

Brick Kiln Workers: A Study of Migration, Labour Process and Employment

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Preface

The brick making industry in India, which is one of the significant industries in the unorganised sector, provides employment opportunities to a vast workforce of around five million. This sector is the second largest sector next to construction, which absorbs large floating labour from different parts of rural India.

The workers in the brick kilns constitute one of the poorest and weakest sections of the rural society comprising of agricultural labourers or marginal/small farmers who combine agricultural work along with migration from one place to another in search of employment. This migration which is usually short-term circular/seasonal, is often involuntary, undertaken by the workers in distress due to lack of job opportunities during the lean agricultural periods.

Although brick kiln workers belong to the lowest economic strata of the society with little or no land holdings migrating for short periods in a situation of desperation, yet until recently analytical attention given to this massive scale of seasonal mobility has been scant. This is coupled with the fact that at the worksite, the workers are exposed to all kinds of exploitation starting from low wages, lack of welfare provisions in the absence of any enforcement and lack of unions or NGOs to take up their cause.

It is against this backdrop, the present study has been conducted which looks into the issue of demand and supply of labour in the brick kilns, the employment and working conditions, aspects related to social and economic security and the role played by enforcement authorities, trade unions and members of civil societies.

The study highlights that although the brick making industry provides employment to a large workforce from the rural and semi-rural areas, yet in terms of the quality of employment the industry lags far behind most other industries in the unorganized sector having a direct employer-employee relationship. The wages being extremely low often compel the workers to toil hard for long hours under the burden of debt, in order to repay the loan taken from their employer. In spite of their efforts, they usually land up in a severe debt trap for several years before they can finally repay the loan. This affects their bargaining capacity and makes them doubly vulnerable.

An important contribution of the study is the analysis in terms of linking the low piece-rated wages to the problem of child labour. The study shows that while on the one hand, lack of job opportunities of the seasonal migrants and their low wages leave no other option for the workers but

to involve as many family member as possible including the children below the age of fourteen years, on the other, this extra income with the help of the family members is enough for the employers to keep the prevalent piece-rated wages low under the pretext of workers getting adequate wages. The study points out that although as a unit the income of the family may appear adequate, in terms of the work and time contributed by each individual worker, the piece-rated wage is highly inadequate.

I hope that this study of Ruma Ghosh which probes deep into the issues of migration, labour process and employment situation in the brick kiln industry would provide valuable inputs towards effective enforcement of existing legislative measures aimed at improving the quality of working life of the brick kiln workers and also provide information which are crucial for evolving proactive policies for the workers engaged in this sector.

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Chapter 1

Introduction

India is a country with a large workforce. The total employment in both organized and unorganised sector in the country as per the survey carried out by the National Sample Survey Organisation in the year 1999-2000, was 397 million, out of which about 28 million are in the organized sector and the balance 369 million are in the unorganised sector. Of the total 369 million workers in the unorganised sector, 23.7 million workers are employed in agriculture sector, 1.7 crore in construction, 4.1 in manufacturing activities and 3.7 crore each in trade and transport, communication & services.

The unorganized sector in India, which contributes 60.45 per cent share in the net domestic product of the country (Bhalla, 2003), is characterized by excessive seasonality of employment, preponderance of casual and contractual employment and absence of social security measures and welfare legislation. This sector is also characterized by low legislative protection due to scattered and dispersed nature of employment, no formal employer-employee relationship, large-scale ignorance and illiteracy and limited exposure to the outside world. These are in fact some of the reasons, which have led to perpetual exploitation of workers in this sector. These workers include the vast number of landless agricultural labourers, share croppers, fishermen, workers engaged in animal husbandry, beedi rolling, construction, brick kilns and stone quarries, handlooms weaving, and in innumerable variety of employments having no fixed employer, with a denial of minimum wages, problems of indebtedness and bondage. These workers are often migrant workers, working as either bonded or contract and casual labourers.

An important dynamic of the unorganized sector is that a large number of children are involved in this sector. There are a total of 12.5 million (Census, 2001) children who are employed as child labour. A view of the spread of working children across sectors show that more than ninety per cent of concentration is in the informal/unorganized sector. A large scale value addition by child labour takes place in agriculture and its allied sector, construction, automobile workshops run by road-side mechanics, dhabas (eating joints), brick-kilns, etc. These children sometimes work on their own or as part of the family labour with little or no wages.

With this background of the unorganized labour force, the present study aims at examining the condition of labour force in brick making sector and the factors which compel the workers to involve their children in the work in this sector which has been designated as a hazardous occupation by the Child Labour (Prohibition and Regulation) Act, 1986 and as per which children are banned from working in this sector.

Objectives of the Study

The present study attempts to capture the labour processes and employer-employee relationships in the brick kilns of Gautam Buddha Nagar district of Uttar Pradesh and analyze both the supply side and demand side factors, which can be accounted for the vulnerability and exploitation of the workers.

The specific objectives of the study are:

1. To analyse the socio-economic profile of the families working in the kilns and the reasons for their migration.
2. The employment and working conditions of the workers with special focus on child labour.
3. The role and performance of labour law enforcement functionaries and welfare measures.

Methodology and Data Source

The study has been conducted in the Gautam Buddha region of Uttar Pradesh, taking into consideration the large number of brick kilns located in this area, as well as for the locational advantage of the researcher who is based in NGIDA. In order to decide the sample of the study, preliminary discussions were carried out with labour department officials, employers organizations and a few workers working in kilns, in order to understand the spread of kilns in our study area and also the structure and organization of production and employment relations. The All India Brick and Tile Manufacturer's Federation, New Delhi, was contacted in order to get an exact estimate of the number of kilns in this region. However, the Federation could only provide us with a rough estimate and could only help us with a list of the members of the Federation only. Therefore the Labour Department was contacted which provided us with a list of all the kilns and also helped to identify the kilns that were functional during the time of our study.

A study of the brick kiln industry is not easy especially when the study relates to sensitive issues such as the employment and working conditions of the workers and the issue of child labour in the kilns. As per the list of the Labour Department, there were about 110 brick kilns in this region at the time of our study, of which 76 brick kilns were functional. Taking into consideration the resources available, it was decided to cover all the kilns of our study area (Gautam Buddha Nagar district of UP) in order to capture a complete picture of the socio-economic condition of the workers and the survival strategies that are adopted by them.

The sample households were selected by first preparing a list of households and those households having child labour by a informal discussion with the

workers and employers for all the kilns. This had to be done because the registers of the employers were not made available to the research team. There were a total of 1824 households in all the 76 kilns of which 1667 households had child labour. As decided, a sample of 30 per cent of the child labour families from each of the kilns was selected for the study. Thus a sample of 499 child labour households, which covered approximately 30 per cent of the child labour families in each of the kiln, was chosen for the study. It needs to be mentioned here that as access to the workers was extremely difficult, therefore the sampling procedure could not be done on a statistically valid basis. The employers do not share the information about the exact number of workers working in the kiln. It was only through the workers that a rough estimate could be made. Besides this, as the employers (even those who had agreed to give an access to the kiln) denied any official access to the workers, therefore the only source of getting information was to use informal methods and get access to the workers in the late evenings or in the nearby shops. Further, many of the workers did not want to give the interview, as they were afraid of the employers getting to know about it through the *thekedars*, etc. Therefore, the 30 per cent of the child labour households were selected only from those households who cooperated to give interview. It was therefore extremely difficult to strictly follow the sampling technique.

After the sample was decided upon, a pilot survey was conducted, based on which modifications were made in the interview schedule and it was then finalized.

As the aim of the research was not merely to statistically document the findings in the field, therefore the researcher took care to combine qualitative inputs which were drawn from Focus Group Discussions (FGDs) held with different target groups and also supplement the findings with a few case studies.

Chapter 2

Underdevelopment, Vulnerability and Labour Mobility: A Conceptual Framework

Theoretical Background

This chapter provides a theoretical framework for analysing the relationship between underdevelopment, migration and exploitation of the workers, which very often compel them to involve the children in the work. The process of theorization of migration began in the 19th century by scholars who emphasized on the social, cultural and economic factors as causes of migration. Migration of labour as a class has been discussed in the models of economic development and in respect of certain changes taking place in different sectors of the economy.

The dual economy model (Lewis, 1954; Fei and Ranis, 1961) explains the phenomenon of migration of labour from the subsistence sector to the modern sector of the economy. In the subsistence sector, marginal productivity of labour is low and wages are paid according to subsistence cost. On the other hand in the modern sector, there is higher marginal productivity of labour and accordingly wages are higher. Thus, because of the higher wages, migration of labour takes place to this sector. This model mainly explains the rural-urban migration of labour. The human capital approach to migration separates development theory from the theory of migration. It concentrates on the individual/family. The decision of an individual to migrate is guided by the net real income maximization over his productive life (Sjaastad, 1962). Harris Todaro (1969, 1976) emphasized that the expected stream of potential migrants depend on the prevailing urban wages and an estimate of obtaining job in the urban areas. According to this model, most of the unskilled migrants in the urban areas first get absorbed in the traditional sectors where wages are substantially lower as compared to the modern urban sector and continuously seek employment in the modern sector. The individual decision-making model has been criticised for ignoring broader macro policies.

In reality, an understanding of migration process must consider the behaviour of individuals within the larger milieu of the household and community as well as the socio-economic relations. Such a framework gives due emphasis to the push factors and shows how households rendered vulnerable, work out their survival strategies (Srivastava, 1994).

The Marxist interpretation (Bremner, 1996; Olsen, 1996) focuses on the perpetuated exploitation of migrants by capitalists and intermediaries. Studies such as that of Ramana Murthy's (2000) of the Palamur labourers in Andhra Pradesh have portrayed migrants as no more than bonded labourers – powerless and poor and perpetually in debt. For the landless labourers who are struggling

to subsist, the *maistries* (contractors) are practically monopoly creditors and monopoly buyers of their labour power in the absence of alternative sources of credit and employment. The workers are given wages, which is much lower than the market rate and are often made to work much after the normal working hours.

According to National Commission on Rural Labour (1991), the large-scale migration of workers is in fact related to uneven development between different regions of rural areas and also between rural and urban areas (NCRL, 1991). The workers who are often landless, unskilled and illiterate migrate for survival because of extreme economic and social hardships faced by them. Many a times, the migration is involuntary as in the case of seasonal migrants on account of the fact that the seasonal migrants do not generally have a choice of place or type of work, which is generally decided upon by the contractors. The development of capitalist agriculture in some areas and increase in the cultivation of cash crops like cotton, sugarcane and tobacco, has increased the demand for labour in states like Punjab, Haryana, Andhra Pradesh and Gujarat. This demand is being met by migrant labour (Singh and Iyer, 1985; Breman, 1985).

However, labour circulation is not always due to labour scarcity. It implies more a labour control strategy. Urban and rural non-agricultural informal activities such as brick kilns, tobacco processing, charcoal making, road construction, quarries, fish and fish processing employ a large number of inter and intra state migrants and this is often regardless of the location of these enterprises in labour scarce or labour surplus areas (Srivastava, 1998).

Seasonal Migration of the Brick Kiln Workers

The on going process of globalisation and flexibilisation has increased the growth of the informal sector in India as a result of which there has been a considerable change in the structure of employment. The recent years have seen the growth of casual and short-term employment. The findings of several studies have pointed out there has been a growing trend of short-term migration/circular migration, which has been not been captured very well (NCRL, 1991; Srivastava, 1998).

Migration turns into circulation when the employment is of limited duration. A marked example of circulation is that of the seasonal workers who leave their villages, often accompanied by wives and children, to escape the off-season in the agrarian cycle by working as cane-cutters or brick makers. Seasonal and circular (also known as cyclical, oscillatory) migration has long been part of the livelihood of poor people across India. The most frequently found has been the circulation of labour in search of temporary wage employment by workers who are usually from landless and small peasant households. Occupational multi-

plicity is their only means of survival. The income earned by their labour power is so low that such households cannot permit themselves to exempt any members from work even for a short time, let alone a longer period. Therefore, many communities persist for generations, a lifestyle of circular migration during lean agricultural season or where there is no sufficient work in their native place and move from one place to another pursuing similar or complementary activities at each of the places of seasonal residence.

The increasing seasonal migration of workers in different parts of the country is reflected from the studies conducted by Usha Rao (1994) of Palamur labour in Andhra Pradesh, of de Haan's (2002) study of labour migration in Western Bihar, the study of migrant labourers from Bundelkhand (Srivastava and Ali, 1981). Although seasonal migration of labour in India is not new, yet the growing number of micro-studies (Bremar, 1979; Srivastava and Ali, 1981; Bremar, 1985; Bremar 1996; Rao, 1994; Rogaly et al, 2001; de Haan, 2002) have established that seasonal migration for labour is not only growing in terms of absolute numbers but also in relation to the size of the working population as a whole. The NCRL puts the number of circular migrants in rural areas alone at around 10 million (including roughly 4.5 million inter-state migrants and 6 million intra-State migrants). According to the NCRL, the majority of seasonal migrants are employed in cultivation and plantations, brick-kilns, quarries, construction sites and fish processing. Furthermore, there are large numbers of seasonal migrants in urban informal manufacturing, construction, services or transport sectors, employed as casual labourers, head-loaders, rickshaw pullers and hawkers (Dev, 2002).

The seasonal migrant workers are most often recruited by contractors. Therefore the contractors are practically the monopoly creditors and monopoly buyers of their labour power. In the absence of alternative sources of credit and employment, the exploitation undergone by the workers is both direct and indirect - the wages are much lower than the market rate, there is extraction of overtime and involvement of child labour with little or no wages. The terms of the contract resemble those of co-existing and pre-existing attached / bonded labour relationships. In addition, the intermediaries also use traditional caste-based and patriarchal modes of oppression to maintain their exploitative labour relations (Olsen and Ramana Murthy 2000)

The present study is concerned with seasonal and circular migration for employment to the brick kilns of Gautam Buddha Nagar district of Uttar Pradesh. The empirical evidence presented in this paper is used to further explore these themes.

Coming to the brick kilns, studies have documented that the brick kiln workers belong to the lowest economic strata of the society with little or no land holdings who migrate along with their family to the brick kilns during the brick-

making season. Although the cause of migration cannot be related only to landlessness or assetlessness, yet one cannot deny the hypothesis that there is a strong link between the two. One of the earliest studies that was conducted is the study of brick kilns of Gujarat (Jayaraman, 1979), which points out that the most of the workers who migrate to the brick kilns do not have land or any other assets. They therefore borrow money from the middle men of brick kiln owners and come to the brick-kiln during the brick making season to work and repay the loan. The study also pointed out that of the several seasonal migrants who migrate to Gujarat, a large number of them join the brick kilns along with their family members, which gives a hint that there could be involvement of children as a part of family labour. The studies conducted by the Labour Bureau, Chandigarh (1982) in Punjab and Chandigarh also shows that of the total 156 workers who had migrated, only one family possessed land and in Chandigarh of the total twenty-seven families who had migrated, only two families possessed land. Similarly, the study carried by Centre for Education (1998) revealed that landlessness among the migrant workers in the brick kilns is very high.

These workers, who belong to the lowest economical state, are one of the most oppressed and exploited lot who are made to work in contingent employment relations with low wages and unregulated hours of work. Several studies point out that these workers often work for long hours with oppressive wages in order to repay the advance that has been taken by them (Patil, 1985). Chandra and Singh in their study of the brick kilns of Faridabad (1983) looked into the working condition of workers in the kilns and makes recommendation that the workers of the brick kilns should be brought under the purview of social security laws. The advance taken by the workers at times brings in an element of bondage (Rao, 1981; Chopra, 1982). The workers with almost no land and work in the place of origin, migrate with their families to the brick kiln, in order to make some earning. Although wives and children accompany all category of workers in the kilns in order to supplement the income which is generally based on piece rate wage, migration with family members is a common practice especially among certain category of workers such as the patheras or the moulders which require a lot of labourforce. However, except for the principal worker who is the male head, none of the other workers be it the women or the children, are registered as workers. The women and children only work as a part of the family work to supplement the income (Ghosh, 1999; Gupta, 2003).

As workers come to the work site for only a few months, therefore they try their best to maximize their earnings. This is done in order to repay the loan taken from the employer/ middleman and at the same time have some extra earnings in order to carry back to their native place. As payment for most of the work is done on a piece-rate basis, therefore the workers engage their family members in order to maximize their earnings. The involvement of the entire family often involves the involvement of the children, who assist the adults as a

part of the family work. Except for the baking process, the children are generally involved in all other processes like moulding the bricks, carrying the bricks to the kiln, arranging and taking out the burnt bricks from the kiln, loading bricks on trucks, etc. Often the task is hazardous as it involves arranging the unbaked bricks in the kiln, which is hot at times, or removing the (sometimes hot) bricks after they are baked. In her study of the brick kilns of West Bengal, Ghosh (1999) revealed that the different work processes in which the children are involved, is very hazardous taking in to consideration that the work involves working near fire and at the same time inhaling the dust and fumes of the kiln. The Department of Labour in its study of the brick kilns of Chandigarh (1982), Haryana (1982) and Punjab (1983) reports that although children are not directly employed in the brick kilns, yet they are generally found working as a part of the family labour.

Child Labour in Brick Kilns

The issue of child labour has become an issue of grave concern all over the world. The ILO has estimated about 210 million economically active children all over the world (ILO, 2002). Although, the number of children involved in work is very high, yet this is not always captured. This is partly because child labour is often integrated with family labour and partly because of the difficulty in collecting data. Therefore the actual dimensions of child labour are not clear. Moreover, there was a certain amount of differences also in defining child labour. The work done by children, as a part of the family is often not counted which leads to a false portrayal.

Over the years, there has been a lot of debate as to why children work and it can be seen that two major schools of thought come out clearly from the debates which mainly focus on the supply side aspect. While according to proponents of the first school, poverty is a major factor for the incidence of child labour and stopping the children from work would doubly aggravate their condition (Basu 2003, Basu and Van 1998), the second school of thought argues that lack of compulsory education leads to child labour and that the problem can only be overcome by compulsory primary education (Weiner, 1991; Burra 1996; Misra, 2000).

Although poverty clearly has a role to play in explaining the incidence of child labour, studies have shown that it is by no means the only responsible factor (Kabeer, 2003). Further, a state level analysis does not support the argument that poverty is a major factor for the incidence of child labour, as states with low incidence of child labour such as Kerala are not necessarily the richer states (Dev and Ravi, 2002). At the same time one cannot point out and say that education or the lack of it is the only factor responsible for child labour. Of late, it has been widely accepted that there is no single cause of child labour and that a multitude of factors together act to the disadvantage of certain fami-

lies and socially reproduce child labour. Besides poverty and illiteracy, the other determinants of child labour which has been identified by scholars are migration, unemployment, deep social prejudices, unattractive education system, large family size, traditional family occupation, inadequate measures of social security, ineffective law enforcement machinery, low government expenditure on education and poverty reduction, and the low wages of the adult workers (Aggarwal, 2004). Besides, the supply-driven factors, there are also factors that perpetuate the demand for child labour. The employers find it more profitable to employ children especially as a part of the family as in this way the family earns much more than what a single adult worker would have earned alone and in this way hide the low wages given to the adult worker. (GhoshSingh, Raj and Sekar, 2002).

Coming to child labour in brick kilns, it is seen that almost all the studies on brick kilns point out to the fact that there are considerable number of children involved in the brick kilns. Although children are not under the direct pay rolls of the employers, yet almost all the workers involved in piece-rate kind of work engages the women and children of the family in order to maximize the earnings (Ghosh, 1999). The children are involved in almost all forms of work in the kiln, with exception to the baking of the bricks.

In the present study it is hypothesized that the workers on taking an advance come to work in kilns and that the issue of low wages and the involvement of children as a part of the family work forms a vicious cycle, involving both the demand and supply related factors. The low wages of the adult workers leave them with no other option but to involve the children for enhancing the family income in order to repay the loan. On the other hand, as children are involved as a part of the family work, therefore the families with the extra income from children earn enough to sustain themselves. This helps to keep the wages of the adult workers less. Thus in family-based activities where wages are paid on piece-rate basis, child labour continues to exist because of the chain reaction. This is more so in case of seasonal migrant workers such as in the brick kilns, who come to the work site for a definite period of time in which they have to repay the loan taken by them as well as earn some extra money to carry back to their native place.

Chapter - 3

Evolution of Labour Relations in the Brick Making Sector

Brief History of Brick kiln Industry

In India bricks are made in almost every part of the country, and most of the brick kilns are located in the rural areas or in the outskirts of cities. Unlike western countries that use complicated modern technology for manufacturing bricks, in India the traditional technology of shaping the bricks by hand and drying them in direct sunlight is used following which they are baked in kilns. The most common type of kiln in India is the 'moving-fire continuous kiln' which was originally associated with the name of Hoffman and was first introduced in India in the 1860's. The Hoffman type of kiln is found in almost all rural areas of our country as it can be built more cheaply than any other type of continuous kiln (UNIDO, 1978). Over the years taking into consideration the high investment costs, a cheaper kiln design, known as the Blum kiln, was introduced which retained the oval shaped structures of the Hoffman kiln but dispensed with the permanent compartments by replacing it with moving iron chimneys.

The reasons why the traditional plants are more favoured in India as compared to a highly mechanized plant is firstly the need for a constant power supply, and easy access to skilled employees. Due to the absence of these basic necessities in rural areas and semi-rural areas where brick kilns are mostly found, a modern mechanized plant has not been preferred. Besides, the production costs, even the operating costs of the mechanized plants are quite high, and the margin of profit rather slim. This acts as a disincentive for the potential producers to start a mechanized plant taking into consideration the cheap unskilled labour that is found in the rural areas.

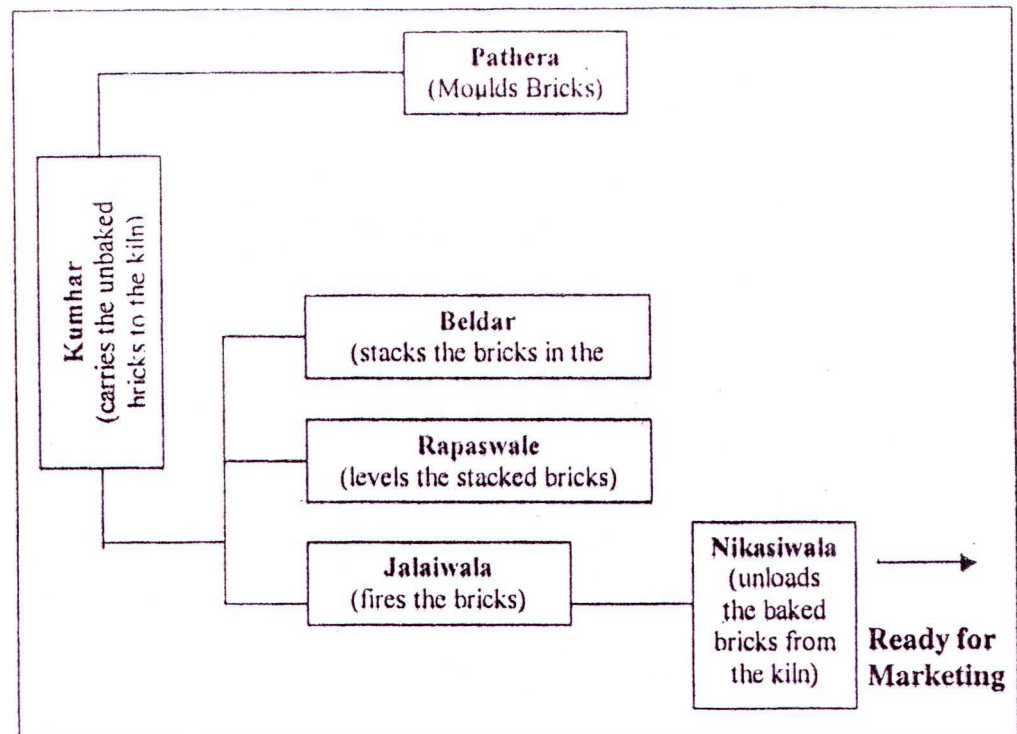
There is no official published data or precise information with regard to the number of brick kilns existing in the country. Their magnitude generally varies keeping in pace the demand for bricks and the production of bricks taking place at a particular point of time. According to the All India Brick and Tile Manufacturer's Association, New Delhi that has a record of only those brick kilns, which are members of the Association, there are about 50,000 brick kilns all over India employing on an average 100 workers. The National Commission on Rural Labour (1991) estimates about ten lakhs workers in the brick kilns. Migrant, temporary labour remains the key feature of these kilns. Besides providing employment to a large number of male workers, the brick kiln industry is also a significant employer of women and children as well.

Work Processes in Brick Kilns

Brick making which is a low technology industry, is characterized by distinct division of labour. Starting from moulding of clay in the shape of bricks, to drying them, baking them in the kilns, the extraction/unloading of the baked bricks, the division of labour may be broadly be categorized as six fold, for which there are specialized set of workers given below:

1. *Pathera* (moulder): Prepare the pits, dig the raw earth, make the dough by continuously sprinkling water on the earth and shaping the rounds of mud or clay into bricks with the help of wooden mould provided by the brick kiln owner. The moulders are paid per thousand bricks which includes all the processes mentioned here. After the bricks are moulded, women and children (in addition to the work that they do along with the *pathera* in other processes) carry them to be spread in the sun. They turn the bricks on all sides for even drying.
2. *Prajapati or bharaiwala or kumhar* (loader): Carry the *kutchra* (unbaked dried bricks) to the kilns. They use their own donkeys and cart to carry the bricks to the kilns for which they are usually known as 'donkey labour' in local parlance. These workers are also paid per thousand bricks.
3. *Beldar* (stacker): Stacks the bricks in the kiln for firing. Paid per thousand bricks.
4. *Rapaswale*: Level the stacked bricks with earth and makes the kiln ready for the burning process to begin.
5. *Jalalwala* (Fireman): Fires the kiln and watch continuously if the bricks are being properly baked.
6. *Nikasiwala* (unloader): Takes out the baked bricks from the kilns and sort and stack them according to the grade of bricks. (Bricks are graded in to different quality depending on the amount it has been burnt and the break-ages. The different grades of bricks are stacked separately and the pricing varies per thousand bricks. Till 1985, all damages were deducted from the wages of the worker except the damages caused by rain. But after prolonged strike by the workers, the onus has been shifted to the owners of kilns).
7. *Munshis*: Maintains the account for the advances to the contractors, the part wages given every fortnight to the workers, the amount of work done by the workers every day for the entire brick making season, and for other day to day expenses in the kilns.
8. *Loaders*: Load the trucks carrying the bricks to the market/clients. They are paid per thousand loaded.

Figure 1 Brick-Making Processes



The workers involved in most of the processes, except for the *jalianwala* and *nikasiwala* are all family workers. The workers come to the brick-making site along with their family members. Although the employer are aware that each worker would be accompanied by their family members, who would contribute to the work as much as the adult head, yet they totally overlook the family members and often consider it as a family activity only.

Among the different work processes, the activity that requires more labour is the shaping/moulding of bricks, which is done by the *patheras*. In order to make the bricks, the *patheras* have to do a lot of additional activities such as digging the earth, preparing the dough, drying the moulded bricks, etc. However, no additional payment is made for these activities. The workers are only paid for the total number of completed bricks. Therefore, there is maximum involvement of family members including children in this activity.

There is no interchangeability of roles among the workers. Most of the activities not being highly skilled are learnt by the workers by observing the elders and co-workers. The women and children are involved mostly in the shaping of bricks. However, children are also involved in carrying the bricks to the kiln, arranging the bricks in the furnace and at times also unloading the burnt bricks.

Demand and Supply of Labour

Workers in the brick kilns constitute one of the poorest and weakest sections of the rural society. Essentially agricultural labourers, or marginal/small farmers combining agricultural wage work, they migrate from one place to another in search of employment in the urban/ semi urban informal sector. The brick kiln industry which is the second largest sector next to construction, absorbs such a floating labour population. The season of migration depends on the agro-climatic features of the area of origin of migration and fits into the October to June cycle when the kilns operate all over India. The workers are recruited through the *jamadars* (labour agents/contractors) of the kiln owners and such recruitment is accompanied by payment of advances to the workers for a specified period of employment. Although the entire family (excluding the old and disabled) comprising of the husband, wife and children move to the brick kilns and work as one unit for the full brick-making season, yet it is only the male heads who are registered as workers by employers. The rest of the labour force remains invisible to production and therefore for all practical purposes remain outside the purview of any legislative security.

The brick making industry being a seasonal industry has no permanent workers. Therefore one major concern of the employers is with regard to a large and steady work force during the brick-making season. The employers in order to get this large and steady workforce rely on migrant workers as these workers will not find it easy to leave mid-way and in this way the employers are ensured of a steady work force. Further, in order to be doubly sure that the workers arrive to the kilns before the start of the brick-making season, the employers give some advance money to the workers so that they are tied to them for that season. The advance paid to the workers is a system that has developed from a certain correlation of the demand and supply side economics of labour. The kilns operate at a time when they can get the maximum number of seasonal workers who are freed from the land. As the kilns operate only six to eight months a year, there is a great demand for labour to be able to optimize production. The demand factor plays an important role in determining the amount of advance the employers are ready to part with in order to book the labour for the season.

The workers on the other hand belonging to the poorest and weakest sections of the rural society are also extremely vulnerable. Being mostly agricultural labourers or marginal farmers, they do not have enough work opportunities in the village. Therefore, they too are search of employment during the lean agricultural period. The advance offered to them by the *jamadars* during this period is found attractive and the workers thus offer themselves for the work. In this way, the workers are also assured of work for themselves.

Recruitment Pattern: Issues of Patronage and Exploitation

The *jamadars* (labour contractors) are a source of job information for the workers as well as a source of workforce for the employers. They work as intermediaries in the brick kilns and help employers in recruiting workers from remote areas. These agents who are often workers or have earlier worked in the kilns use their connections in their native place to supply labour force to the brick kilns. Before the beginning of every brick-making season, the employers ensure the labour supply in the kilns, by giving an advance to the *jamadars*. The *jamadars* in turn take this money and give it as an advance to people in his village or nearby villages, thus booking their services in the kilns for the coming season. The vulnerable landless workers who mostly survive working as agricultural labourers, fall in to the trap of these *jamadars* and readily accept the advance and book their labour power for the *jamadars*.

In return for their services of hiring labourers for the employer, the *jamadars* are paid a commission, which is deducted from the wages of the workers. The commission given to the *jamadars* from the wage of the workers is justified on the argument that as he has helped them to get an advance and the job, therefore the *jamadars* deserve this in return. In this way the employers are freed from their responsibility of making any payment to the *jamadars* in return for bringing the workers. It also suits the *jamadars* as their wage is also assured. The only loser however, in this process is the worker, whose substantial wage is cut in order to give commission to the *jamadar*. The *jamadar* thus acting as a common tie between the workers and the employers and by using his goodwill at both the ends, earn a substantial commission every season.

As commission to the *jamadar* is paid in terms of the work done by the workers, therefore care is taken by the *jamadars* to give the advance money only among those households which have fairly large number of members, so that more members can accompany the workers to the worksite and produce more output which will add to his income. He however does this very subtly and in fact makes the workers feel that by giving them an advance and by allowing them to carry their family members to the worksite he is indeed doing a favour to them. Thus by using his familiarity with the workers, he mobilizes people for the kiln and also earns his commission.

The role played by the *jamadar* in the brick kilns, is that of a proxy employer and the workers are accountable to him for all practical purposes. The issue of principal employer is diluted, as the *jamadars* is accountable for most of the things such as choosing the work, negotiating their wages, getting their wages cleared, etc. The workers cannot approach the employers directly. At times even if the workers have any problem with the *jamadar* regarding the commission and other issues related to the work, the worker finds it very difficult to approach the employer. The employers on their part interact only with the *jamadars* and give all instructions to the workers through the *jamadars* only. In return for the ser-

vices rendered by the *jamadars*, a part of the wages of the workers is deducted straightaway by the employers and given to the *jamadar* as a commission. This commission is calculated from the total output produced by the worker along with his family on a piece rate basis. For example for every 1000 bricks made by a *pathera*, Rs. 3.00 would be deducted as a commission for the *jamadar*.

An important feature that was observed is the dual role played by the *jamadar*. Although he works for the employer, yet being from the same village or near by village of the workers, he is also a confidante of the workers. The workers have an informal as well as a personal relationship with him. Most of the workers are known to the *jamadars* for a long time and many of them are his relatives. These aspects help in developing a relationship, which many a times is beyond the formal relationship of a job contractor and an employee. The *jamadars* act as a source of security for the workers and takes the guarantee of the workers if they are unable to return the advance taken by them within that same season. An informal agreement is made with the *jamadar* wherein he gives an assurance to the kiln owner to bring back the same worker during the following brick making season in order to enable him to repay the advance. Based on the guarantee given by the *jamadar*, such workers who have not been able to repay the advance are allowed to leave the kiln. Thus, it becomes the sole responsibility of the *jamadar* to see that such workers, who have not repaid the advance/loan, come back again during the following year. He does this by either using his good will or by using coercion with the workers.

One can therefore see that the *jamadar* on the one hand uses coercion and on the other hand shows concern for the workers. This is probably a tactic that is used by him to discipline the workers and at the same time assure the supply of labour force for the kilns. Since the commission from the workers form a major source of his income, therefore he cannot just afford to loose the workers. It is therefore that a dual role of well-wisher and patron is adopted by him to manipulate and exploit the workers.

System of Advance

The system of giving advance to the workers is a system that has developed from a certain correlation of the demand and supply side economics of labour. The kilns operate at a time when they can get the maximum number of workers who are freed from the land. However, as the kilns operate for only six to eight months in a year, therefore there are no permanent workers. Thus during the brick making season there is a great demand for labour in the brick kilns. The demand factor plays an important role in determining workers for that season. The advance that is given to book the workers could be anything from Rs. 2000 – Rs. 10,000 depending on the bargaining capacity of the workers and the requirement of the employers.

As far as the workers are concerned, not only do they lack any savings during the lean agricultural season, but they also have little job opportunities in

the village. Besides, they have little credit worthiness for borrowing money, as they themselves are often not sure as to when they would be able to repay the loan. Their labour power is the only available security for any loan. The employers of the brick kilns take advantage of vulnerable situation and offer an advance on wages that is to be repaid with the labour of the borrower. They therefore send the labour contractors/*jamadars* to the remote areas and book the services of the workers with some advance.

A discussion with some owners revealed that they prefer workers from the remote, backward areas as they do not take a large sum of money as advance and are generally happy with as much as Rs. 2,000 to Rs. 4,000. During the discussion with the employers in this study, it was learnt that the employers who earlier relied on workers from the nearby areas, have now shifted their search for workers to remote parts of Orissa and West Bengal. This is because the workers from the nearby areas of U.P. had started demanding a higher advance, which is as much as Rs. 10,000/-. This has made the employers look for agents from distant areas such as West Bengal, Orissa and Chatisgarh, from where the workers would agree to come with a lesser advance. It was learnt from the agents that the workers from West Bengal who came mostly from the backward districts such as Purulia and Malda, came with an advance of only Rs. 2000/- to Rs. 4,000/.

The advance that is given to the workers is adjusted at the end of the season when the total wage of the workers is calculated based on the work done during that season. Their earnings for the entire season is calculated after deducting the advance and the amount given every week for their ration. Although no interest is charged on the advance, yet there is a kind of informal understanding that the workers would not leave the kilns during the brick-making season. Moreover, it is also not possible for the workers to leave the kiln in the midst of a season, as it is not possible to repay the advance within a short duration taking into consideration the little wages that they get. However, if at all the workers wish to leave mid-term, he has to first repay the loan. There could be several reasons for workers leaving mid-term such as not getting enough work, illness of the worker,

Case Study - 1

Manik is a worker who is associated with a brick kiln for the past four years. Although he has never had any problem earlier, yet during the current brick-making season because of the severe ill health of his mother, he wanted to go to his native place for a few days. The employer however, did not grant him the permission saying that this would mean a loss to him as he has already invested a substantial amount of Rs. 5,000.00 to pay him advance and book him for the brick making season.

Source: Based on field work

dispute with the labour agent over wages and adjustments against advance, etc. In such situations, unless the workers are able to repay the advance, are compelled to stay behind and work for the employer till the advance is repaid. Many a times it is also seen that workers (because of not getting enough work in a kiln) move to bigger kilns. The labour agents of nearby kilns are often on the lookout for workers and depending on the demand, workers are lured away from one kiln to the other. Although this does not happen often, but it is certainly an alternative for the workers. In such cases the workers along with their recruiting agent move to a new kiln or they find a new recruiting agent who clears the advance due to the previous labour agent. This payment is not made directly by one labour agent to another but paid through the worker involved in the switch.

The system of advance binds the labourers to the contractors and indirectly to the owner of the kiln. Although in theory the workers can repay the advance or their debt to the employer, but for all practical purposes this is not easily possible and workers have to work for an entire season to repay the debt. The advance thus binds the workers for the entire season to a particular kiln and agent. The system of advance therefore plays a significant role in controlling the workers and also restricting their movement. It is seen that the kilns are well guarded by the *chowkidars* who restrict the movement of the workers. It can therefore be said that the system of advance and the subsequent indebtedness plays a major role in maintaining the workers in the brick-kilns.

The owners of kilns however had a different opinion about the advance given by them. It was pointed out by them that the advance was wrongly misconstrued to be leading to bondage and felt that the Bonded Labour Abolition Act is the main deterrent to the efficient operation of the brick kilns. Their request to the government, NGO's and other actors who intervene on behalf of the workers, is that the system of advance payment should not be confused with credit and conditions of bondage accompanying against those advances. It was also felt by them that under the garb of this Act, many workers liaise with the opponent kiln owners and file a case of bondage for shifting workers to other kilns in the middle of a brick-making season. Such an arrangement suits the employers who are either running short of workers or do not want to pay a large advance to bring workers from remote areas. The employers in fact pointed out to a recent case wherein an opponent kiln owners with the help of a local lawyer had filed a case of bondage and shifted all the workers from one kiln to that of his. In this way the kiln owner has benefited as he did not have to pay the advance to bring workers from remote places and the mediators have also been benefited. But the workers have only been exploited in the name of bondage.

Length of the Relationship

The indebtedness of the workers to the contractor/employer and the continuation of tied relationship based on the inability of the worker to return the advance can be deduced from the length of the relationship. What begins as a

nominally free and independent labour, slowly loses its nominal freedom over the years and declines into servitude by continued work for the same employer/contractor over a period of several years.

Taking the above factors into account, it was seen in the present study that many of the workers could not repay back the entire advance that was taken by them, as they needed their wages for a loan in their village or for some ceremony or obligations at home. In such a situation, the workers could repay only a part of the advance taken by them with a promise to come back the following year. The *jamadars* act as a guarantee in such cases and the workers are brought back again during the following brick making season. The employers also at times prefer to let the workers go without repaying the entire debt, as this would ensure that the worker comes back again in the following year without taking any further advance! Even if some advance is taken in the following year (which is generally less if the earlier debt has not been cleared), the employers do not mind as it ensures them the supply of workers. The following table gives an estimate of the number of workers who have been visiting the same area or the same brick kiln for several years consecutively.

Table 3.1 Years of visiting in the same area/Brick Kiln

Number of Years of Stay	No. Of Households	Percent
2-4 years	5	1.0
5-7 years	489	98.0
8-10 years	5	1.0
Total	499	100

Mode of Payment of Wages

All the workers are paid on piece rate basis except those such as the firemen, accountant, supervisor, guards, drivers, helpers, etc. However, it was seen that the piece rate that was given to the workers for the different activities was very less in terms of the contribution made and the working hours devoted for those activities. It was also seen the piece rate fixed for the different work processes did not consider the necessary labour time, the variation in the strength of the team, and the contribution of the invisible workers. The workers had to spend a reasonably long time and also involve their family members in order to earn the wage for a piece rated work such as moulding of bricks, loading of the bricks in the kiln, etc. It was seen that had the workers not worked for extra hours and involved their family members, it would have not been possible for them to earn the little they were earning. Thus if the time and manpower involved in the work is calculated, it shows that the piece rate that has been fixed is not calcu-

lated in a realistic manner and also it does not give minimum wage to the workers. It was thus seen that the minimum wages earned are at total divergence from what sounds fine as per the piece rate (for example Rs.120 for moulding 1000 bricks).

Although the wage rates for each of the processes have been designated as per the notification of the U.P. state government and the activities for which payment is made on a monthly basis, a variable dearness amount (VDA) is added once in every six months, yet in reality it was seen that inspite of the revised VDA every six months, the wages fixed are very low. So one can imagine the plight of the wages designated for the piece rated processes as they have not been revised for as long as 6-7 years.

The table below gives the government designated wages as well as the prevalent wages (that has been supposedly negotiated jointly by workers and employers before the beginning of brick making season) for the different work processes in the brick kiln. Since the wage prescribed by the government is very low, therefore enforcement of these wages is of hardly any meaning!

Table 3.2 Wage Rate for the different Work Processes

Type of worker	Govt. designated wage rate	Prevalent wage
<i>Pathera</i> (moulder)	Rs. 43.75 per thousand bricks with commission & Rs. 40.62 per thousand bricks without commission	Rs. 120.00 per thousand bricks
<i>Kumhar</i> (loader)	-	Rs. 50.00 per thousand bricks
<i>Beldar</i> (stacker)	Rs. 520.00 per month	Rs. 10.00 for arranging one thousand bricks in the kiln
<i>Rapaswala</i> (levels the bricks in the kiln)	Rs. 15.25 per thousand bricks	Rs. 25-30.00 per thousand bricks
<i>Nikasiwala</i> (withdraws the baked bricks)	Rs. 15.25 per thousand bricks	Rs. 20.00 per thousand bricks
<i>Jalianwala</i> (fires the kiln)	-	Rs. 22,000.00 to Rs. 25,000 p.m.
<i>Jamadars</i> (contractor)	-	Commission depending on the work done by workers at the rate of thousand bricks
<i>Munim</i> (accountant)	Head <i>munim</i> Rs. 850.00 per month and <i>munim</i> Rs. 740.00 per month	Rs. 2,500.00 per month
<i>Munshi</i> (Supervisor)	-	Rs.2,500.00 per month
<i>Driver</i>	Rs. 702.00 per month	Rs. 1500-2000 per month
<i>Chowkidar, chaprasi, helper, cleaner</i>	Rs. 520.00 per month	Rs. 1000.00 per month

Source: Office of the Deputy Labour Commissioner, G.B.Nagar, District U.P.

Taking into consideration the large discrepancy in the wages and the non-revision of the wages of the brick kilns for long period, a minimum wages board was set up to prescribe minimum wages for the different activities in the brick kilns. The board came up with the minimum wages applicable for the different work processes, which are as follows:

Table 3.3 Wages as per the Minimum Wages Board

Part-I : For Piece-rated workers		
Nomenclature	Proposed minimum rates of wages in Rupees	
Pathaiwala/Brick Layer (Ordinary Bricks)	184.00 per thousand bricks	
Special Brick Layer Gutka Brick Layer Tiles Layer	218.00 per thousand bricks	
Nikasi Wala	46.00 per thousand bricks	
Donkey Man/Labour (carries the bricks to and from kilns on a donkey) Rehra Wala	60.00 per thousand bricks	
Part-II : For Time-rated workers (Skilled)		
Nomenclature	Proposed minimum rates of wages in Rupees	
	Per day for 8 working hours	Per month for 26 days
Munshi	125.00	3250.00
Highly Skilled Mistry Truck Driver/Tractor Trolley Driver	140.39	3650.00
Skilled Car Driver Cook	109.62	2850.00
Semi-Skilled Jalai Wala/Bharai Wala Kari Wala Safai Wala Coal Man Tubewell Driver	104.23	2710.00
Part III : For Time-rated workers (Unskilled)		
Nomenclature	Proposed minimum rates of wages in Rupees	
	Per day for 8 working hours	Per month for 26 days
Unskilled Watchman Chowkidar Loader/Unloader	96.15	2500.00

Source: Office of the Deputy Labour Commissioner, G.B. Nagar, District UP

However, this revised wage list had not been implemented during the course of the present study and the workers were being paid as per the prevailing wage list (that is informally fixed up by the employers and also supposedly by the workers), which gets revised by Rs.2.00 or Rs. 3.00 every year.

It however needs mentioning that moulding 1000 bricks is not an easy task for a *pathera* or moulder and therefore the wages fixed is a pittance for what they do. Similar is the case of all other piece-rated workers who have to work for long hours in order to earn enough to repay their loan as well as carry back some earnings to their native place. Even for the time-rated activities, the wages have not been fixed in a rational manner and this can be seen from the wage rate that has been fixed for the *jalianwala* for eight hours although in reality has to work for at least 12 -14 hours a day! In the present study of the total 499 head of the households who have been interviewed, 400 households were involved with the work of moulding bricks (*patheras*). In the table given below, analysis is made based on the responses given by the *patheras* themselves as to the number of hours that is required by a single worker in order to mould 1000 bricks.

Table 3.4 Number of hours to mould 1000 bricks by one worker

Number of hours	No. of respondents	Percent
12 hours approx.	69	17.25
13 hours approx.	84	21.00
14 hours approx.	103	25.75
More than 14 hours	144	36.00
Total	400	100

Based on the findings of the above table, one can see that the minimum wage that has been fixed for the different work processes in the brick kilns has not been fixed for the service of one worker for eight hours! If a worker works for only eight hours, then it will not be possible for him to earn a minimum wage. Such an unrealistic way of fixing the wages probably hints to the fact that it is expected from the workers to involve the family members whose contribution to the work will be ignored and the payment will be made for a single worker only.

The wage rates that have been fixed (either by the government or by the employers supposedly in consultation with the workers) for all the brick making processes does not take into consideration the amount of time that would be required to earn minimum wages. It is for this reason the workers (particularly those working on piece-rated basis) are forced to involve their family members which includes the children.

Besides the low wage, there are several other factors which hinders the earnings of the workers such as when the workers come to the site of the kilns, they waste a considerable amount of time in setting up their dwelling place. The

moulders spend far more time than the other workers in order to prepare the earth for moulding bricks. No payment is also made for this work and the workers sustain themselves with the advance money that had been paid to them back in their village. At times the workers have to go to faraway places for their ration once a week, which again entails a loss of half a days work. There is also a loss of some workdays due to illness and many a time because there is not enough order and therefore no work for the workers.

Furthermore, the workers also pay a commission to the contractors (who are of different categories based on the work processes) from their wages, which is based on the amount of work done by the workers. For example, the contractor for moulders/*patheras* is paid per thousand bricks produced and so are the other contractors in charge of work processes such as *nikasi*, *rapaswale* and the *beldar*. They take a commission of Rs.3.00 for every 1000 bricks produced or arranged in the kiln or removed from the kiln, whatever the work process may be. But the contractor who brings the fireman to the kiln, takes a one months' salary.

It was interesting to note that the workers are not given their entire salary either on a daily, weekly or monthly basis. The employers keep a record in their register of the work done by the workers each day, but do not calculate the wages till the end of the brick making season which is as long as 7-8 months. The workers are only given a small amount of money once in every fortnight to meet their daily expenses with regard to purchasing their ration, etc. At the end of the brick making season the entire wage due to the workers is calculating following which the advance taken by them is deducted and then the remaining money is given to the workers. Thus one can say these methods of calculating the wages only at the end of the season helps the owners and the contractors to hold back the workers till the end of brick-making season when the workers have earned enough to repay the loan. It is therefore not easy for the workers to leave the kiln as and when they wish as they have to first clear the loan, which is only possible at the end of the season. Sometimes if the workers do not get sufficient work than repaying the loan may not be possible even at the end of the season.

Over the years, although there has been considerable expansion of the brick manufacturing industry, this has resulted primarily in increasing sharply the amount of initial loan/advance to perhaps trap labourers in a serious debt trap. The working conditions and wages of the workers have not improved but the burden of advance has increased. The payment and hours of work continue to be determined by the traditional coercive mechanism of over work, piece rate, family labour for the wage of one (knowing very well that a single labourer cannot earn the per thousand wage rate on his own), holding back wages by paying enough to subsist, etc.

The earnings from the brick kilns are for a period of about seven months depending on the nature of work, for example the moulders start work from

October-November and continue till June. The other workers come a month later when substantial number of bricks are moulded and ready to be stacked and fired. The rest of the year the workers depend on their income from the agricultural sector mostly as agricultural labourers. Their landholding status proves that the majority are either wholly agricultural labourers or poor peasants combining self-cultivation with agricultural wage work. At the end of the season when the workers are about to go home, they often find that after deducting the advance money and the money for their weekly ration, they have just enough money for their travel back which forces them to take an advance once again from the employer with the promise of returning it during the next season. This makes the workers feel extremely frustrated and it was mentioned by some workers that they want to run away from the oppressive working condition and labour relation, but do not wish to embarrass the contractor who is one of their own and to whom they can again resort for loans back in the village.

Legislative Provisions

A Tripartite Committee was constituted by the Government of India vide its resolution no. R.43012/2/84-LW dated the 1 May, 1984 to go into the question of having a separate self-contained legislation for the brick-kiln industry considering the special features of the industry and the difficulties in implementing the labour laws applicable to them. The terms of reference of the committee were to consider and formulate the details of having a separate self-contained legislation for the brick-kiln industry considering its special features; and to work out what type of special social security schemes should be formulated for the workers in the industry, like the Provident Fund Scheme etc. The question as to whether brick kilns can be registered as factories under the Factories Act had been examined. It has been established that the process of manufacturing bricks comes within the definition of the manufacturing process as defined under the Factories Act and that the premises where the process is carried on, is covered by the expression "premises" used in the definition of factory in the Act. However, nothing much happened beyond this.

Given below are some of the legislations under which the brick kiln industry would fit:

Payment of Gratuity Act

The provisions of this Act apply to all establishments, which satisfy the criteria of factories as per the definition of the Factories Act. The brick kiln workers therefore come within the purview of the Gratuity Act wherever the brick kilns are factories and are entitled to all benefits under that Act subject to the condition regarding completion of a specific period as stipulates in the Gratuity Act

Payment of Bonus Act

The provisions of this Act apply to every factory within the definition of the Factories Act and every other establishment in which twenty or more persons are employed on any day during the accompanying year. Brick kiln workers working in such factories or establishments are entitled to the benefits under this Act.

Employment Provident Fund and Miscellaneous Provisions Act

Brick kiln was added as a scheduled industry within the purview of the E.P.F. and M.P. Act with effect from 27.11.80 vide notification No S.85 35016(5)/76-PF II. By this, the brick kilns that employ twenty persons and above would be covered as establishments whom the provisions of the Act and the schemes framed there under would apply. Workmen as are employed in a brick kiln establishment and render sixty days of work within a total employment period of ninety days would be enrolled as members of Provident Fund, family pension fund and employees deposit link insurance fund.

Employees State Insurance Act

The provisions of this Act are extended area-wise and are applicable to 471 areas including brick kilns.

Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act

The Act applies to every establishment in which five per cent or more inter-state migrant workmen are employed or were employed on any day of the preceding twelve months. Since most of the brick kiln establishments employ inter-state migrant workers, totaling much more than five per cent through agents/sub-agents, therefore the migrant workmen will come within the purview of this Act. The workmen so recruited will be entitled to all the welfare measures and statutory benefits. They are as follows: journey allowance; payment of wages for the period of journey as if such period was on duty; displacement allowance @50 per cent of the monthly wage payable or Rs.75/- whichever is higher, (this is a one time payment); residential accommodation as may be prescribed; and, medical aid including hospitalization, as may be prescribed, reporting of cases of accident causing injury etc as have been provided under the Act.

Contract Labour (Regulation and Abolition) Act, 1970 with Central Rules, 1971

Establishments such as brick kilns which are getting certain jobs, processes or operations performed by or through contractors who are employing twenty and above workmen will come within the purview of the Act. As per the provisions of the Act, the brick kiln owners and contractors are required to obtain registration certificate of the Act.

Minimum Wages Act

Employment in brick kilns has been notified as a scheduled employment under the Minimum Wages Act by most of the State Governments and *after* issue of the notification, minimum rates of wages (both daily and piece rated) have also been notified.

Child Labour (Prohibition and Regulation) Act

Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986, prohibits the employment of children below fourteen years in occupations set forth in Part A of the schedule or in any of the processes set forth in Part B of the Schedule. Thus, there are a total of 13 hazardous occupations and 57 hazardous processes in which children are prohibited from working, of which the brick kiln industry is one such hazardous industry as per the Act. Whoever employs any child to work in contravention of the provisions of Section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees and which may extend to twenty thousand rupees or both. Further, after the Supreme Court Judgment of M.C. Mehta Vs. State of Tamil Nadu, dated December 10, 1996, the imposition of fine for a child labour found in any of the hazardous occupations and processes is Rs. 20,000/ per child.

However, one can see in the brick kilns of our study area, that none of the above mentioned Acts were being followed. The workers in our study area did not get any kind of benefits under any of the above-mentioned Acts. They were in fact not aware of any of the provisions of these above-mentioned Acts. The employers evaded all the Acts that were applicable to the brick kilns by using different kinds of tricks. They sometimes did not register all the workers in their register, so as to prove that they had less than twenty workers in their kilns. Further, they were completely not accountable as far as the family members of the workers were concerned, although they admitted that the *jamadars* have been instructed to give the advance only to those households, which have a large family to bring to the kiln. They also underplay the role played by the contractors to bring workers from remote areas and pretend to have hired the workers on their own. This is one of the reasons why the kiln owners discourage any sort of interaction of outsiders with the workers. In terms of child labour, it was seen that the involvement of children below fourteen years of age as a part of family labour was a very common feature in all the kilns of our study area. As captured in our study, children were mostly engaged as *patheras*/brick moulders along with their parents or helped their parents in carrying the bricks to the kilns or arranging the bricks in the kilns. Although the employers were quite aware that children cannot work in the brick kilns, yet in the absence of any enforcement they could safely make the children work.

The biggest lacuna in the enforcement of any law in the brick kilns is the non-cooperation of the workers themselves. The Inter-State migrant workmen (Regulation of Employment and Conditions of Service Act), 1979 which is applicable if workers are recruited through agents are not many a times enforceable as workers deny their recruitment through the *thekedars* in fear of losing the job or not getting the job in the following year. Similarly, the workers refuse to have taken advances from the '*thekedars*' in fear of being asked by the authorities for a repayment of the advance immediately and sending them back to their native place as a measure under the Bonded Labour Act. Thus it is seen that implementation of the different laws is very difficult as workers are also a party to the violations because of their extreme vulnerability and dependency on the employers and the *thekedars*.

Further, there is practically no enforcement of any of the laws in Uttar Pradesh where the present study has been conducted. This is because as per the U.P. State Government order, labour inspections in U.P. had been restricted since 1994. Inspections can only be done in the case of any complaint after taking due permission of the District Magistrate. Discussion with the officials of the Labour Department of the district, gave an idea that the U.P. government through a recent notification has ordered for the findings of the prevalence of bonded labour or child labour in the brick kilns of the state. In this regard, a survey had recently been conducted by a team of labour officials, the findings of which are yet to be made public.

Case Study - 2

The issue of enforcement of the legislative provisions was discussed at length with the officials of the District Labour Department. It was expressed by them that the Labour Enforcement officers earlier made visits to the kilns at least twice during the brick making season, i.e. at the beginning and the end of season to see if the provisions of Acts with regard to wages, etc. were being followed. However, with the following of the U.P. State Government order since 1994 this was not being done. This has made the employers openly flout all the legislations that are applicable to the brick making industry.

Source: Based on field work

Organisational Effort

A major insecurity faced by the migrant workers in the brick kilns is with regard to collective voice. It was seen that there were no organizational activity among the workers, which leaves them open to further exploitation. As workers

come from different parts of the country and the kilns are scattered with a large distance between them, therefore the workers hardly interact with their co-workers in other kilns. Furthermore, the kiln owners are particularly careful not to let their workers leave the kiln premises except for the fortnightly purchase of ration. The kilns are well guarded with the musclemen of the owner, which makes it difficult for any outsider to enter the kiln premises. Thus there is no doubt about the fact that organizing the workers is difficult.

A discussion with the workers in all the kilns revealed that they were extremely ignorant about any organization of workers and it was learnt from them that there has been absolutely no effort from the unions in trying to organize the workers or to hear their problems. The only collective voice the workers know about is with regard to the fixing of wages prior to the brick making season by an agent, who may be affiliated with some trade union. The workers pay Rs. 50.00 per head to this agent for negotiating the wage on their behalf. However, they complained that these agents include the women as well as child workers while collecting Rs. 50.00 from each worker. This is done inspite of the fact that the women and children's name do not figure in the register of the employers. Apart from this interaction, there is practically no other form of interaction between the workers and this so called union leader. The workers rely only on contractors for any help. This shows the limited dent that has been made by unions in the brick kilns.

Moreover, the unions do not have a proper framework for addressing the problems of contract work combined with piece rate wages. The problems are almost the same as with the extensive home based production.

Although there is a Construction Workers' Federations, yet the brick kiln workers do not come under its purview. The brick kiln workers are also contract workers, yet two critical factors create a divide between the construction workers and the brick kiln workers, which are - the system of wage and the system of advance payment to book the workers of brick kilns. Perhaps in all other features, the construction workers and the brick kiln workers share many commonalities including the rural urban linkages of this labour force.

Thus we see that in our study area almost no effort has been done to unite the workforce with the larger interests of the workers. This applies to the NGOs also who has not been able to carry out any welfare activities for the workers. The trade unions put counter blame on the workers that they are not interested in interacting with any union members for the fear of their employers. Thus in the absence of any enforcement of laws and union it is indeed shocking to observe how each and every law/Act is being openly flouted by the brick kiln owners.

Issue of Bondage

The element of bondage often originates in the village itself where the worker comes from and a closer tie up between the creditors, and brick-kiln owner being one and the same person establishes the relationship of bondage more clearly (Chopra 1985). The workers in brick kilns come for work after taking an advance from the employers (via the *jamadars*) and even during their stay in the kilns take loans from their employers or the *jamadars* whenever they require money. Given the system of advance and indebtedness, an element of tied labour relation or debt bondage relationship cannot be ruled out. This system of advance given by the employer through the *jamadar* is a means of control by which the employers make the workers dependent on them in order to ensure that there is adequate number of workers during the brick making season and that the work can be carried out all throughout the brick making season without any interruption caused due to workers. It also enables the employers to exploit the workers to their full advantage. However, it is difficult to track an element of bondage only through the system of advance.

Case Study - 3

Kamala is a 35 years old widow from Chatisgarh who is working for a kiln near Dadri for the last three years. Her husband had taken an advance of Rs. 8,000.00 three years back. Since the debt was not cleared because of his illness and subsequent death, she therefore has to come to the kiln in order to work and repay the loan. As the amount is very large and her children are not old enough to help her adequately, therefore she has been repaying some portion of the loan every year. She expressed that as the *jamadar* was well known to her and they came from the same village, therefore with his assurance to the employer, she was trying to slowly repay the debt by coming over every season for the work.

Source: Based on field data

A careful study of the situation and taking into consideration the Supreme Court judgment on this issue, reveals that although the earlier forms of bondage have disappeared but that has not been replaced by free labour in the orthodox Marxist sense of the term. The recruitment and employment of an army of labour migrants in the brick kilns, which is run on a capitalist mode of production, involves an absence of freedom of the labour force as a result of their debt. The workers because of the advance taken by them from the employers, are compelled to work for the employer for the entire brick-making season which has been explained in the earlier section. This indicates that there are certain features in the employer-employee relationship which are essentially those of pre-

capitalist labour relationships. This relationship which has been termed neo-bondage by scholars such as Breman has proved able to go hand-in-hand with capitalist labour practices (Breman 1993, 1997). Thus the complex reality cannot be reduced to a simple black and white contrast between free and tied labour. There are in fact a whole set of factors which works towards the commodification of labour power, towards impersonalising relations between worker and employer, and towards establishing the worker's freedom to sell his or her labour power to an employer of his/her own choice. At the same time, there are many constraints to the freedom to maneuver.

In the brick kilns of our study area although the prevalent wage rate of the workers was much above the prescribed wage rate, yet the wages are much less compared to the contribution made and the working hours devoted for those activities. The prescribed wages had not been revised for a long time and the workers did not have a strong union to demand for the appropriate wages. This was compounded by the fact that the workers in the kilns came from different parts of the country and brick kilns being scattered never got a chance to unionise for a higher wage. Thus the prevalent wages although were said to be jointly negotiated by the workers and the employers, in reality it was fixed by the workers alone by making a hike of Rs.1/- or Rs.2/- from the previous year's wage.

Similarly, when it came to mobility of the workers, one could see that the employers ensured that no worker could leave the kiln without repaying the advance taken by them. The employers till the end of the season did not calculate the wages of the workers and the workers were given only a small amount once in a week for their ration. This mechanism ensured that the workers worked for the entire season in the kiln and also repaid the advance. Further, a visit to the kilns showed that all the kilns were well guarded by the musclemen of the employers, who guarded the workers very closely and infact prevented them from speaking to any stranger.

Thus one can indeed say that although bondage in the earlier form no longer existed, yet it had certainly not changed into a free labour system. The workers continued to be indebted to the employers and often to a particular employer for years together as our findings show. They were therefore unable to hire-out their labour power to other employers, even for a better wage or for a higher advance. The employers used the advance mechanisms as a means by which to immobilise the workers during the brick-making season. Nevertheless, their relationship has undergone fundamental change over the years and this is especially true for brick kilns, where the contract is for a shorter duration. Furthermore the rising competition among brick makers have equipped the workers with a better bargaining power, as they can take advance from other kiln owners to repay the debt.

However, indebtedness continues to be a crucial aspect and the workers are often trapped in a debt like syndrome for many years whether it is with a particular employer or with various employers. Such similar arrangements are not new among industrial labour in the informal sector of both the rural and urban economies, where workers take loans from their employer, in exchange for their own labour power.

Chapter-4

Profile of the Brick kiln Workers in the Study Area

This section details the socio-economic characteristics of the brick kiln workers. It also gives information pertaining to the households of the child workers. The details are based on the sample of 499 child labour households.

Personal and Family Characteristics

The sample consists of 499 households comprising of a total population of 2650 persons with male and female members constituting 1493 and 1157 persons respectively. Of the total 499 households, 296 households belong to the Hindu community, 201 households belong to the Muslim community and only two household are Christians. As found in several other studies (Sarin & Sandhwar, 1990; CEC, 1998), the brick kiln workers belong mostly to the economically and socially backward section of the society. In the present study it was seen that the schedule caste households comprised 50.5 per cent of the households, followed by scheduled tribes which comprised of 39.5 per cent of the population, upper castes which comprised only 6.0 per cent of the sample and OBC which constitute 4.0 per cent of the population.

The brick kiln workers migrate seasonally to the brick-making site along with the family members who can contribute to the work and earnings of the family. The workers therefore migrate along with their family members like wife, children, brothers, or other relatives who can contribute to the work. The grown up unmarried girls are usually not brought to the kilns. It was seen that there was not much difference in the average size of the households, which had migrated to the work site, although in reality this may not be the actual size of the family as the very small children and grown up girls are often not accompanied. The average size of the households, which has migrated to the kilns in the present study, is 5.3, which denotes that each worker must have come to the kiln with about four members of which at least 2-3 members would be potential workers. A break up of the households in terms of the different castes shows that that there is not much difference in the average size of the households across various castes.

When it comes to a break-up between the male and the female population across households, it is seen that 56 per cent of the population are males and 43.66 per cent of the population are females. This indicates that female come in large number to the kilns along with their family members in order to help their family members to produce more output and thereby have more earning. In fact this is the reason why many a times members of the extended family accompany the household. Further, as the commission of the *jamadars*/labour agents

depends on the work produced by the workers, therefore the *jamadars* take care to see that the advance is distributed among households which can bring more adults to the kilns in order to contribute to the work. The large size of the households also benefits the employers, as this enables them to get more workers in return for a lesser advance. It was seen that almost all the households except one, were headed by male members. Even the only household which was being headed by a woman (a widow), was found to be visiting the kilns even prior to her husband's death and continued to do so because of her acquaintance with the *jamadar*.

Table 4.1 : Social Profile of the Population by Caste and Gender

Caste	No. of Households	Males	Females	Total	Average HH size at the work site
Upper	30 (6.0)	91	62	153	5.1
OBC	20 (4.0)	66	43	109	5.5
SC	252 (50.5)	769	555	1324	5.3
Others	197 (39.5)	567	497	1064	5.4
Total	499 (100)	1493	1157	2650	5.3

An age group wise break up of the sample indicates that 20.06 per cent of the population is below fourteen. Thus on an average about one child per family has accompanied the adults. A closer look at the break up shows that there are more children in the 10-14 age group. This is because the children in this age group can be potential workers, who can help their parents in producing more output. A discussion with the workers revealed that all the children of the family were not brought to the worksite. It was only the very small ones and those who could contribute to the work, were brought to the worksite. Even the young unmarried girls or newly married daughters were generally not brought to the kilns as the workers felt that the kilns are not safe for young girls. There are a lot of uncertainties while traveling and at the worksite for which the young girls and women often stay back in their native place. A look at the age wise break-up of the workers also reveals that the workers in the kilns are mostly young in the age group of 15-40, who can work hard for long hours to produce more output. This is clearly evident from the data which shows that the proportion of girls is lesser in the younger age groups, and 69.25 per cent of the workers are in the 5-40 age category.

The *thekedars* generally give the advance to those households who have young workers and who can produce more output, as their commission depends on the output produced by the workers. This was also admitted by the *thekedars*. Thus even if the families did not have enough young members, they would ask members of the extended family or their wife's family to accompany the family to the worksite. This stands equally true for the elderly family members who are usually not taken to the kilns which has also been reflected from the findings of the present study which one see from table 4.2 given that there are very few workers above 40 years of age.

Thus, one can see that as the elderly members of the family and the young girls/women cannot be brought to the kilns, therefore the workers have very little option but to involve the slightly older children of the family in the work. Their involvement is more required taking into consideration the fact that the work is piece-rated and more the involvement of family members, the more will be the output and also the wages.

Table 4.2: Age group and gender distribution of the sample population

Age group	Male	Female	Total
0-4	71 (4.75)	61 (5.27)	132 (4.98)
5-9	89 (5.96)	81 (7.00)	170 (6.41)
10-14	142 (9.51)	88 (7.60)	230 (8.67)
15-20	239 (16.00)	90 (7.77)	329 (12.41)
21-24	235 (15.74)	121 (10.45)	356 (13.43)
25-29	213 (14.26)	189 (16.35)	402 (15.16)
30-34	185 (12.39)	179 (15.47)	364 (13.73)
35-39	195 (13.06)	190 (16.42)	385 (14.52)
40-45	83 (5.55)	97 (8.38)	180 (6.79)
46-50	35 (2.34)	53 (4.58)	88 (3.32)
51-54	5 (0.33)	8 (0.69)	13 (0.49)
55 and above	1 (0.06)	-	1 (0.03)
Total	1493 (100)	1157 (100)	2650 (100)

Migration

Family is the unit of migration in the brick kilns. The advance taken from the employer through the *jamadars* binds them by an informal agreement with the *jamadar* to render their services in the brick kilns. Migration of families take place therefore during the brick making season to the kilns in order to repay the loan as well earn a little extra.

Table 4.3: Distribution of Households by Native State

State	No. of Households	Proportion of Households
Bihar	1	0.2
Chhatisgarh	31	6.2
Haryana	4	0.8
Rajasthan	5	1.0
Uttar Pradesh	312	62.5
West Bengal	146	29.3
Total	499	100

As per the findings of the present study, majority of the sample households had migrated from different parts of Uttar Pradesh. It is seen that 62.5 per cent of the sample households belonged to different areas of Uttar Pradesh. This was followed by workers belonging to West Bengal, who constituted 29.3 per cent of the sample. Workers from Chhatisgarh were also found in quite a large number and they constituted about 6 per cent of the sample. As discussed earlier, the workers in our study area were earlier brought from different parts of U.P. only. There was no trend of bringing them from far away places till a few years ago. But during the last few years as the workers from U.P. had been demanding more advance money, therefore the employers had shifted their search of workers to distant areas and faraway states. This was done by looking for *jamadars* from those regions. However, it was learnt from the employers and *thekedars* that the workers from the distant states also had gradually started demanding for a higher wage after coming for 2-3 years and realizing that a higher advance is taken by the workers from nearby areas. Yet, the advance they take is relatively lesser than that of the local workers and this is one reason why these workers from the far away places are demanded by the employers.

Table 4.4: Source of Job information

Source	No. of HHs	Percent
Neighbours	4	0.8
Labour contractor/Jamadar	495	99.2
Total	499	100.0

The workers mostly come to know about the job in the brick kilns through neighbours or the *jamadars* who is again either from the same village or from a nearby village. Once the workers come to the kilns, they gradually start bringing with them more workers from their native place. In the present study it has been seen that many people who had started as workers have gradually started bringing workers from their native place and have become sub-agents or sub-*jamadars*. They at times continue with the work of brick making and at the same time earn some extra money as commission from the workers.

Case Study - 4

Murari is a worker from a backward district of eastern U.P., who was under extreme indebtedness for the treatment of his only son. Finally, he took an advance from a *jamadar* who was introduced to him through one of his village friend in order to repay the debt and in the process became obliged to extend his services to the brick kiln owner.

Source: Based on field work

The workers being marginal farmers and landless agricultural labours, do not have enough job opportunities in their native place and often they are under the burden of debt taken to meet an emergency such as illness, death, etc. The loan/advance offered by the *jamadars* helps them to clear their earlier debt as well as gives them a job opportunity. They consider the job in the brick kilns as a better job opportunity as it helps them to work and repay the advance. Besides, the workers also get the opportunity to carry along with them other members of their family who can contribute to their earnings. Thus the desire to work hard along with family members in order to repay all debts in the native place as well as with the brick kiln owner and also carry some extra money back for purposes such a wedding in the family or to purchase some assets in the village, makes these workers migrate to the kilns.

Table 4.5: Reasons for Migration of Respondents

Reasons	No. of Households	Percent
Unemployed	39	7.8
Better job	220	44.08
Loan in the village	234	46.89
Other reasons	6	1.2
Total	499	100

When it came to making the decision pertaining to migration, it was seen that the head of the family usually takes this decision. The head of the family, who after taking an advance from the *thekedar* or contractor makes an informal

agreement with the labour contractor/*thekedar* to migrate along with his family members to the kiln before the beginning of the brick making season. Although no written agreement is made, yet it is well known by both the parties that the worker along with the potential working members of the family will migrate for the work. As the workers often know the *thekedar* and they are at times relatives or neighbours, therefore no written agreement is required.

Table 4.6: Migration Decision

Decision by	No. of respondents	Percent
Self	495	99.2
Parents	1	0.2
Spouse	1	0.2
Others	2	0.4
Total	499	100

It was learnt from the workers as well as the *thekedars* that once the workers come to the kilns, they follow it in the subsequent years. They go back to their native place after the brick-making season is over and come back again for the work before the new brick-making season begins. However, a deeper probe in to this issue reveals that many of the times the workers are not able to repay the advance and therefore they are bound by an informal agreement to come back and repay the loan.

Living Condition of the Workers

As per the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, the workmen who are recruited from some other state are entitled to certain welfare measures such as journey allowance; payment of wages for the period of journey during which the worker has lost his/her wages; residential accommodation and medical aid including hospitalization, etc. However, in reality such provisions are rarely given. It was learnt from the workers that they are even not given the two-way travel charges which should be given as per the provisions of Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act. The employers only take the responsibility of the bringing the workers to the worksite as they are afraid that the workers after taking the advance may not turn up for the work. They therefore entrust the *jamadar* with the responsibility of bringing the workers at the worksite. The *jamadars* in turn hire a truck and take the workers to the worksite. But after the brick making season is over, the workers have to go back to their native place on their own. It was learnt from the workers that although the *thekedars* encourage the workers to take along with them more family members, yet they do not take the responsibility of the returning charges. Thus the

workers who come from remote and distant areas, exhaust a considerable part of their income during the travel back to native place. Infact, many of the workers expressed that they are in a dilemma before the travel to the kilns every year as to how many family members should actually accompany. At the one hand there is the desire to carry more members of the family in order to earn more and on the other hand the travel costs of the return journey makes them apprehensive.

Coming to residential accommodation at the work site, although the kiln owners are required to provide housing facility, yet in reality, which was found out after a discussion with the workers that they are only allotted a space within the compound for making their accommodation. The workers on arriving at the work site first make arrangement for their stay. They prepare a makeshift one room accommodation which is a temporary *kutchra* accommodation made with some bricks, bamboos and a plastic sheet for making roof. This small room is often enough to keep their little luggage which they have carried to the work site and to do their cooking. At times an additional room is made for the women and children. The men generally sleep outside the hut and at times during the peak summers the women and children are also found sleeping outside the huts. The employers do not take any responsibility for the accommodation of the workers. It was up to the workers to make their accommodation from the bricks lying around (of the previous years). The workers usually waste 2-3 days for setting up their establishment.

Table 4.7: Kind of accommodation at the work site

Type of House			No. of Rooms		
	No. of Households	Percent		No. of Households	Percent
<i>Kutchra</i>	498	99.8	One room	288	57.8
<i>Pucca</i>	1	0.2	Two rooms	211	42.2
Total	499	100	Total	499	100

In terms of civic amenities, the worksite had no drainage facility or even drinking water at times. There was also no provision of electricity supply, toilets for women or crèches for children. The slightly grown up children helped their parents and the little ones loitered all around the kilns with dust and dirt smeared on them. As the accommodation of the workers is located very close to the kilns, the workers and their children were therefore exposed to the fumes and dust of the kiln all throughout the day and at night for the entire brick-making season of 7-8 months.

In terms of providing medical aid, etc., except for a little first aid box which is generally kept in the *munshi's* room and which may be missing sometime,

there was practically no other provision for medical aid for the workers. If the workers or their family members fell ill, they usually visited some nearby private medical practitioner as going to the government dispensary which is far away from the work site meant losing a day's income and also spending a lot of money for the journey. Discussion with the workers revealed that the employers did not even pay for the medical expenses for an injury met at the workers at the worksite, nor paid the wages for the days when the worker is unable to work because of the injury.

We thus see that the workers in the brick kiln are deprived and exploited to a great extent. As the workers are illiterate, ignorant and extremely vulnerable because of the poverty, therefore the employers use this opportunity to exploit them to their best. Further the advance taken by the workers makes them doubly vulnerable and gives an opportunity to the employers to exploit them all the more.

Case Study - 5

While discussing the issue of medical assistance that is provided to the workers, Krishna a worker from Bihar was the first one to narrate his experiences when a stack of bricks fell on his leg while working in the kiln. The employer dismissed his explanations putting all the blame on him for not being vigilant and also did not pay any wages for the days that he was not able to work.

Source: Based on field work

Pattern of Employment

Employment in the brick kiln is seasonal as it functions for only about 7-8 months in a year. Since the work is available for a few months only, therefore one can see the uncertainty that the workers face. The workers because of poor employment opportunities in their native place are already burdened with a loan. In such a situation they try their best to maximize their earnings as much as possible by involving the family member. However, there may not be a guarantee for work all throughout the season and thus a guarantee that the workers will be able to repay the loan and have some saving. This is because the work in the kiln depends on the weather as well as the work orders. Due to bad weather and rains or even because of lack of work order, the work in the kilns stop for long periods leaving the workers without any earnings as almost all the work are piece-rated.

The workers do not have any paid holidays and once in fifteen days they are given one rest day for which no payment is made. The fireman who is respon-

sible for the kiln, earns a monthly wage of about Rs 2200/- for 13-14 hours of work per day for seven days of the week without any holiday. The workers are also not provided with any benefits - be it social, economic, health, or safety under any of the Acts.

Further, the majority of the workers (i.e. the family members) are not registered by the employer although they too spend as much time as the main worker in the different brick making processes. The study revealed that the workers worked for long hours along with their family members in order to earn the little wages that they earn. During peak season when the orders are more, the workers work for long hours in order to meet the demands. However one can see a variation in the hours of work. This is due to the number of heads who supposedly work towards preparing the bricks, the component of child labour in the teams, old people and then the number of able bodied adults in the team.

Table 4.8: Distribution of respondents by hours of work during normal and peak season (along with family members)

Hours of work	Normal Season		Peak Season	
	No. of HHs	Percent	No. of HHs	Percent
7-8 hours	43	(8.6)	26	(5.2)
9-11 hours	282	(56.5)	176	(35.2)
12-14 hours	171	(34.2)	264	(52.9)
15-17 hours	3	(0.6)	33	(6.6)
Total	499	(100)	499	(100)

Wages and Earnings

The workers involved with most of the activities are paid on a piece rated wage system. The piece-rate attached to the different work in the brick kilns does not take into consideration the amount of time or manpower involved to complete the task. It also does not reflect the contribution of labour made by the women and the children and the value that their labour has added to the production. Piece-rated work and family based production that only recognizes the male heads as the workers, undermines both the concept of family wage as well as individual wage. The system of piece rated work and remuneration that is revealed in the brick kilns is a form of severe exploitation of the human capital. It is worse than the system of contract labour and certainly borders bondage even though voluntarily entered into due to lack of alternative employment opportunities and poverty.

At the first sight, one might think that the *patheras* or the brick moulders are the mostly heavily paid workers. However, if one calculates the amount of work that a single moulder/*pathera* can do himself and calculate the wages accordingly, one would realize that on working for about 13-14 hours a day, an adult worker can only make a maximum of thousand bricks with much difficulty. Thus the amount of wage that is attached is very less compared to the effort that is required to complete the job. It is seen that sometimes two adults together may be able to prepare just 1500 bricks and sometimes it might also involve about five members of the family, comprising of a team of two adults and three children to be able to produce only 1500 bricks. Further, there are many work processes in moulding bricks which require quite a lot of time such as the preparation before the actual work like digging the earth, carrying water to make dough of the mud and finally making the dough with mud, after which the actual work of moulding bricks can start. These activities are unaccounted in the wages for this particular type of work. One can thus analyse that taking into consideration the time required to complete a work and also the low wages that is attached to the work, the workers are in no position to earn the minimum wages for a eight-hour service. They are infact compelled to involve the women and the children in the family so that they can earn enough wages to sustain themselves, repay the advance and if possible, to save some money to carry back with them to their native place.

Case Study – 6

A typical day of a *pathera* begins by preparing the earth for making bricks. Since preparation of the earth consumes a lot of time, therefore the *pathera* households get up very early in the morning to carry out this task. Generally the children of the family go to fetch water and carry it all the way where the work is going to be done. The women then take charge of sprinkling the water on the hard mud as enough care has to be taken to pour the right amount of water to carry out the work on the same day. After some time, when the mud is soft enough, all the family members including the children carry out the task of kneading the mud. Once the mud is ready, the family starts the actual work of preparing the bricks. It has been observed that children assist their parents in all the above tasks, but they are used more to carry out unskilled work such as stacking the bricks or turning the sides of the bricks for drying, etc.

Source: Based on field work

Income level of the Households

A look at table 3.8 provides the monthly income range of the workers in the brick kilns which is earned by them along with their family members. It is seen that majority of the workers earn between Rs. 1000 to Rs. 4000 per month

depending on the number of workers and the time given by the family members. It may be taken into account that the income shown in the following table is inclusive of the family members. Therefore it has to be understood that had the family members not contributed to the family income, the income would have been far lesser. This is a major reason why all family members including the children are involved in the work.

Table 4.9: Monthly income range of the families

Income Range	No. of Households
Below 1,000	39 (7.81)
1,000 - 2,000	117 (23.44)
2,001 - 3,000	171 (34.26)
3,001 - 4,000	113 (22.64)
Above 4,000	59 (11.82)
Total	499 (100)

The workers however are highly ignorant about their rights and consider the income (which has been earned by all the family members) as sufficient which is reflected in the table given below. They rarely realize that had they worked alone, they would not have been able to earn the minimum wages inspite of working for about 13-14 hours. It is only because of the involvement of the family members, that they have been able to earn adequately. Infact, the workers are so ignorant in terms of their rights and minimum wages, that they consider the opportunity to work in the kilns along with their family members and earn some extra money as a privilege. This is because of the limited employment and income opportunities in their native place.

The employers take advantage of this situation to reiterate again and again that the workers earn sufficiently by the work in the kilns. They find it convenient to ignore the labour put in by the family members to earn the wage. Thus, we see that the labour put in by the family members is practically invisible.

Table 4.10: Whether income sufficient

Income sufficient	No. of respondents	Percent
Yes	434	87.0
No	65	13.0
Total	499	100

The employers and the *thekedars* infact give an impression that they have obliged the workers by involving their family members and by giving them an opportunity to earn more by involving the family members inspite of the fact that only the head of the family is registered with the kiln. It is thus seen that the employers and the *thekedars* exploit the ignorant workers by showing an attitude of patronage and indulgence.

Credit Transactions

The workers because of their poverty, landlessness and lack of adequate jobs in their native place are always vulnerable in terms of debt. So any additional expenses for the family make them more vulnerable and the workers in order to meet the additional expenses land up in taking further loan. The offering of money by the *jamadars* as an advance to work in the kilns is often a blessing for these workers. They utilize this opportunity to clear off their old loans in the village or carry out social obligations such as weddings, etc. and then work in the kilns to repay the debt. However, as the loans/advance taken by the workers is often a large amount which could be anything up to Rs. 10,000.00, therefore many a time the workers are not able to repay the entire advance that has been taken by them. Further, many of the workers, inspite of the advance taken by them, also incur a loan from the employer after coming to the worksite. In such a situation where the worker is not able to repay the loan, some kind of informal agreement is made whereby the worker is expected to come back the following year with no or lesser advance.

Savings and Assets

Of the total 499 families which were studied, 96 per cent were landless agriculture workers. The remaining four per cent had on an average 2 acres of land. As all the workers that we have come across in our study has been visiting the kilns for at least the last two years, therefore an attempt was made to find out as to whether the workers could save some money in order to carry back to their native place and whether they could repay the loan or not. This was done especially to find out if the workers because of their inability to repay the advance, are caught in a debt trap or not. The data of the study revealed that majority of the workers could save some money, even if the amount was very meager. However, many of them said that the amount that was saved by them was not adequate as they needed a lot of money for their travel back to their native place. Further, on going home they would see that the left over family members in the village have again incurred a loan because of some ill-health or some other problem and the money saved would be used up in no time, leaving the workers in the same vulnerable situation as before.

Table 4.11: Saving money / Repaying debt

Could save money	Percent the	Could repay debt/ advance	Percent
Yes	92.18	Yes	90.38
No	7.81	No	9.61
Total	100	Total	100

It is clear from the table 4.11 that although a few, yet there are some workers who are not able to repay the loan taken from the employer. This is because they must have either incurred some major expenses, or may not have worked enough because of ill health or may not have got adequate work in the kiln, etc. In such a situation, these workers are allowed to leave the kiln only after their labour contractor/ *jamadar* gives an assurance that these workers would again come back the following year. A discussion with the workers revealed that they find this kind of situation when they have not earned enough money to carry back with them to their native place, or to repay the loan/ advance taken by them, as very frustrating, as they come with a lot of hope to the kilns to earn some extra money. Although this may not happen every year, but sometimes because of some problems such as ill health, etc. they are either not able to earn enough or exhaust all the earnings even before they can go back!

As the major source of the income of the *jamadars* is the commission from the amount of work done by the workers, therefore the *jamadars* see to it that the workers produce as much output as possible. This is the reason, the *jamadar* make sure that no worker stays back at home without going for work. All the family members of the workers are made to work by the *jamadar* and the children (even below 14) who are slightly grown up are also encouraged to work. The *jamadars* and the employers justify the work done by the children as a help being rendered by the children to their parents, which is better than loitering around without doing anything. The parents also find it convenient as they come to the kilns to earn sufficient money to repay their debt as well to earn some extra money for carrying back with them. The help provided by the children makes them produce a larger output, which would otherwise not be possible only with the work of the adults.

An analysis of the causes of child labour requires analysis of several variables such as average size of the household, child-adult ratio, total number of adult members capable of earning in a family, etc. In this section we shall look into these issues in order to analyse the reasons for the large number of children working in the kilns. The intensity is in fact the same among both the girls as well as the boys. However, these working children are invisible as they work as a part of the family along with their parents and are not included in the register of the employers.

It was seen that of the total 532 children in the 0-14 age group in the sample population, a total of 411 children which amounts to 77.25 per cent of the children were child labour. The households carried with them only those children who were either very small or those who could contribute to some extra earning. So, of the 532 children, the children who were not working, were not doing so because they do not want to work or are not made to work, but are very small to work.

Age of Entry

As the children work as a part of the family labour therefore they enter the work at a very early age. Our data shows that children enter work as early as five years of age. A total of 14.34 per cent of the children in our sample had started working between the ages of 5-8. However, it can be seen that the majority of the children have entered the workforce after nine years, that is when they have been capable of contributing to the work.

Table 5.1: Age of entry to work

Age group	Frequency	Percent
5-8	29	7.05
9-12	166	40.38
13-14	216	52.55
Total	411	100.0

Education Status

In the present study, it was seen that most of the children working in the kilns are illiterate. Even those who are had gone to school, could not even complete their primary education irrespective of the fact whether the children are working or not working. Out of the total 532 children below fourteen years in the 76 brick kilns of our study, it was observed that none of the children had completed their primary education. The parents, felt that education was not a priority taking into consideration their poverty and their struggle in order to make a livelihood. The most important issue for the parents was to make a living and sustain themselves in the face of their poverty, joblessness and indebtedness, and for this they required the services of the children. Many of them felt that pursuing education was unnecessary for them as it would neither help them to get better jobs nor would it help the children to pick up some skill and start earning at an early age.

Table 5.2: Education status of the children

	Working		Not working	
	Frequency	Percent	Frequency	Percent
Illiterate	403	98.05	118	97.52
Primary Incomplete	8	1.94	1	3.12
Total	411	100.0	121	100.0

Furthermore, the children in the kilns did not have access to any school as they were all the time in a transition. They came to the brick kiln area for a period of only 7-8 months only to go back once the brick making season was over. Thus they could not be admitted in the schools at either their native place or at the place of their work. The parents therefore felt that engaging the children in the work is a better option than allowing them to loiter around.

However, if the children had access to some educational facilities then the parents would have perhaps reconsidered the involvement of children in the work or would have allowed them to go to schools. It was understood from the Labour Department and also the local people that the Labour Department had tried to start some sort of a temporary school during the brick-making season for the children of the workers involved in the kilns. An arrangement was made whereby the local schools after the normal classes, would run a special school for two hours for these children with a contribution of Rs. 1000 p.m. by the employers of each kiln. However, it seemed that this arrangement did not last after the particular officer who had implemented this was transferred to some other place.

Case Study - 7

Manu, a nine-year-old child from Purulia district of West Bengal has studied up to class III but discontinued his education after coming to work in the kiln with his parents. His parents Kanti and Bani expressed that they would have sent their child to school if there was provision of a school nearby where the migrant children can be admitted to continue with the education. They also expressed that the schools for the children of brick-kiln workers should be made in such a way accomodating the seasonal nature of the brick-kilns.

Source: Based on field work

Working days

The working children generally work for six days a week and take a break for a day unless they have to finish some work along with their parents. More than half the children in our sample worked for twenty-five days during the previous month of the survey.

Table 5.3: No of workdays during the previous month

Days Worked	No. of Households	Percent
21 or less	4	0.97
22	5	1.21
23	11	2.67
24	48	11.67
25	231	56.20
26	56	13.62
27	35	8.51
28	21	5.10
Total	411	100.0

Hours of Work

The older children in the brick kilns at times work for long hours along with their family members in order to earn enough wages. Infact, the smaller children also contributed to some work which is reflected by the fact that more than half of the total working children worked for less than three hours. A discussion with the parents revealed that although the very small children were also involved in the work, yet the work done by them is generally very light such as carrying water and turning the moulded bricks for drying. As per the findings of the study, 8.73 per cent of the children worked between seven to nine hours, 7.54 worked between ten to twelve hours and 2.91 per cent of the children worked between thirteen to fifteen hours. This indicates the toiling that is done by the workers in general and the child workers in particular in the brick kilns. The workers in order

to earn sufficient wages for repaying their debt to the employer, work for long hours and at the same time make their children work for as much as fifteen hours in a day! Taking into consideration the age of the children, their involvement in work for almost six days in a week for as much as fifteen hours is extremely hazardous as well exploitative for a child. Further as children are all the time working near the furnace and are perpetually inhaling the dust and fumes of the kiln, the health hazard aspect faced by the working children cannot be ruled out.

Table 5.4: Working Hours of Children

Hours	Frequency	Percent
1-3	208	50.60
4-6	83	20.19
7-9	77	8.73
10-12	31	7.54
13-15	12	2.91
Total	411	100.0

Contribution of children to family income

As the wages for the different work processes has been fixed on piece-rate basis, therefore the calculation of the earnings of the different workers has been calculated based on the average output that is produced by the workers per day. The findings of the study give a clear indication that children contribute substantially to the family income. As can be seen from the table 5.5, more than half of the working children (54.98 per cent) contribute between 10-20 per cent of the family income. This is a substantial amount taking into consideration the fact that they are below the age of fourteen.

Table 5.5: Contribution of children to family income

Percent share	Frequency	Percent
Less than 10%	163	39.65
10 - 20 %	226	54.98
20 - 30 %	13	3.16
30 - 40 %	9	2.18
40 - 50 %	-	-
Total	411	100.0

It is evident that although a lot of children are involved in the work, yet it is only the bigger children who contribute substantially to the family income. The children above 10 - 11 years old are the potential workers and help their parents to contribute to the family income. The parents as well as the employers/*thekedars*

feel that the involvement of children in the work would help them to develop some skills which would be beneficial in the long run.

The employers when asked about the involvement of children in the hazardous work, plead ignorance by putting the entire blame on the parents. Yet in reality the children are made to work with the full support of the employers. The employers are in fact responsible for the large number of children in the kilns, because it is on their insistence to give the advance to large households that the *jamadars* give advance to only those having slightly grown up children who can accompany to the kilns. Some of the employers also argue that although the work has been assigned to the male head of the family, yet the workers involve the children without taking consent from them. Some of them however argued that they do not see any harm in the involvement of children in the kilns as most of the work done by children as *patheras* (mould brick) is not very hazardous.

In reality although the work processes in the brick kilns are all hazardous for children, yet the parents often do not have a choice taking into consideration the fact that they are already under debt both in their place of origin and also at the worksite. Further, as most of the households have moved to the worksite in distress because of lack of job opportunities in their place of origin, therefore they utilise the opportunity in the brick-kilns to have some extra income by the involvement of children.

Chapter 6

Conclusion

In this section an attempt has been made to analyse the issue of underdevelopment, vulnerability and migration of the brick kiln workers and their subsequent exploitation in the brick kilns.

As has been discussed earlier, the seasonal migrant workers in the brick kilns belong to backward areas in terms of agriculture or other means of production. They are mostly small and landless peasants who do not have enough sources of income or work opportunities in their native place. Their vulnerability leads them to a situation of debt, which forces them to look for job elsewhere. Their search for jobs coincide with the brick making season when the owners of the brick kilns in order to assure a definite number of workers for their kilns, send contractors/*jamadars* in search of workers, who lure them with some advance wages. The workers who are already poor and vulnerable without any job, find the offer attractive and therefore commit themselves for the forthcoming brick-making season. However, as wages in the brick kilns are extremely low, therefore it often becomes difficult for the workers to repay the advance as well as earn some extra money back for home. They therefore involve their family members including the children and often are held in a trap for which they have to return back to the same kiln again in the subsequent years.

Coming to the employment and working conditions, it has been seen that there are several lapses and lacunae in the legal and executive machinery in addressing the problems faced by the brick kiln workers. There is an urgent need for strict enforcement of the various provisions of the Factories Act, and Acts that deal with minimum wages, prohibition of child labour in hazardous industries, unpaid family labour, social security provisions, health care facilities, etc. Interventions are therefore required based on the structure of the industry which is one of the largest employer of migrant workers and which guarantees no security to the workers except tying them down to the employers and ensuring reverse guarantee of labour force to the employers.

A major concern with regard to the brick kiln workers is the wage rate fixed for the work processes. As discussed earlier the wage rate for the different work processes in the brick kilns have not been revised for a long time and it is even lesser than the prevalent wage rate. Even the prevalent wage rate, which has been basically fixed by the employers themselves (taking into consideration the fact that there are no active trade unions), does not take into consideration the time or effort that is required to complete a task. The workers thus land up toiling endlessly along with their family members including children in order to earn enough to repay their loan.

The fact that the brick kiln is the last option for the workers in the face of poverty and unemployment is corroborated by the fact that the workers are already in a state of indebtedness before coming to the kilns. The advance taken by them adds to their indebtedness and vulnerability. Interestingly, the workers who are absolutely ignorant in terms of minimum wages and their rights, prefer the piece rate system as it allows the involvement of more family workers. Thus in an effort to earn some extra money, almost all the family members including the women and children are involved in the work.

The vulnerability of the workers, is doubled in the absence of any unions working for these workers or the involvement of any NGO to raise their concern and bargain for a better wage. Further, as the kilns are located in remote areas, therefore the employers can avoid the glare of almost anyone, even so the Labour Department officials. The study clearly reflects that in the absence of any support from the enforcement machinery, trade unions or the NGOs, the workers are being ruthlessly exploited jointly by the employers and *jamadars* under the garb of patronage and indulgence.

Thus, there are a lot of unresolved areas of concern in terms of the future of this vast reserved surplus of labour, who have moved to the worksite in distress. The workforce being seasonal, are not in the permanent role of the employers, even though they may have been working consecutively for 5-7 years with the same employer. Thus inspite of all their hard work and misery, the workers have been deprived from all the benefits that are due to workers in an industry.

The brick kiln industry with its existing terms of trade and the market for bricks on the one hand, and supply of labour on the other, makes enough surpluses for a better distribution of the same through wage improvement of the workers. Efforts should therefore be made to improve the wages of the workers and provide them with social security measures in terms of their job, health benefits, etc. which is due to them.

The strategy framework is to work out the parameters of this industry and accordingly plan the nature and form of mediation between the workers and the employers.

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