



Brick Kiln workers: Negligence by Government or Society

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Abstract

This paper is a study of various aspects of brick kiln labour of India. Not much study is available to us on the conditions of the brick kiln labourers. An attempt has been made to assess the impact of modernization and Government policies on brick kiln industry. This paper also illustrates the role of Government and trade unions have been played in the Indian Brick Kiln industry.

Keywords: Unorganized sector, Migrated and seasonal labour, Advance payment, Minimum Wage, Bonded Labour/Bonded lives.

Introduction

Brick Kilns are the small scale manufacturing units employing more than 100 workers. Brick Kilns are on the outskirts of urban areas. Brick Kiln industry in India is the second largest producer of bricks in the world after China. At least 10 million labourers in India are employed in the unorganized brick kiln industry, working under unhygienic conditions. On the other hand, China's brick Kiln industry is more organized and less labour-intensive. Brick Kiln industry is seasonal, attracts migrant labourers from surrounding rural areas and forms a large bulk of inter-state as well as inter-district migratory labour force. The migrated brick labourers are generally Hindu and Muslim followers. In Hindu they belong to the poorest and weakest section. They are the deprived and exploited by the upper section of the society throughout the historical period. "Brick Kiln industry is against the Minimum Wages Act of 1948, the Bonded Labour Act of 1976, the Interstate Migrant Workers Act of 1979, Child Labour Sexual Harassment Physical Abuse; it's all happening everyday in brick kiln industry pan India."¹

Objective of the study

1. To enlighten the problems of brick kiln industry's workers.

¹ Mor Singh D.P.: Living Conditions of Women Workers in Brick Kilns-Reflecting the Agenda for Social Work: The Indian Journal of Social work: Volume- 64, Issue-3, July 2003: Pages 398-399.

2. To know the role of Government.
3. To know the social relevance of brick kiln workers.
4. To analyze the brick kiln life of a migrant worker.

Methods and Materials

Secondary data collected from internet, Government documents, and newspapers, published papers and observed studies of various brick kilns of Ghaziabad, Gautambuddha Nagar and Baghpat districts of Uttar Pradesh.

Unorganized Labour

The Indian economy is characterized by the existence of a vast majority of informal or unorganized labour employment. Brick kiln industry is unorganized industry more than 10 million labourers in India are employed in this informal sector. Brick Kiln industry is so informal, there are 50,000 brick kiln all over India, employing on average 100 workers i.e. male workers are counted only who are on the muster rolls of the employers but in this industry women, children, sister, widow mother and younger brother of male worker are directly engaged in brick work for increasing the income of the family but these are not the part of direct labour of kiln. Pregnant ladies and minor children can be seen in working of brick making and other activities of brick kiln. In other industries workers families are not directly involve in work but in brick kiln families are directly involve helping their head and generating more income for the families.²

Migrated and Seasonal Labour

The six-month season is now beginning when tens of thousands of families travel, mostly from the state to states, district to district and intra district work in the brick kilns. The work, which is seasonal, attracts labourers from surrounding rural areas and forms a large bulk of inter-state as well as inters migratory labour force. Workers in the brick kiln constitute one of the poorest and weakest sections of the rural society. The season of migration depends on the agro-climatic features of the area. The kilns shut down during the monsoon, after shutting down the kilns labour return to their home.³

Advance Payments

“Bonded labour system” means the 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 in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if

² Gupta Jyoti: informal Labour in Brick Kiln- Need for Regulation : Economic and Political Weekly: Volume-8, No- 31, August 2003: page 3282.

³ Das Suman, Hossain Akram: Socio Cultural Status of Migrated Brick Workers in West Tripura District, Tripura, India: Era International Journal of Economics and Business Review, E-ISSN 2347-9671, P-ISSN 2349-0187: Volume-2, Issue-2, November 2014: page 161.

any, on such advance, or...(among other things) he would(among other things) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or forfeit the right to move freely throughout the territory of India, or forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family.”⁴

The brick-kiln system as is in vogue in most places in India fits the textbook definition of this act – a bonded labour system which, as of the implementation of this act in 1976, should stand abolished. The reality, as always, makes us fools.

The situation in Indian brick-kilns is far from an isolated one. Bonded labour, refusal to pay even the minimum wages due, and in some cases, any wages at all, abusive employers and frequent intimidation. The International Labour Organization in a report released in May 2009 which briefly touched upon the bonded-labour type system prevalent in brick-kilns in India, had this to say about bonded labour – “bonded labourers, and sometimes their families, lose their freedom to choose employment through a system of loans or advance payments for work.”

“The workers are recruited through *Jamadars* (labour agents/contractors) of the kiln owners and such recruitment is accompanied by payment of advances to the workers for a specific period of employment. The entire family (excluding old, disabled dependent person) comprises husband, wife and children move to the brick kiln and work as one unit for the full season of the operating kiln. The brick workers generally migrate to have a better social and cultural life. Brick Kiln life is so different, workers are illiterate about their right and they are considered a tool of work. Employer always stops the payment of workers during the brick kiln work.”⁵

Minimum Wages

Workers are paid around Rs. 10000 to Rs 12000 per head, as advance payments in their village from recruiting agents. From then onwards, till the end of the brick-making season, they get paid only a food-allowance of Rs. 200/head/week. Sometimes, if they are lucky, they get paid a certain amount as balance, at the end of their season, but often times, they get paid nothing. A conservative estimate of 500 bricks being made by a person in a day brings the total amount, every month to be (the minimum wage of around Rs. 360 per 1000 bricks and 26 working days in a month) Rs. 4680. His expected pay at the end of 6 months would be Rs. 28080.

However, the ground reality is much different. They get paid only Rs. 200 per 1000 bricks. At this rate, their pay (calculated for 6 months of work, 26 days a month) comes down to $(100*26*6) = 15600$. Even after adding the weekly food allowance of Rs. 200, the total payment for 6 months comes only to $(Rs. 15600 + Rs. 4800 =) Rs. 20400$ – Almost Rs. 8000 (around 29%) lesser than what they are due.

⁴ The Bonded Labour System (Abolition) Act, 1976,

⁵ Section 14 of the inter-state Migrant Workman Act, 1979 provides that the contractor shall pay to every inter-state migrant workman at the time of recruitment, a displacement allowance equal to 50% of the monthly wages payable to him or Rs. 75/. Whichever is high?

Considering that most workers get only the initial advance of Rs. 12000 and the weekly food allowances that mount to Rs. 4800 for 6 months, they get almost Rs. 12000 lesser than what they are due (around 42% lesser than their due). Employee records and wage records are non-existent at the kilns. 12-15 hour workdays and armed goons manning the kiln premises at all times make it impossible for the kiln workers to work anywhere else. The supervisors make nightly visits, after everybody's fallen asleep and peep into every tent or shanty, to ensure nobody has fled the premises. If somebody else they knew had fled the oppressive conditions of these kilns, it was their turn to pay – with physical torture. However, such are their financial conditions that most people end up coming back again for the next season – sometimes to the same kiln, sometimes to another one. There's always been a demand for cheap, uncomplaining labour. This brick-kiln model has been existent for at least three decades, and not much has changed even after India started "Shining" more than a decade back. The real-estate industry might be thriving, but the money clearly does not trickle down to the bricks and mortar of this business.⁶

Bonded Labour, Bounded Lives

Employer forces kiln workers to live unhygienic conditions and doesn't move to another kiln to work. Employer treats kiln labourers like his bonded labourer as employer wants labourers work whether he will pay or not according to the policy. In some cases sexual harassment of labourers is found by employers. Less leave, no medical facilities, no education provision for brick kiln workers' children are given by employers. Even those workers' pregnant women and minor children are engaged in this work for more earning. Families live right next to the kilns. They have to. They are forced to. The premises lack even basic amenities such as a bathroom for women, with many of them taking bath in the open, unmindful of our presence in the vicinity. It is no surprise that illnesses abound in the kilns – lung infections, throat infections, upper-respiratory problems, eye problems. The workers did admit that the owners got them medicines and/or took them to nearby hospitals, as and when necessary.⁷

Some owners have even arranged for Sarva Shiksha Abhiyan schools at the premises, bringing in local teachers to teach the smaller kids. Despite the mid-day meals due to the kids at these schools not always being a certainty, they are crumbs of comfort to cling to. While it is unclear whether kids under 15 work in these kilns, child-labour has been reported in various kilns. Some children of school going age go to the school from brick kilns also. However their number is small. Generally only those workers who are from a nearby village in a 2-5 km radius can send their children to school as they will

⁶ National Commission for Protection of Child Rights (Government of India): A Report of the Enquiry Committee: Child Labour in Brick Kiln in Tehsil Sri Madhpur, District Sikar, Rajasthan: April 2011: Page 4.

⁷ 120 sections and 3 schedules of the Factories Act, 1948 define the welfare, facilities and convenience, safety, working hours, overtime, employment of children and women, record of workmen, leave, medical facilities, accidents and diseases, obligation regarding hazardous processes/substances

continue to study in the same school. This option is not available to workers who have come from other districts or whose villages are at some distance from the brick kiln.⁸

The weekly markets, the only day of the week when they are permitted to even step out of the kiln premises. Several hundred descend onto a couple of small lanes to buy their weekly supplies, an activity quite essential to keep the local economy going. The local residents do not work in the kilns due to the poor remuneration, but run all the shops – from the street side vendors to the doctors and the grocers, and most of their customers come from these kilns.

Conclusion

Brick Kiln industry is the most informal industry in India, kiln workers are considered as a commodity to use by the kiln's employer for personal profit earning. Role of employers and their management is very crucial; it is very hard to find a single employer to be liberal for his kiln labourers. A word strict leader can be used for kiln's owner as he wants as his followers do without any objection whether it is favorable or not. Role of Government in brick kiln industry always shows the negligence about its labour. Government appoints central, state as well as district labour authorities and these authorities' offices have all the data and details regarding organized and unorganized labour industries but these authorities always show their negligence regarding kiln labour industry. Government authorities, trade unions and NGOs knows the miserable conditions of kiln's workers but rare steps are taken by them because the owners of the kiln industry are illegally involved with local Government authorities which governs the labour industry in accordance with their working life of kiln's workers and smooth formulation of labour laws in the kiln industry. Trade Unions are the voice of labour but in brick kiln industry there is no interference of trade unions. Some trade unions' authorities say that brick kiln industry labour is informal their role in unorganized sector is very low, due to minimal access and contact with kiln's labour, trade unions can't be help them, if any activity to reform regarding kiln's labour is started, due to seasonal and migration policy of kiln's labour, these policies are ineffective. Same labour change the brick kiln in next seasonal migration so it is more typical for working in welfare of kiln's workers. NGOs frequently try to access in kiln's industry but due to autocratic role of kiln's owners, it is always ineffective. If any NGO has opportunity to talk with kiln's workers, they never tell right information regarding their working and living conditions. The fear pressure of kiln's owner is always on workers, if any worker tries to tell or uses any steps to tell or contact with any authorities (Local Government, trade union, NGO) regarding his living, working or paying condition; it comes in the knowledge of kiln's owner, worker is punished and harassed.

Central Government, concern ministries and non- profit organizations publish their report regarding kiln's workers and their miserable conditions in their reports but it is published in literature

⁸ National Commission for Protection of Child Rights (Government of India): A Report of the Enquiry Committee: Child Labour in Brick Kiln in Tehsil Sri Madhpur, District Sikar, Rajasthan: April 2011: Page 3.

only no necessary steps to improve the conditions of kiln's labour. Government also passed various laws and welfare schemes for all sectors' labour but all are ineffective in this industry. India is changing and growing day to day but brick kiln industry's labour condition is same last three decades.

A perfect finding of brick kiln industry is the owners of kiln industry are powerful and richest person in society and they belong to highest social community of Indian society and they have no ethics regarding entrepreneurship, highest numbers of kiln's owners are less educated and labour is commodity for them in profit earning there is no welfare motive and no workers' oriented vision.
