanan Barik got into an argument regarding the grazing of cattle and in the process was beaten up by one of the upper caste villagers. He went to Brahmagiri police station to file a complaint. The OIC of the police station sent him to the local primary health centre for treatment, accompanied by a police officer. In the mean time another upper caste villager severely beat up Panchanan Barik's wife and disrobed her. With great difficulties she reached the police station. By that time her husband had also returned to the police station from the health centre. When he again gave a written complaint regarding the assault on her wife, the OIC told him to take her to the primary health centre for treatment. This time no officer was assigned to accompany them. They returned to the police station but none of the officers was willing to listen to them and they were unable to file a case. The next morning Panchanan Barik and his wife, having given their cows to the people at neighbouring villages on fruit-share basis, left the village.

On March 5, 2004 Panchanan Barik again met and requested the OIC of the police station to file a case against the perpetrators. But the OIC said that he had entered the complaint into the station diary and advised him to compromise the case with the villagers. Panchanan Barik did not agree and on March 8, 2004 he sent the copies of both the complaints to the SP, Puri, on a registered post, with a request to enquire the matter and file a case against the perpetrators. But the SP did not take any action. Thereafter both Panchanan Barik and his wife Rani Barik rejoined the ongoing *dharna*.

On March 8, 2004 March Rani Barik sent a petition to the collector on registered post. She described in detail the harassment that they were being subjected to. She mentioned in her petition that the decisions taken by the district administration were not being properly implemented and requested the collector to release her family members from the confines of the bonded labour system. The collector did not respond to her.

As the collector and the SP did not care to listen to Rani Barik, she gave a petition to the Orissa human rights commission, Bhubaneswar detailing the compulsions that they face to render bonded labour in the villages.

Social and human rights activists also intervened in the matter. They sent petitions to the Orissa human rights commission for consideration on violations of the provisions of Constitution of India, the Bonded

Labour System (Abolition) Act, 1976 and the judgment of the Supreme Court by Puri district administration in taking decisions regarding bonded labour. It was noted that the acceptance of trafficking in barbers violates Article 23 of the Constitution of India. Similarly, forcing the barber community to perform the customary service to the upper castes and forcing them to continue the traditional system of *bartan* violates section four of the Bonded Labour System (Abolition) Act, 1976. The discussions with the leaders of *khandayat* association, not only once but six times, by the district administration in spite of repeated petitions against those individuals abetting the offence of bonded labour system also violates section 20 of the Bonded Labour System (Abolition) Act, 1976. Non-inquiry by the collector regarding enforcement of bonded labour, advancement of bonded debt and extracting bonded labour under the bonded labour system as per the Bonded Labour System (Abolition) Act, 1976 in spite of several petitions given to him violates Section 12 of the Act. Non-response to the letters of the members of the Puri district bonded labour vigilance committee regarding the identification and release of bonded labourers violates the judgment of the Supreme Court. In the petitions they requested the Orissa human rights commission to recommend to the collector and the Government of Orissa to identify, release and rehabilitate the barbers working as bonded labourers in Puri district, Orissa.

The Orissa human rights commission on receiving complaint from Rani Barik, asked the collector on May 6, 2004 to submit a detailed report on the factual submissions, allegations and grievances of the petitioner within four weeks. In its letter the commission asked the collector to indicate the action taken by the district administration or at the local level to resolve the dispute in accordance with the law, the details of incidents in respect of which information had been lodged with the police from time to time and action taken by local police in respect of each such incident and the position of investigation of such cases, whether any members of the aggrieved community had been subjected to any assault, social boycott or any other the form of harassment and if so, the steps taken to provide security to the victims and to vulnerable group. The collector was also asked to furnish his views on each of the prayers of the petitioner. Though the collector was asked to report within four weeks, from May 6, 2004, he has failed to provide a report. In spite of several reminders sent

to him from the office of the commission, until the writing of this book, the report has been delayed by 25 weeks.

As the barbers continued the non-violent struggle for their release from the confines of the bonded labour system, an organisation called *Odisha Goti Mukti Andolan* was formed, and the movement officially started its office in Puri..



National Shame Rally in Bhubaneswar

On June 4, 2004 the sub-collector threatened the barbers sitting on *dharna* before the residential office of the collector to vacate the place. In response, the representatives of the *Odisha Goti Mukti Andolan* met the sub-collector with a memorandum dated June 5, 2004 for the abolition of the bonded labour system from Puri for the rehabilitation of bonded labourers. It is mentioned in the memorandum that if the sub-collector uses force to break up the non-violent struggle of bonded labourers, the *Odisha Goti Mukti Andolan* would take up *satyagraha* according to the path shown by Mahatma Gandhi.

Thereafter the district administration called another coordination meeting between the *khandayats* and the barbers for resolving the conflict. Meanwhile the *Odisha Goti Mukti Andolan* held , a consultative meeting with a number of people's organizations, NGO leaders, human rights activists and social activists in Puri on July 11, 2004. The result of the gathering was *inter alia* a request for the collector to discuss with *Odisha Goti Mukti Andolan* the issue of bonded barbers without the presence of the leaders of the *khandayat* association. They also informed the collector that if the leaders of the *khandayat* association join the meeting, the barbers would boycott it, and the *dharna* would continue. If necessary, *Odisha Goti Mukti Andolan* would take up *satyagraha* for the release of bonded labourers. Accordingly, *Odisha Goti Mukti Andolan* informed the conclusions of the meeting to the collector on July 15, 2004. Thereafter on behalf of the district office, Puri judicial section, it was again informed on July 22, 2004 that the proposed meeting, which was scheduled to be held on July 24, 2004, was postponed until further information.

Keeping in view the observance of the year 2004 as the International Year for the Commemoration of the Struggle Against Slavery and its Abolition by the United Nations, the members of the *Odisha Goti Mukti Andolan* moved from school-to-school and college-to-college, organising educational sessions to sensitise students and teachers to the struggle against slavery's offshoots, such as human trafficking, child labour, forced marriage and bonded labour. Twelve such meetings were held in high schools, where 2000 students sent postcards to the chief minister, Orissa; chairperson of the Orissa human rights commission; Puri collector, etc., Students requested them to identify and release bonded labourers sitting on *dharna* before the residential office of the collector. The students univocally demanded the abolition of hereditary bondage. Being inspired by UNSECO's and Anti-Slavery International's plan to focus on hereditary bondage, college students led by the students of GM Law College, Puri, under the banner of "Breaking the Silence" observed August 20, 2004 as the International Day for the Remembrance of the Slave Trade and its Abolition. They organised a seminar and thereafter held a rally in which a memorandum was given to the collector, Puri. The memorandum blamed the collector for his unconstitutional and unlawful decisions that have resulted in the continuation of the bonded labour system in Puri. They demanded the district administration to obey Indian law; otherwise the students would join with *Odisha Goti Mukti Andolan* on its non-violent struggle for release of bonded labourers.

Students committed to human rights and the members of *Odisha Goti Mukti Andolan* took up the task of sensitising Orissa's intellectual circles to the issue. Moving door to door, they met with writers, poets, artists, lawyers, teachers, doctors, retired government officials, social workers, NGO leaders, members and ex-members of legislative assembly and Parliament to inform them about the hereditary bondage of barbers working in rural areas in lieu of *bartan*. A large amount of leaflets, which contained information regarding the bonded labour system in Puri district, were distributed. The leaflet stated that 700 people living in 82 families of bonded labourers in 18 different villages were socially and economically boycotted and tortured. In the leaflet there was a request to send letters to the chief minister, Orissa, and Puri district administration for the abolition of bonded labour system in Puri District. The intellectual circles reacted well to the campaign and massive numbers of people,

including MLAs, MPs and even a minister serving in the state government sent letters to Orissa's chief minister and Puri district administration to take action for abolition of the bonded labour system.

However, the nexus between the upper castes, administration and political powers was hard to break. In 2003 when the barbers were sitting on *dharna* before the residential office of the collector for 15 days, a Member of Orissa legislative assembly, posed a query to the Chief Minister at the assembly session, based upon a report published in an Oriya daily called *The Samaj* on May 15, 2003. He wanted to know whether it was true that persons belonging to the barber castes were being assaulted and excommunicated for the sole reason of denying to perform feet washing and lifting of leftovers, he wanted to know how long the situation has gone on; and to which castes the perpetrators belong; and furthermore, what steps have been taken by the government to protect the barbers?

The chief minister of Orissa answered his questions in the affirmative. He said that the people of barber castes had been engaged in such work for generations in the houses of upper castes villagers, but as a result of increasing consciousness among the people, the practice was gradually disappearing. As regards the steps taken by the government, he said that local police officers were trying to bring about a reconciliation between the barbers and the members of higher castes, especially the *khandayats*. Because of the role of *khandayats* in maintaining the practice, they have been warned to dissuade themselves from it. On several occasions, under the guidance of collector and SP, Puri, the leaders of both the castes are being called for meetings where complaints are being discussed and solutions are being looked for.

It is a irony that while the chief minister was telling in the Orissa legislative assembly that the members of upper castes, especially *khandayats*, were given a warning to dissuade themselves from harassing the barbers, at the same time a cabinet minister, *khandayat* by caste, in charge of panchayati raj department was attending functions of the *khandayat* community of the village Kahalapada. Ironically enough, Karunakar Barik, a barber from the same village was sitting on *dharna* before the residential office of the collector, because the *khandayats* of the village were not allowing him to reap his ripe paddy from his own land due to his refusal to wash feet and cut hair of the *khandayats*. The cabinet minister used the

very road that was adjacent to Karunakar Barik's fields where cattle was grazing the ripe paddy as he arrived to the meeting hosted by the *khandayat* community of the village.

When the barbers were sitting on a *dharna* in Puri in May 2003, a press meeting was held in Bhubaneswar concerning the issue of barbers and bonded labour. Instead of perceiving the situation narrowly as an issue of bonded labour, the press release referred to it as an issue of caste atrocity perpetrated by the *khandayats*. Unfortunately this provided a chance for the administration and political power to divert attention from the issue of bonded labour to the issue of caste conflict. The non-violent struggle over the issue of bonded labour in Orissa reached its peak after the *dharna* had lasted 271 days before the residential office of the collector, Puri. All attempts made by the district administration to break the *dharna* failed dismally. On March 5, 2004, at 8 p.m. in the Circuit House, Puri, the collector urgently called a meeting for redress of grievance of *bartan* receiving barbers of Puri district. Both the barbers living on *bartan* and other barbers engaged in various other occupations, including government service, also attended the meeting. In the meeting held, the barbers submitted their seven-point charter of demands to the collector and Mohan Jena, ex- general secretary of the *Ambedkar Lohia Vichar Manch*, then serving as an MP. The collector requested human rights activist Baghambar Pattanaik to speak about the problems encountered by the barbers. He explained that the first and foremost issue was that of bonded labour. While there was a discussion over the demands of the barbers, the seven-point charter of demands was not touched upon. The collector assured the attendants that the district administration was determined to remove social evils and urged the barbers to have faith in the administration. He also said that the problems of the barbers would be examined in the light of the provisions of the Bonded Labour Abolition Act and other suitable legal measures. When he requested the irate barbers to withdraw the *dharna*, they replied that they would continue it until they are freed from the confines of the bonded labour system once and for all. But the barbers engaged in other services – excluding the customary service on *bartan* – pressurised the bonded barbers to withdraw the *dharna*. Finally, the barbers announced the postponement of the *dharna* for a month.

5

POLICIES AND PROSPECTS

Article 4 of the Universal Declaration of Human Rights (UDHR) proclaims, "No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms." In the same vein, Article 8 of the International Covenant on Civil and Political Rights (ICCPR) also provides that "no one shall be required to perform forced or compulsory labour".

Long before the birth of the first international human rights instrument, the Slavery Convention signed in Geneva on September 25, 1926 defined slavery in Article 1 as, "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." and the parties to the Convention undertake in Article 2, "to bring about progressively and as soon as possible the complete abolition of slavery in all its forms."

The 1926 Convention's definition of slavery has been broadened to include the practices and institutions of debt bondage, serfdom, etc., in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted at a United Nations conference in Geneva in 1956. The Supplementary Convention has been ratified by a number of states, including India.

Similarly, Article 23 of the Constitution of India enacts a very important fundamental right: the Prohibition of Traffick in Human Beings and

Forced Labour which states, "(1) Traffick in human beings and *begar* and other similar forms of the forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law."

The Judgement Paragraph 14 of WP No.8143 of 1981, September 18, 1982 in the case of PUDR vs Union of India, the Supreme Court reads, "When the Constitution makers enacted Article 23 they had before them Article 4 of the Universal Declaration of Human Rights but they deliberately departed from its language and employed words which would make the reach and extent of Article 23 much wider than that of Article 4 of the Universal Declaration of Human Rights. They banned trafficking in human beings which is an expression of much larger amplitude than slave trade and they also interdicted *begar* and other similar forms of forced labour."

Having defined the word *begar*, the Supreme Court in the same paragraph notes, "Forced labour for private service is prohibited. *Begar* may therefore be loosely described as labour or service which a person is forced to give without receiving any remuneration for it". In the same judgment in paragraph 15 the Supreme Court notes, "We are, therefore, of the view that where a person provides labour or service to another for remuneration which is less than the minimum monetary compensation, the labour or service provided by him clearly falls within the scope and ambit of the words forced labour under Article 23". Moreover Article 23 (1) envisages legislation for the enforcement of constitutional prohibition. Section 374 of the Indian Penal Code is one such enactment, albeit a pre-Constitutional one.

With a view of preventing the economic and physical exploitation of the weaker sections of the people, the Bonded Labour System (Abolition) Act, 1976 has been brought into force throughout the length and breadth of the country with effect from October 25, 1975. This Act has been enacted with a view to giving effect to Article 23 of the Constitution, which prohibits trafficking in human beings and *beggar*, and other similar forms of forced labour.

Section 4 (1) of this Act says that on the commencement of this Act, the forced labour system shall stand abolished and every bonded labourer shall on such commencement, stand freed and discharged from any obligation to render bonded labour. Section 4 (2) of this Act says that

after the commencement of this Act, no person shall compel any person to render any form of forced labour. Section 5 of the Act invalidates any custom or tradition or any contract or agreement or other instrument by virtue of which any person or any member of the family or dependent of such person is required to do any work or render service as a bonded labourer.

Section 10 to 12 impose a duty on every district magistrate and every officer to whom power may be delegated, to inquire whether, after the commencement of the Act, any bonded labour system or any other form of forced labour is being enforced by or on behalf of, any person residing within the area of his/her jurisdiction and if any person is found practicing the bonded labour system or any other form of forced labour, the person is required forthwith to take the necessary action to eradicate the enforcement of such forced labour.

Section 15 provides for the constitution of a vigilance committee in each district and in each sub-division of a district and sets out what shall be the composition of each vigilance committee. The functions of the vigilance committee are set out in Section 14 and among other things, the section provides that the vigilance committee shall advise the district magistrate as to the efforts made and action taken, to ensure that the provisions of the Act are properly implemented, to provide for the economic and social rehabilitation of the freed bonded labourers.

As regards the definition of bonded labourer, the Supreme Court in a writ petition No.2135 of 1982, dated December 16, 1983 in the case of *Bandhua Mukti Morcha* vs. Union of India, stated — "It is of-course true that, strictly speaking, a bonded labourer means a labourer who incurs or has or is presumed to have incurred a bonded debt and a bonded debt means an advance obtained or presumed to have been obtained by a bonded labourer under or in pursuance of the bonded labour system and it would therefore appear that before a labourer can be regarded as a bonded labourer, he must not only be forced to provide labour to the employer but he must have also received an advance or other economic consideration from the employer unless he is made to provide forced labour in pursuance of any custom or social obligation or by reason of his birth in any particular caste or community".

As regards the identification and release of bonded labourers the Supreme Court, in the same judgment paragraph 25 notes, "We would

therefore direct the vigilance committees as also the district magistrates to take the assistance of non-political social action groups and voluntary agencies for the purpose of ensuring implementation of the provisions of the Bonded Labour System (Abolition) Act, 1976".

I In spite of innumerable impediments in International Human Rights Instruments, the Constitution of India, the Indian Penal Code and the Bonded Labour System (Abolition) Act, 1976, the bonded labour system continues unabated, particularly in Puri, Orissa. Among the worst hit are the barbers. A simple resistance by the bonded labourers of Puri makes the upper caste people, police, administration and political powers join together to not only continue but strengthen such a system, which results in the futility of the International Human Rights Instruments and the Constitution of India. A non-violent peaceful struggle like the *dharna* organised by the bonded labourers is smashed by legislative and administrative powers with the aim of silencing the marginalised voices.

Section 2 : Initiatives at district level

As per the writ petition number 1187 of 1982 regarding the setting up of vigilance committees under the Bonded Labour System (Abolition) Act, 1976, the Supreme Court has directed the Union of India to take up the matter with the State Governments and ensure that Vigilance Committees, as required by the Act, are constituted in all states. Accordingly in Puri district the bonded labour vigilance committee has been constituted. There are ten members in the Committee, out of which four are government representatives, including the collector as the chairman; one bank manager; two NGO members and three members from scheduled castes and scheduled tribes.

Some members of Puri district bonded labour vigilance committee and social action groups including *Ambedkar Lohia Vichar Manch*, Orissa organised a workshop in Puri on April 20, 2003 on the topic of *bartan*. One sitting judge from the Orissa High Court inaugurated the workshop and the collector joined as the chief guest. A number of lawyers, academics, social activists and human rights activists participated in the event. The workshop defined the reasons why barbers and washermen working in rural areas should be identified as being part of/and released from the bonded labour system. The workshop recommended to the collector and the SP to take action against those who are com-

elling the barbers and washermen to provide their services on hereditary basis, under the Bonded Labour System (Abolition) Act, 1976. It also made an urgent appeal for the rehabilitation of freed bonded labourers. The resolution of the workshop, along with a letter-dated April 26, 2003, were handed over to the collector at his chambers by a group of human rights activists. In the forwarded letter, who mentioned the sufferings of Panchanan Barik of Handiali village and Karunakar Barik of Kahalapada village, with a request to release them from the confines of the bonded labour system.

On August 6, 2003 the project director of the district rural development agency, Puri, called an official meeting of the bonded labour vigilance committee. Before the meeting, four non-government members of the vigilance committee assembled and prepared a proposal, the first part of which laid emphasis on the need for identifying all the barbers and washermen working in lieu of *bartan* as bonded labourers as per the bonded labour system (Abolition) Act, 1976. In the proposal they clearly explained the reasons why such persons should be identified as bonded labourers. The proposal was addressed to the Chairman of the bonded labour vigilance committee/collector which was handed over to him along with a request for a discussion and a further decision to that effect. Having received the proposal the chairman of the meeting/collector said that clarification would be sought from the government in that respect. The proceedings, instead of being written at the time of the meeting, were written later on. It was simply stated that some non-Government members had given a proposal to identify barbers and washermen working in rural areas as bonded labourers. It was decided that clarification would be sought from the government whether the system came under the bonded labour system abolition Act or not, and only then would a subsequent course of action follow.

The copies of the minutes of the meeting received by the participants showed that one such copy had also been sent to the secretary to government, panchayati raj department, Orissa, Bhubaneswar by Project Director, DRDA, Puri, vide memo number 3477 dated August 21, 2003.

On behalf of the collector, clarification was sought from the Government of Orissa vide Letter No.3865/DRDA, Puri, dated September 23, 2003 addressed to the deputy secretary to the government, panchayati raj department, Orissa, regarding bonded labour which was

also enclosed with the minutes of the meeting of the Puri district bonded labour vigilance committee held on August 6, 2003.

On September 13, 2003 a human rights activist sent detailed letters by registered post to the chief secretary, Government of Orissa, secretary panchayati raj department, secretary home department, Government of Orissa, Bhubaneswar and to the director general of police, Orissa, regarding the ongoing bonded labour system in the state. He requested them to direct the district administration to implement the Act so that the weaker sections of society could be saved from physical and economic exploitation. Along with the letter, he sent the minutes of the three meetings presided over by the collector or the additional district magistrate, Puri, and the minutes of the meeting of the Puri district bonded labour vigilance committee.

The bonded labour vigilance committee, in a letter dated August 5, 2005 to the district magistrate and collector, mentioned that no meeting was called after the last meeting held on August 6, 2003 and no action was taken on their letters dated December 11, 2003, March 8, 2004 and March 23, 2004. They reminded him about his inaction on the decision of the meeting held under his chairmanship on November 5, 2004 to solve the problem of the barbers of *bartan bhogi* village in the light of the bonded labour system (Abolition) Act, 1976.

They referred some cases like physical assault on Chandramani Barik of Bhubanapati village, Bansidhar Barik of Sahasapur village, Jalandhar Barik of Sanabenabudi village as well as the situation of Hadibandhu Barik of Bhubanapati village. They questioned the collector about the rightness of implicitly the bonded barbers of Bhubanapati u/s 107 Cr P.C for keeping peace and tranquillity in the locality. In this case the barbers are tortured in the village, when they informed at the police station, the Brahmagiri officer in charge in spite of taking any action against the oppressor, put Sec-107 against both of the parties. Therefore the vigilance committee members challenged the proceeding against barber. They explained the provisions of the Bonded Labour System (Abolition) Act, 1976 and the judgments of the Supreme Court, and the manner in which the barbers of Bhubanapati could be identified as bonded labourers, on which the collector took no action. They requested the collector to call a meeting of the bonded labour vigilance committee as soon as possible to discuss the bonded labour system prevalent at Bhubenapati and other vil-

lages of Puri district. The collector took no action in regards to the letters of the vigilance committee.

The members of the bonded labour vigilance committee in their letter dated February 13, 2006 to the district magistrate and collector questioned the legality of the district administration in making an agreement between the barbers and the upper caste members in the village of Bhubanepati. They argued that such administrative inaction was only perpetuating the bonded labour system instead of being able to bring about its abolition. Again they requested the collector to discuss in detail about the oppression caused on the grounds of bonded labour and about the release of victims from the confines of the bonded labour system. They also requested the collector to ensure presence of their representatives in such meeting. Copies of the letter were also sent to the chief secretary, panchayat raj secretary and the home secretary, Government of Orissa.

The Government of Orissa advised the collector to call a meeting of the vigilance committee to see if some of the members of the barbers community satisfy the condition of bonded labours system explained in the bonded labour system, abolition Act, 1976 in a letter from the Panchayati Raj Department no. 3152 dated April 19, 2006. It was also advised that after the meeting the proceedings should be sent to the department at an early date for further action at the government level. But the collector remained silent on both matters. No meeting of the bonded labour vigilance committee was held.

On October 16, 2006 the bonded labour vigilance committee again approached the collector regarding the prevalence of the *bartan* system in rural areas. They were of the opinion that the upper castes were extracting bonded labour from barbers and washer men in lieu of *bartan*. As per custom dalits neither give *bartan* nor use the services of barbers and washermen, therefore *bartan* perpetuates both untouchability and the bonded labour system in rural areas. The committee cited the cases of Iswar Barik of Inchhal village and Benudhar Sethi of Chapamanik village, both of whom had been subjected to brutality and violence. They again requested the collector to call the meeting of the vigilance committee for abolition of bonded labour system. They also requested to call Baghambar Pattnaik to such a meeting. The copies of their letter were also sent to the chief secretary, Panchayati raj secretary and home secre-



Dharna in front of the Puri district collector's office that lasted for 271 days during 2003-04

tary Government of Orissa for their information and necessary action.

Having received their letter, the Government of Orissa and the panchayati raj department in their letter number 15353 dated November 17, 2006 requested the collector to hold the meeting of the Puri district bonded labour vigilance committee at an early date and send the proceeding of the meeting to the department. The collector was also requested to refer to the panchayati raj department letter number 3152 dated April 19, 2006. Even then the collector took no action. Neither was the meeting of the vigilance committee called, nor was any report sent to the panchayati raj department.

The members of Puri district bonded labour vigilance committee in their letter-dated Decembr 11, 2006 to the collector again mentioned how *bartan* perpetuates both untouchability and bonded labour system. They also named 19 persons from 19 villages in Puri district who were being compelled and assaulted on the basis of their hereditary occupation. They expressed their regret due to not taking the assistance of bonded labour vigilance committee for years as per the direction of the Supreme Court. They referred to bonded labourers sitting on *dharna* at Subhash Bose Square, which was a matter of shame for the administration. They

again requested the collector to call the meeting of the vigilance committee as soon as possible as well as to call Baghambar Pattnaik to the meeting. The copies of the letter were sent to revenue divisional commission, Orissa; central division, panchayati raj department; revenue department; SC & ST development department; labour and employment department; home department; and the chief secretary, Government of Orissa, Bhubaneswar, for information and necessary action.

On December 11, 2006 the bonded labour vigilance committee and the sub-divisional bonded labour vigilance committee made a separate affidavit regarding perpetuation of untouchability and bonded labour system in Puri district and the non-calling of the meeting of that committee for years in a row. They authorised Baghambar Pattnaik to take up the issue at different levels for the smoother functioning of such committees for abolition of the bonded labour system.

On December 13, 2006 Baghambar Pattanaik of the *Odisha Goti Mukti Andolan* held a discussion with the commissioner/secretary to government, PR department, and ST and SC development department and revenue department. A memorandum was written following these discussions. It was attached with the affidavit of the bonded labour vigilance committee and the sub-divisional bonded labour vigilance committee of Puri district regarding the failure of the district administration in calling a meeting of the vigilance committees for years in a row. Copies of the memorandum and affidavits were also submitted to the principal secretary to government, home department and chief secretary to Government of Orissa.

After a period of three years and five months, the meeting of Puri district bonded labour vigilance committee was finally held on January 16, 2007 in the chambers of the collector under the chairmanship of the collector. Swarnalata Devi, a member of the committee, was of the view that barbers and washermen were still working as bonded labourers. The collector told her to get an order from the court of law by which the committee would consider the matter. His rejoinder to her was that bonded labour was virtually non-existent in Puri. When the project director, DRDA, Puri, requested the members to submit the names of the bonded labourers in Puri, Swarnalata Devi submitted a detailed list of such names. When the members of the bonded labour vigilance committee requested the collector to invite Baghambar Pattnaik at the meeting, the

collector's reply was that the district vigilance committee was a statutory body formed by the government. Therefore no other member can be called in to attend the meeting.

In a letter dated June 6, 2007 the district bonded labour vigilance committee and the sub-divisional bonded labour vigilance committee along with social action groups informed the district magistrate and sub-divisional magistrate of the plight of the *pana dalits* of Gorua. The *pana dalits* were being compelled to beat drums without monetary compensations daily before the village deity. They requested to take on the newspaper reports against the upper caste members of the village as per the directions given in the DO number 11016/14/2001/BL dated July 30, 2002 of the Government of India, ministry of labour circulated to chief secretaries of all States / UTs. They also nominated Baghambar Pattnaik on their behalf to argue in favour of the *pana dalit* bonded labourers of the village of Gorual.

2007 to advise the collector to give cognisance on the news paper reports submitted by the members of Puri district bonded labour vigilance committee and social action groups.

The joint secretary of the Government of Orissa, panchayati raj department in a letter number 21067 dated June 30, 2007 requested the collector to inquire into the matter of *pana dalits* and report it. In a letter number 24812 dated August 2, 2007, he also sent a reminder to the effect.

The *Tahasildar*, Brahmagiri, as per the letter of the sub-collector inquired the matter and submitted his report in which he stated that the people of Panasahi have been using the land of the village deity for a long time. They are required to beat drums in front of the village deity at the time of evening *arati* and traditional ceremonies. Two persons, Rama Nayak and Bideshi Nayak, refused to do so. After their refusal some villagers told them to vacate their land. The *Tahasildar* took the written statement of the upper caste perpetrators who admitted that the *pana dalits* of Panasahi were beating a drum before the village deity, which is their hereditary service and for which they have been allotted land for housing and cultivation. The sub-collector took no action to release the *pana dalits* from the bonded labour system.

On July 30, 2007 Baghambar Pattnaik submitted a petition to the sub-collector and the SDM, analysing the inquiry report of the *Tahasildar*, Brahmagiri. He provided evidence that the service they rendered was

coming under the bonded labour system as per the bonded labour system (Abolition) Act, 1976 section 2g (ii), (iii), (iv) & (v) with (1), (2), (3) & (4). He requested the sub-collector and SDM, Puri, to release the *pana dalits* of the village of Gorual from bondage and to bring the perpetrators of violence to justice.

Having gone through the contents of the proceedings of the meeting held on August 6, 2003 the non-government members of the bonded labour vigilance committee felt that their proposal had not been properly reflected in it. This was because the causes for identification of barbers and washermen as bonded labourers had not been mentioned in the proceedings. Therefore on December 11, 2003 the non-government members of the vigilance committee and human rights activists wrote a letter to the collector clearly mentioning lacunae in the proceedings, including the detailed reasons of why the barbers and washer men working in rural areas should be identified as bonded labourers. They requested the Chairman, bonded labour vigilance committee / collector either to take the necessary steps to identify them as bonded labourers or seek clarification from the government in the panchayati raj department for the same as soon as possible, so that the bonded labour system is abolished. The letter was delivered to the office of the DRDA, Puri, and an acknowledgement of the receipt was received from the concerned receiving officer.

When inquired few days later, it was revealed that the clarification sought by the collector vide letter number 3865/DRDA dated September 23, 2003 for the identification of bonded labourers and the minutes of the meeting of the bonded labour vigilance committee sent by the project director, DRDA, Puri, vide letter number 3477 dated August 21, 2003 had no entry even in the letters receipt register maintained in the panchayati raj department.

Again, the bonded labour vigilance committee sent a letter-dated March 8, 2004 by registered post to the collector, Puri. They expressed their grief that the copy of the letter sent by the collector seeking clarification from the government, though available in the concerned file at DRDA, Puri, had not been received at the panchayati raj department of the Government of Orissa. Similarly the letter to the collector was also not available in the concerned file at DRDA, Puri. Again they mentioned the causes in detail why for the barbers and washermen working in rural

areas in lieu of a payment in kind in advance known as *bartan* should be identified as bonded labourers. They requested the collector either to identify the barbers and washer men working on such conditions as bonded labourers or seek clarification from the government, clearly mentioning the conditions of their service as bonded labourers. They also requested him to directly convince the higher authorities in this regard.

Apart from giving advice to the collector for the proper implementation of the Bonded Labour System (Abolition) Act, 1976 in respect to identification of bonded labourers, the non-government members of Puri District bonded labour vigilance committee also tried their best to perform the duty given to them in the meeting of the vigilance committee held on August 6, 2003. In that meeting the members were told to inform the district committee with facts about the existence of bonded labourers in the district, by which necessary action would be taken as per the relevant legislation. The non-government members of the district bonded labour vigilance committee jointly wrote to the chairman of the vigilance committee / collector on April 22, 2004 about the existence of 17 bonded labourers. In that letter they not only mentioned but also enclosed a portion of the judgment of the Supreme Court on how and why such 17 barbers were coming under the bonded labour system. The collector was also requested to get an enquiry done by an executive magistrate, under the Bonded Labour System (Abolition) Act, 1976 and issue a release certificate without further delay.

Baghambar Pattanaik took up the responsibility of dispatching the letter of the non-government members of Puri district bonded labour vigilance committee to the collector, Puri. When he approached the office superintendent to give the letter and an acknowledgement of the receipt, he agreed to receive the letter but refused to put his signatures on a piece of paper as an acknowledgement of the receipt. He then approached the head clerk of DRDA but he also treated Pattanaik in the same way. It is worth noting that he was actually the same person who had received the previous letter of the non-government members of the district bonded labour vigilance committee dated December 11, 2003. It was later found out that the letter had disappeared. This time he refused to put his signatures on the acknowledgement of the letter. Baghambar Pattanaik then met the project director, DRDA with a petition to the effect. However, the project director told him outright that during his career, he had nei-

ther acknowledged the receipt of a letter from any private person nor he would advise his staff to do the same. Next, Baghambar Pattanaik met the additional district magistrate, Puri, with another petition to advise the office superintendent in charge of letter receipt to receive the letter and to put his signature on a piece of paper as an acknowledgement. The ADM, Puri, said that there was no provision in issuing an acknowledgement against any receipt of letter or even putting signature on a piece of paper as an acknowledgement. Pointing towards some advocates sitting before him, he said that such acknowledgements are not being issued even to advocates. Being disappointed with not getting proof of submitting the letter to the collector, Baghambar Pattanaik sent the letter on March 29, 2004. Having mentioned all these matters in detail, he filed a petition and requested the collector and his subordinates to acknowledge letters from common people. The petition has been heard but the judgment has not yet been communicated to him.

The collector gave no importance to the letter of the non-government members of Puri district bonded labour vigilance committee, though they carried out their duty sincerely as per the decision of the Vigilance Committee. The collector did not even care to respond to their letter. Instead of responding to the members of the bonded labour vigilance committee for their letter or calling a meeting of the Puri district bonded labour vigilance committee for discussion on their letter, the district office, Puri, judicial section vide its letter number 632/Judl dated April 29, 2004, signed by additional district magistrate, Puri, sent a letter to Baghambar Pattanaik for his information about the decision of the Government of Orissa in panchayati raj department on the question of barbers and whether they were coming under the bonded labour system or not. The letter stated that the panchayati raj department of the Government of Orissa had carefully examined the issue and had concluded that barbers and washermen working in rural areas were be identified as bonded labourers as per the guideline issued vide Government of Orissa in revenue department in their letter number 2525/R dated January 12, 1981 under the bonded labour system (Abolition) Act.

Baghambar Pattanaik immediately responded to the letter of the district office, Puri, judicial section by sending a letter to the collector on registered post on May 10, 2004. He stated that the collector was responsible for such a clarification from the Government of Orissa in panchayati

raj department, as he had not consulted the district bonded labour vigilance committee and social action groups despite the order of the Supreme Court. He mentioned that as the collector did not mention the conditions of service on which barbers and washermen were working it was natural for the government in the panchayati raj department to give such a clarification.

Moreover, as regards the guidelines issued vide revenue department in their letter number 2525/R dated January 12, 1981, as mentioned by the district office, Baghambar Pattanaik replied that it was contrary to the meaning of the guidelines issued by the revenue department. He clarified that as per the definition of bonded labour mentioned in the aforesaid guideline, there are five clauses under which a person could be identified as a bonded labourer. All such five effects with four obligations were applicable to barbers as debtors working in rural areas in lieu of *bartan*, which only those barbers who live on *bartan* are compelled to work due to custom or social obligation or due to their birth in that particular caste are bonded labourers. He posed the question of how a guideline could express two opposite views to the collector. Lastly he requested the collector to seek clarification based upon the data provided to him by the members of Puri district bonded labour vigilance committee in their previous letters.

6

CONCLUSION**RIGHTS, FREEDOM AND
LIBERATION**

A treachery or a conspiracy may stall a popular movement for a certain period of time but it cannot finish it off. Such has been the case in the struggle against bondage. The non-violent movement of barbers, which has lasted 271 days, has ended up without anything to show for. But one thing is clear. It has changed the mindset, not only of those who suffer within the confines of the system, but also of the members of intelligentsia who have now started to look at the matter in a larger perspective.

The movement has roused the ire of students, teachers, doctors, poets, artists, writers, lawyers, social workers, politicians and judges. It has also provided an opportunity to identify the offshoots of bonded labour for observance in 2004 as the International Year for Commemoration of the Struggle Against Slavery and its abolition; and August 23rd as the International Day for the Remembrance of the Slave Trade; and December 2nd as the International Day for the Abolition of Slavery.

The impact of the movement on political power can be seen from the actions of the ministers of different backgrounds. When a powerful minister of the Government of Orissa belonging to an upper caste is using

administrative help to harass barbers in order to secure the continuation of bonded labour system, another minister belonging to a scheduled tribe is writing to the chief minister, Orissa and collector, Puri, to release the barbers from the confines of the bonded labour system.

The movement has also been to some extent successful in bringing a change in the decisions of the bureaucracy. The district administration, which once issued a letter saying that barbers did not come under the bonded labour system, has now resolved that the problems of barbers would be examined in the light of the provisions of the Bonded Labour System (Abolition) Act and other relevant legal measures.

The most important result is the unity between *dalits* and barbers, which started from the barbers' decision to provide their services for *dalits*, as opposed to the Brahminical caste hierarchy.

The movement originates over issues at a local level. So far it has only reached up to the district level. Unless it wins recognition at the national level, it will be difficult to achieve results even at the local level, as it is the collector of the district who is to identify, release and rehabilitate the barbers. But without funds released from the state government; rehabilitation, identification and release of barbers from hereditary bondage cannot succeed.

This is a movement of agitating barbers working as bonded labourers in Brahmagiri, Puri Sadar and Satyabadi blocks of Puri district. It is a movement to addressing the bondedness of barbers, throughout the state of Orissa. Therefore identification, release and rehabilitation of barbers cannot be seen as isolated only to a local, or even to district level.

Moreover, hereditary bondage is not confined only to barbers, but also extends to washermen and various other categories of people such as *sewaks* in coastal Orissa and *naria* in western Orissa, amongst many others.

The Government of Orissa revenue department letter number BL-62/80-2525/Rev Bhubaneswar, dated January 12, 1981 states, "It has not been possible so far to conduct detailed survey for identification of bonded labourers due to various reasons." Such a statement from the Government of Orissa stands unchanged even today, as many as twenty four years since it was written. Instead of conducting a detailed survey for the identification of bonded labourers, the Government of Orissa claims that there are no bonded labourers in the state.

The ministry of labour, Government of India, has enhanced rehabilitation assistance to Rs. 20,000/- per bonded labourer with effect from April 1, 2000. The scheme of rehabilitation of the ministry of labour is a plan scheme, the responsibility for which is shared jointly by the Government of India and the respective state governments. The Government of Orissa in a revenue department vide letter number 2525 dated January 12, 1981 further admitted that a complete scheme of rehabilitation could not be received from all the concerned collectors, due to which no scheme could be furnished to the Government of India for rehabilitation of bonded labourers in the state of Orissa. Even after a lapse of 24 years since the issue of the letter, such a state of affairs continues.

For a complete abolition of the bonded labour system in Orissa, the first and foremost requirement is to change the mind-set of the administration. Parliament has laid down a functioning legislation with regard to the abolition of bonded labour in 1976 and the Supreme Court has clearly defined that Act in a landmark judgment in 1982. The lack of political will from the side of the executive to implement the Act in its true letter and spirit is urgently needed. The second foremost requirement is the state government shares 50 percent of the funding. It is naturally a difficult task on the part of a poor state like Orissa to mobilise 50 percent from its own sources. Nevertheless, in such cases, the state government can seek assistance from the United Nations Development Programme in order to fulfil the UN mandate for abolition of slavery by rehabilitating the freed bonded labourers.

Suggestions

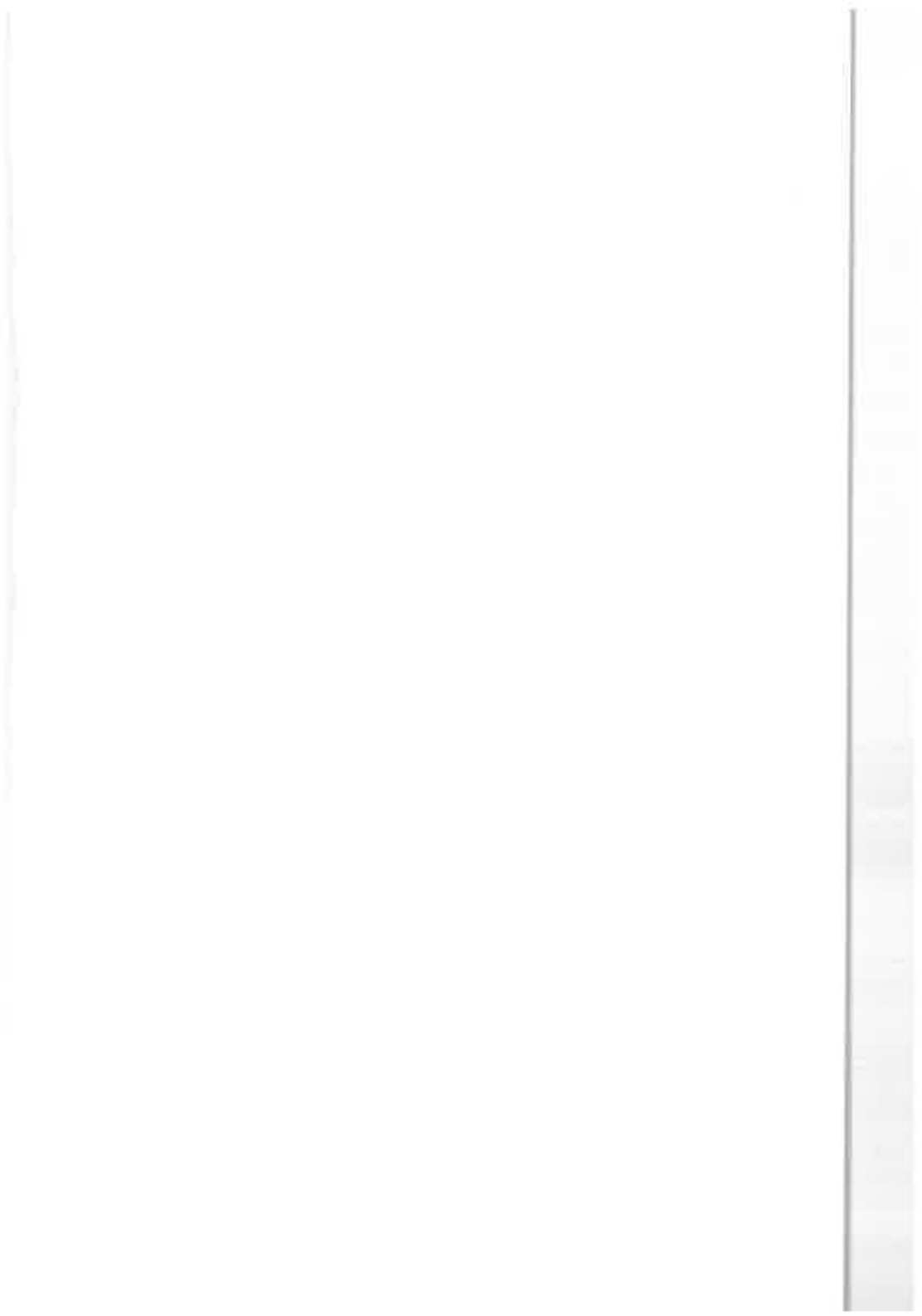
Official action alone cannot remove bondage and slavery. Deep-rooted attitudes and customs must change. Individuals and associations can engage in many actions at the local, district, state and national levels. Meetings, art exhibitions, debates, essay competitions in schools, seminars, workshops and rallies organised for college and university students play an important vis-a-vis regarding the issues of bondage, child labour and slavery.

- August 23rd, International Day for the Remembrance of the Slave Trade; December 2nd, International Day for the Abolition of Slavery; and December 10th, Human Rights Day should be observed with a special focus on slavery and bondage.

- The electronic and print media should be mobilised. Public personalities should be encouraged to promote respect for human rights.
- Bonded labourers should be made aware of their dignity and human rights.
- Those concerned should organise sit in or *dharna* before the office of the collector in their respective districts. Human rights activists should guide them in their non-violent struggle.
- Persons affected by hereditary bondage and slavery-like practices as well as social and human rights activists should hold *dharnas*, rallies, etc., in the state capital to pressurise the government to conduct a detailed survey for identification of bonded labourers throughout the state and rehabilitate them as per the orders given by Supreme Court.
- Meetings in each district should be held to sensitise the members of district bonded labour vigilance committees about their role and responsibilities as per the Bonded Labour System (Abolition) Act, 1976 and the judgment of the Supreme Court.
- Meetings in each district should be held with NGOs and social action groups for identification of bonded labourers in collaboration with the district administration.
- Members of the legislative assembly and Parliament should be approached in the matter.
- Complaints should be filed before the magistrate by the bonded labourers themselves if the police do not register the case.
- PIL should be filed at the Orissa High Court so that the police and administration can draw proceedings against the upper caste violators.
- A PIL should also be filed at Orissa High Court against the upper caste persons u/s 153-A IPC for promoting violence towards barbers and placing them under social and economic boycott.
- A PIL should be filed in the Supreme Court to direct the collector to rehabilitate bonded labourers identified by the members of Puri district bonded labour vigilance committee and for the Government of Orissa to make a detail survey for identification of bonded labourers including barbers, washermen and other similar categories living under hereditary bondage throughout Orissa.
- A strong demand should be made before the Government of India to ratify the Optional Protocol to the International Covenant to Civil and

Political Rights, enabling the Human Rights Committee c/o Office of the High Commissioner for Human Rights, United Nations, to receive individual communications regarding the violation of human rights.

- A coordination committee of human rights activists at the national level should be formed to fight against hereditary bondage, involving barbers, washermen and other categories to release them from the confines of the bonded labour system.
- Human rights activists should come forward to take up *satyagraha* and remain in custody until people are released from confines of the hereditary bondage and the Bonded Labour System (Abolition) Act, 1976 is implemented in its true letter and spirit.





STRUGGLE FOR DIGNITY

On one side India is shining and on the other side slavery is prevailing unabated in one form or the other. Those people under contemporary forms of slavery, in the state of Orissa, are born to render services to the upper castes as per customs and because of the obligations forced on them by succession. They are to maintain their family in lieu of an advance called '*bartan*' customarily paid once a year or in lieu of a piece of land called '*Heta*'. If they deny to render such service they are socially and economically boycotted and tortured. They are struggling for their right to live with dignity and get wage for their work. They are bonded labourers as per the Bonded Labour System (Abolition) Act, 1976. Most pathetic is that only the upper castes extract service from these castes. In most of the states such system is prevailing in rural areas but nowhere they have been identified, released and rehabilitated as bonded labourers. The people's struggle started in some villages of Brahmajiri block in Puri district of Orissa against customary service, which has now been named as movement for abolition of bonded labour system, the *Odisha Goti Mukti Andolan*. In the year 2004, the Government of Orissa did not admit that they were bonded labourers. But in the year 2007, the government was forced to admit that they were bonded labourers. But till date not a single struggling bonded labourer has yet been identified or released by the Government of Orissa. This movement has not come to an end. The struggle for dignity continues.



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