

Informal Labour in Brick Kilns: Need for Regulation

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# Informal Labour in Brick Kilns

## Need for Regulation

*This paper reports a study of two brick kiln operations in northern India. These kilns operate in a largely unregulated manner in the informal sector and remain outside the purview of workplace laws, with workers bound to contractors and owners by the system of advance payments. Several committees have made recommendations to improve working conditions, but few of these have been implemented.*

JAYOTI GUPTA

### I Introduction

There are 50,000 brick kilns all over India employing on an average 100 workers – male workers counted only who are on the muster rolls of the employers. The brick kiln industry – the moulding and firing of bricks from clay – is a significant employer of women and children as well.

Brick kilns are located in small-scale manufacturing units on the outskirts of urban areas. The work, which is seasonal, attracts migrant labourers from surrounding rural areas and forms a large bulk of interstate as well as inter-district migratory labour force.

No precise information is available about the total number of kilns and the number of workers in the industry. A survey carried out by the National Labour Institute in 1981-82 in Ghaziabad (Uttar Pradesh), Faridabad (Haryana), areas adjacent to Delhi and Delhi itself estimated that there are about 10,000 large sized brick kilns (producing on an average 45,000 bricks per day). However according to a statement of the All India Brick and Tiles Manufacturers Federation, New Delhi, it appears that there are 22,000 brick kilns (Ghaziabad, Faridabad, Delhi together) with a workforce of nearly 30 lacs (three million). The state governments were requested to carry out intensive surveys of all brick kilns in their respective areas and furnish detailed information about the total workforce employed in the industry. The results are awaited – it is not clear whether such a survey has been carried out till date.

Workers in the brick kilns constitute one of the poorest and weakest sections of the rural society. Of the total of 51 brick kiln workers interviewed in regions of Haryana and Ghaziabad, Uttar Pradesh, 60.8 per cent were landless although they depended on the agricultural sector for six months a year and 37.3 per cent did own land but would fall in the category of small farmers who combine self-cultivation with income from wage labour. Both the categories are net buyers of food and dependent on wage labour for the major share of their yearly income.

Essentially agricultural labourers, or marginal and small farmers, combining agricultural wage work, they migrate from one state to another in search of employment in the urban informal sector. The second largest sector after the construction sector, absorbing such a floating labour population and a reserve surplus off the land is the brick kiln industry. These workers are also mostly seasonal migrants.

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 kilns shut down during the monsoon.

The workers are recruited through 'jamadars' (labour agents/contractors) of the kiln owners and such recruitment is accompanied by payment of advances to the workers for a specified period of employment. The entire family (excluding old, disabled dependent person) comprising husband, wife and children move to the brick kilns and work as one unit for the full season of the operating kiln. Only the male heads or rather only the adult males are registered as workers in the muster rolls of the employers and the rest of the vast labour force remains invisible to social production and therefore for all practical purposes to the social accounting within the economy. The women accompanying the men could be the wives, sisters or widowed mothers. The children in the family could also include younger brothers of the workers apart from the children of the workers.

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 on time to be able to optimise production. The demand factor plays an important role in determining the extent of advance the employers are ready to part with for booking the labour for the season. The labourers on the other hand being mostly agricultural labourers or marginal farmers experience a lean season once the sowing season for the main monsoon crop is over, i.e., between July and September. The respondents pointed out that there is not enough work in the village during the lean season to give them a livelihood. They cannot hope to save from their meagre earnings to be able to invest in the next seasons' crop, or build a house or make any plans for themselves and their children. The use that the advances

Table 1: Land Status in Place of Original/Village

Land Ownership	Frequency	Per Cent
Yes	19	37.3
No	31	60.8
No reply	1	2.0
Total	51	100.0

Table 2: Nature of Migration

	Frequency	Per Cent
Seasonal	51	100.00
Total	51	100.00

are put into reveals that the advances are not always for consumption. If the advances were for consumption alone then they would have been much less and the wages would have been lower than what the workers receive at present.

The advance paid to the workers is adjusted at the end of the season, sometimes during the working period (depending on the understanding between the worker and the labour agent). No apparent interest is charged on the advance made to the workers. The transportation cost (one way) is paid separately by the labour agent to the workers and that is paid for one member only, the one who is going to be on the muster roll of the kiln. If the worker wishes to leave mid-term, he has to return the balance advance (in case the whole amount could not be adjusted against the wages that he has earned during the period of his work). The workers leave mid-term for various reasons. The most common is that there is not enough work at the kiln. Therefore it is to the workers advantage to move to bigger kilns. The labour agents of nearby kilns are always on the lookout for workers and depending on the demand of each, kiln workers are lured away from one kiln to the other. The new recruiting agent then has to clear 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. Other reasons are: better living conditions offered at alternative site, i e, kiln; dispute with the labour agent over wages and adjustments against advance; personal reasons; loss of work due to strike.

Except for the first reason where the clearance of dues are guaranteed, all other reasons for leaving mid-term involves the workers' personal responsibility of clearing the dues with the labour agent. The workers can leave under the following conditions:

- (i) They can sign a contract with the labour agent to return to work with the same agent the next season.
- (ii) They can raise a personal loan from the labour agent who is often from the same area as the worker and pay an interest on it as well as promise to work with the same agent the following season.
- (iii) The workers often run away and are brought back by the owners with the help of police and the contractors.

The system of advance payment and the verbal commitment to work and to return the advance has left much room for dispute between labourers, labour agents and kiln owners.

Interventions by the government, NGOs, and the unions, in the tensions involved in the process of adjustments and disputes, have focused less on factors such as low wages, inhuman living conditions, lack of social security and health facilities, and unsafe working conditions. Ever since the introduction of the Abolition of the Bonded Labour Act in 1976 most of the disputes of the nature mentioned above have been dealt with by applying the Bonded Labour Abolition Act.

The kilns violate several other acts applicable to them as we shall see but the one that applies to the economic conflicts at the kilns the most is the Abolition of Bonded Labour Act. The basic characteristics of bondage are: element of force; below minimum wages (a state that arises from the worker being forced to work at such wages in the absence of an alternative source of livelihood); long hours of work on an average 12-16 hours a day; immobility. Consequences of bondage are: loss of freedom of movement; loss of right to sell labour at prevailing market rates; loss of human dignity.

The state of bondage varies, it is either partial or total, seasonal or all the year round, intergenerational or individual. The owners of kilns when asked about their suggestions to improve the state of affairs of the brick kilns be it technological, economic, and

the status of the industry, point to the Abolition of the Bonded Labour Act as a main deterrent to the efficient operation of brick kilns. Their request to the government, NGOs and other actors who intervene on behalf of the workers, is that the system of advance payment should not be confused with credit or conditions of bondage.

Interviews with owners, labour officers as well as some of the union leaders, reveals the lapses and the lacunae in the legal and executive machinery in addressing problems faced by the brick kiln industry in terms of labour relations in particular, among other structural aspects, all of which need to be attended to. 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 labour such as the labour of the women in the kilns, social security provisions, health care facilities even insurance if possible, creches, hours of work, etc. The Abolition of Bonded Labour Act is limited in addressing the systemic *problems/contradictions* of labour relations in the brick kilns. It is not effective in stopping and exploitation in the brick kiln industry in particular and the informal sector in general.

The workers of all categories except the firer and the driver are paid on the basis of piece-rate, i e, per thousand bricks (Table 4).

## II Objectives of Study

There are 50,000 brick kilns (information from All India Brick Kilns and Tiles Manufacturers' Federation, New Delhi) all over India employing on an average 100 workers – workers who are on the muster rolls of the employers. The wage system is based on piece work (per thousand bricks) for all categories of workers in the kiln except the firer ('jalaidar'), the drivers of trucks are used in the transportation of bricks, the accountant, the technical supervisor and the guard. The work of all category of workers except the stacker, the loader, the firer and those paid on a monthly basis involves the contribution of family members usually women and children who are not even acknowledged as workers. The family labour contribution is highest among the moulders and if there are 100 workers on an average employed in a kiln around 75 per cent would be moulders. So if we make a conservative estimate of four additional members to one moulder registered as workers then we come upon a staggering figure of four members per family of moulders x 75 registered moulders per kiln x 50,000 kilns. Given the scale and a sector that is primary to the construction industry, and as basic to construction as agriculture is to food, the objective of this study conducted between 2,000 and 2,001 (under the auspices of International Labour Organisation)

**Table 3: Purposes for which Advance is Used**

	Frequency	Per Cent
Contributed towards loans taken in the village	23	45.1
Repayment of construction debt	3	5.9
Made provision for next crop	1	2.0
Made provision for those who stayed back in the village	3	5.9
Contributed towards purchase of homestead land in the village	4	7.8
Repaired house in the village	3	5.9
Contributed towards purchase of homestead land in the village	1	2.0
Paid a portion of the yearly amount on leased land	1	2.0
Any other	4	7.8
No Reply	8	15.7
<b>Total</b>	<b>51</b>	<b>100.0</b>

has been to understand the following:

- (i) Employment condition of workers in the brick kiln industry;
- (ii) Terms of trade of an industry of such a scale;
- (iii) Working condition of the workers;
- (iv) Living condition of this floating working population;
- (v) Nature of tenure of this large workforce, the rural-urban linkages that persist within this work force, the direction of rural to urban and rural to rural migration, and the implication that this linkage has for the relationship between the agricultural and the industrial sector, between formal and informal sector, and the direction of industrial growth of India;
- (vi) Social and economic security or lack of it for a registered/visible labour force of roughly five million;
- (vii) Interventions that are required in an industry which is one of the largest employer of migrant workers, one that guarantees no security to the workers except tying them down in ways such as debt bondage (ensuring reverse guarantee of labour force to the owners), and also to plan interventions based on the structure of the industry (the owners view point is taken into consideration too) in relation to larger policy that needs to be adopted for the brick kiln industry as a major sector next in scale and importance to agriculture perhaps.

### III Research Methodology

A study of the kiln industry of the scale mentioned was not going to be an easy one. There was no framework or precedence that could provide us with a point of entry except the 'Report of the Tripartite Committee' and some short articles based on narratives of workers in different parts of the world and within the country. For this study we decided to first visit some of the brick kilns in the adjacent areas of Delhi, – Ghaziabad (Uttar Pradesh) and Faridabad (Haryana) – that has a concentration of kilns. Ghaziabad district and Faridabad alone have nearly 800 brick kilns (record of the food and supplies department of Faridabad and sales tax office of Ghaziabad). A survey carried out by the National Labour Institute in 1981-82 in Ghaziabad, Faridabad and Delhi estimated that there are about 10,000 large sized kilns although according to a statement of the All India Brick and Tile Manufacturers' Federation, New Delhi, it appears that there are 22,000 kilns with a workforce of 30 lacs or 3 million! Such is the state of accuracy of estimate of kilns. On interviewing the board and executive members of the Brick and Tile Manufacturers' Association in year 2000, almost 18 years since the National Labour Institute, report we could not be informed on the subject any better. The organisation did not have any idea about the number of kilns even in the two areas we were concerned within our study. We decided to concentrate more on the socio-economic features of the labour relations in the kilns based on primary data collected at the site; interview of different actors other than labourers such as the brick kiln owners, members of the federation, NGOs and unions working among the brick kiln workers, and officials of local government departments that are responsible for sanctioning of kilns, inspection, and labour disputes. Several members of the local brick kiln owners association were interviewed too.

Initial visits to the brick kilns had to be organised with the help of local government authorities. As the brick kilns operate with large-scale unaccounted amounts of money and do not really operate with any proper guidelines such as the Factory Act or any other rules and regulations that bind even the small-scale industries, the owners are very suspicious about

meeting anybody. Several visits had to be made to the kilns to finally get the owners to agree to allow the researchers to meet the workers. It was not possible to simply map the location of the kilns, carry out a hundred per cent census before finalising the sample for the study. To get to talk to the workers of one kiln finally took over four months of negotiation. The officials through whom we approached the kiln owners themselves have a stake in the industry because of the commissions and bribes that they receive from the kiln owners for violating almost all minimum labour standards, and other violations which make them (owners) vulnerable to the demands of the officials. The owners themselves have landed interests in the area and are powerful in their own right, many of the officials also belong to families who own brick kilns. The officials in the state governments are also part of the owner's social capital developed through the social network of family, kin and clan. Thus going to the kilns with the officials could not guarantee any transparency in the operation of the brick kiln industry. However that was the only way if we were to secure partial protection and security for ourselves.

This study is based on observations, interviews and a small sample of 51 workers from a total of nine kilns that I visited. While the owners agreed to discuss/answer any question I had for them, they did not think it was necessary for me to meet the labourers at all. For example, the owners asked, "What do you want to know about them? Ask me I will answer. The workers are illiterate and they do not have the time to sit with you. We can answer all your questions about them, of course do not ask us their names and other details of their family – anyway that should not concern you, because we have nothing to do with the family – it is up to the workers if they want to come with their family. We do not employ the women and the children." After that the owners would go on about the problems of applying the factories act to the kilns, the bonded labour abolition act, the child labour abolition provision, the minimum wages act, etc. Some of them emphasised the constant danger they faced of being kidnapped for ransom money. Therefore they did not trust anybody – any person or institutions – with their business information. Anyway after meeting several of the actors except the workers directly, many common features emerged as far as the brick kilns are concerned especially in the areas that we intended to cover for the study. These were as follows:

- (i) Kilns were of three sizes: those that produced 45,000–60,000 bricks per day, those that produced around 25,000 bricks per

**Table 4: Terms of Payment to Workers in Brick Kilns  
According to Job Specification**

Category	Terms of Payment
Moulder	Per thousand bricks
'Kumhar' (loader)	Per thousand bricks
'Beldar' (stacker)	Per thousand bricks
'Rapaswala' (one who layers the stacked bricks)	Per thousand bricks
Firer	Per month
'Nikasi' (one who removes the burnt bricks from the kiln)	Per thousand bricks
Driver	Per month
Contractor	A percentage of the per thousand rate and a lump sum share on per head of those who are employed on per month basis (the workers only).
Accountant	Per month
Guard	Per month
Technical supervisor	Per month

day, and those that produced between 12,000 and 15,000 bricks per day. They were classified as large, medium and small respectively;

(ii) All kilns had similar design and shared a similar division of labour;

(iii) They were all classified as cottage industries and did not enjoy the benefits of formal industrial units such as loans from the bank;

(iv) They all resorted to the same kind of wage structure for the workers, i.e., piece-rated wages and the system of advance payment for recruitment;

(v) All the kilns operated through the contractors for their labour requirement;

(vi) There were only minor variations among them in terms of the kind of housing that was provided to the workers at site, the difference was albeit marginal.

Given these features I decided to concentrate on two kilns in two adjacent districts of Delhi, one in Ghaziabad and the other in Faridabad. Both were of the same size, i.e., large sized kilns and they both had nearly the same number of workers and the proportional representation of each category. The difference was in terms of the districts of origin of the workers. The choice of the particular kilns chosen for the study was not arrived at based on a sampling method but on the basis of their shared features, the representational nature of typical kilns and on the basis of which owner finally agreed to allow interview of his workers.

Based on field visits an understanding was arrived at the following broad features of the kilns. Division of labour and categories of labour; wage structure; structure of payment; system of recruitment; living conditions as observed on visits to site; labour-owner relationship; and, the terms of trade (only the broad outline and no specific detail was available in terms of the payments down the line and figures of cost, sales and profit). Group discussions under the supervision of the kiln caretaker (who almost always speaks on behalf of the owner), or the contractor could only give a glimpse of the lives of the workers. A report of one of the group discussions is marked Appendix. Relying on the data generated from participatory method of research and observations, a questionnaire was drawn up. The actual process of filling the questionnaire was much shorter than the time taken to reach to that point. The questionnaires too had to be filled up by me under the direct observation of the contractors while the owners sat at a distance pretending to attend to other chores while keeping an eye on the progress of the interviews.

The data presented here is based on the operations of two kilns one in district Faridabad in Haryana and the other in Ghaziabad (Uttar Pradesh). The total numbers of workers (interviewed) were divided into the following categories according to their job specification:

In addition to these categories of workers are technical supervisors, guards, assistants to the drivers and the fireman and loaders for the trucks and the accountant. There is never a clear answer from the owner about the total number of workers employed in the kilns, as that would reveal the scale of operation and the projected production, investment made and the scale of profit that can be made from one kiln. The owners therefore underplay the numbers be it their investment, number of workers, number of bricks produced, percentage of loss in terms of unburned or half or unevenly burned bricks, and, the sales figures for the year. By the time the interviews were set up it was time for the kilns to close down and we were lucky to meet workers of all categories

—those who had not yet left. The ‘munim’ (accountant), the ‘chowkidar’ (guards) and those who refused to answer are the ones whose interview could not be included and the rest were all those who were present and working in the kiln of each category. Therefore in terms of coverage 100 per cent of the workers at the kiln were included and in terms of their representational nature the percentage of those interviewed of the total of each category is well above 15 per cent.

## IV Flexible and Informal Links

The formal unions while working among the brick kiln workers have not yet been able to make a dent and unite this workforce with the larger interests of workers unions in the formal sectors. Even construction workers federations do not have a clear organic relationship with the brick kiln workers. While there are laws regarding contract workers, and brick kiln workers are contract workers, two critical factors maintaining the divide between the contract workers and the brick kiln workers has been the system of wage and the system of advance payment to book 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.

The tenuous links that exist between workers of the formal sector and the construction industry with brick kiln workers remains unexplained as several central acts are applicable to the brick kilns as in the other organised and informal sectors especially the construction sector. It is indeed shocking to observe how each and every law/act the brick kiln owners are openly flouting. The acts applicable are as follows: Factory Act, Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Act, EPF and MP Act and the schemes framed hereunder, Payment of Bonus Act, Payment of Gratuity Act. According to the contention of the All India Brick and Tiles Manufacturers’ Federation, they are not averse to health, safety and welfare measures for their workforce. They are only against (a) applicability of a plethora of labour laws to the brick kiln industry; (b) existence of a multiplicity of registering, licensing and inspecting authorities; and, (c) payment of numerous registration and licensing fees to numerous agencies and (d) maintenance of a large number of records and registers and submission of statutory returns to a number of authorities. They are of the view that taking into account the peculiarity of the industry and the workforce, there should be a separate law that should be simple and intelligible to the employers, trade unions and workers and codified in such a format as could be implemented without much difficulty. All the statutory benefits could be incorporated in the body of such legislation.

**Table 5: Workers According to Job Description**

Category of Workers	Number of Workers
Moulder	23
‘Kumhar’ (transporter of dried bricks to the kiln)	5
‘Beldar’ (arranger of bricks inside the kiln)	4
‘Rapaswale’ (one who arranges and dismantles the layer of soil from the arranged bricks before and after they are burnt in the kiln)	4
‘Jalaidar’ (fireman)	6
‘Nikasi’ (those who remove the fired bricks from the kiln and arrange them in stacks according to grades/quality of bricks)	7
Driver (one who reaches the bricks to the clients)	1
‘Jamadar’ (contractor)	1
Total	51

The unions too do not seem to have a proper framework for addressing the problems of contract work combined with payment on piece-rate. The problems are almost the same as with the extensive home-based production. Even the brick kiln industry has not gained the status of an industry and still falls under the category of cottage industries. It is a long way to go before workers of the brick kilns can be recognised as industrial workers. The problems related to the status of the industry stemming from the production condition and production organisation of the industry has been discussed at length with the owners. The strategy framework is to work out the parameters of the industry of brick kilns, and plan the nature and form of mediating bodies between workers and other actors from the employer's side of the structure of the industry.

### Quality of Human Capital

Workers in the brick kiln constitute one of the poorest and weakest sections of the rural society. Essentially agricultural labourers, they migrate from one state to another in search of employment in brick kilns during the lean period in agriculture between October and the middle of June. This is the lean period for single paddy-cropped areas and perhaps explains the presence of large number of workers in Haryana and in Ghaziabad district of Uttar Pradesh from the rice growing areas of Uttar Pradesh and Rajasthan. Of the total of 51 workers, 74.5 per cent were from Uttar Pradesh. Apart from them a large number of workers from Rajasthan were present complaining of not enough work in the villages. Migration pattern remains seasonal (all 51 respondents have mentioned that they are seasonal migrants). Data on the number of years that majority of workers have spent working in the brick kilns and the regularity with which they have worked reveals that although they are seasonal migrants they are not casual workers in the brick industry. However, the number of years spent in one brick industry shows a greater variation than in the total number of years spent and that explains why the owners can choose to ignore the provisions for permanent workers or even temporary workers. Data on number of years spent with one contractor and number of contractors that the workers have worked with revealed great variation in favour of discontinuity with any one contractor (Table 6). For the economy as a whole workers of the brick kilns have contributed steadily to the industry but the industry has not recognised them as workers of either permanent or temporary status – in fact no status has been granted to them at all. Can their working condition be made more flexible and at the same time ensure decent work condition?

Given the variation in Table 6 the possibility of organising the kiln workers becomes a difficult task for the union and owners can freely hire and fire the workers. The substandard living conditions, the system of wages and hours of work required to earn the minimum for survival – all these factors result in attracting only those who come to work in the brick kilns as their last option.

While the work that they do requires a certain degree of skill, it is one that can be picked up by assisting a senior worker and does not require industrial training to meet the requirements of the kiln. The owners agree that all their workers are skilled in their field but officially they are recognised as unskilled workers, except the driver.

Apart from belonging primarily to the class of agricultural labourers or agricultural labourers cum small and marginal farmers, the majority belongs to the scheduled castes and fall within the

category of illiterates. Seventy-four per cent of the workers were illiterates and a combination of SC and OBC, in fact more are from of the latter caste group. As mentioned earlier, workers migrate with their families if they have one, and especially among certain category of workers (categorisation based on job specification) the presence of the entire family is greater than among the others. The family based work (paid on piece-rate) is the highest among the moulders, where children too assist the adults. Among other categories, where children will not be able to contribute, the family size varies. Wives accompany all categories of workers who are paid on piece-rate. The firers and the beldars (those who arrange the bricks in the kiln for firing) are the only category of workers who are not accompanied by their family members. The living condition of the firers also does not permit the presence of their family members. Except for the principal worker, the male head, none of the other workers, be it the women or the children below 18 are registered as workers in the muster rolls. All the women work along with their husbands and children work too both male and female. The data on age of joining work in the brick kilns revealed that a large number of them had joined work at an early age (Table 7).

The nature of job done by them and the category in which they worked in would show that child labour is widespread especially among the male workers and that is hidden by not including them in the muster rolls or perhaps by increasing their age on record. The social, economic and health implication on children has been disastrous. The percentage of child workers in the brick kilns would register a high percentage if we were to include all the children who work with their parents and are not registered as workers. For example among the moulders the contribution of child labour is the highest.

The dependency ratio among the workers in the brick kilns would not be a proper reflection of the contribution of labour by the women and the children and the value that their labour adds to social production. Piece-rated work and family based production that only recognises 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 is one of naked exploitation of the human capital. It is worse than the system of contract labour and certainly borders on bondage even though one that is voluntarily entered into due to lack of alternative employment opportunities and poverty.

### Terms of Trade

The workers are recruited through jamadars (labour contractors) who are the agents of the owners and such recruitment is accompanied by payment of advances to the workers for a specified period of employment. The contractors are sent off by the owners in the month of August/September to organise/book

**Table 6: Data on Period Spent with Present Contractors and Others**

Period	Years of Working with the Present Contractors		No of Contractors and Others		
	Number of Workers	Percentage	Contractors	Number of Workers	Percentage
Upto six months	11	21.57	1	22	43.14
Six months to 12	16	31.37	2-5	9	17.65
1-2 years	4	7.84	6-10	5	9.80
2-5 years	7	13.73	More than 10	2	3.92
More than 5 years	7	13.73	Don't remember	13	25.49
Don't remember	6	11.76			
Total	51	100.00	Total	51	100.00

the workers. The advances are between Rs 2000-Rs 6000 and they go towards meeting the expenses of the labourers at the place from where they migrate. The advances go towards paying off debts incurred in the village, towards marriage, spending on building a part of the house, while all others spoke of leaving behind money with the family to meet their consumption requirements. With the earnings from the work at the kiln they hope to return the advance as well as save some before returning home. However, the workers pointed out that often they take another advance from the same contractor at the end of the work season with the promise of returning to work under the same contractor. The contractors are the main recruiters apart from family members. The family members do not play the role of the contractors but are those who introduce their kin to the life of brick kilns. This feature may speak of continuity of brick kiln workers for generations in the trade.

Given the system of advance and the commitment to work to return the advance, an element of tied labour relation cannot be ruled out. In the case of brick kilns, while the labour relations are located within the structure of the industry, the contractor plays a proxy to the principal owner, i.e., the kiln owner and it is the contractor who is perceived as the employer of the workers. The issue of principal employer is diluted, as owners take no responsibility of the workforce in terms of breaking or making of a contract. The contractors do not charge any interest on the advances that are made to the workers and they also bear one-way cost of transportation of the workers from their home to the worksite. The contractors bring the workers from the district that they belong to and often from a radius of 15 km of where the contractor himself is located. Even though the contractor does not charge any interest on the advances made, he makes his money from the commission that is paid to him on the wage rates paid to the workers. All the nine brick kiln owners interviewed in both Faridabad and in Ghaziabad, mentioned that they do not pay any other payment to the contractors except a commission on the total number of bricks produced by the different category of workers. When the owner settles on the wage rate for the brick kiln workers officially, he includes the commission to be paid to the contractor from the wage – meaning that this commission comes from the labour of the workers and is already built into their wage.

The different categories of workers have different wage rates per thousand bricks and there is no interchangeability in roles at the site. The study also attempts to track down different ways in which the contractor accrues part of the surplus value to himself. It is difficult to track this element through the system of advance and the neat calculations worked out by both the brick kiln owners and the contractor. One factor (of several others that are being worked out) that hides this extraction is the number of years that each worker has been working with the same contractor. The length of the relationship could explain the indebtedness of the worker to the contractor and a continuation of tied relationship based on interest accumulation on the advance or transactions between the contractor and the worker at the origin of their relationship. The difficulty is in differentiating the element of bondage as one that has its origin in the employment condition at the brick kiln or one that originates in the agrarian sector (Table 9).

Suneet Chopra (1985) in a study had shown that the element of bondage originates in the village where the worker comes from and because the creditor, landowner and brick kiln owner is often one and the same person, this helps establish the relationship of bondage more clearly. But where there is a break in the chain

of creditor, landlord of the village where the workers come from and the owner of the kiln where the worker is at present employed, it becomes difficult to establish the relationship of bondage. If there is one, it is between the worker and the contractor who comes from the same village/district from where he recruits the workers. There is a great deal of debate as well as shortcomings in method of research that would and could help too reveal the element of bonded labour relations in the kilns. Only on the basis of case studies conducted at the micro level, from analysis of cases that are registered with the district magistrates office and cases reported and detailed from unions of brick kiln workers, can such relationships be established. One such case recorded by Suneet Chopra is detailed here:

*Case of a worker on the kiln of Chaudhuri Zile Singh of Faridabad:* At the end of the season I owed Rs 700 for which the owner kept back my wife and daughter. When I returned with Rs 700 my daughter was missing. Much distressed I came back home with my wife who then told me my daughter had been sold by the owner. A nine month long search revealed she had been sold to a prostitute of GB Road in Delhi for Rs 2,800. She was recovered, but my eldest son, for whose education we had saved, committed suicide on hearing that his sister had been sold into prostitution. A case has been registered but the owner has threatened to have all of us killed if my daughter gives evidence against him” – p 72.

The other aspect of the exploitative nature of labour relationship amounting to terms and conditions similar to that of a bonded labourer in the agrarian sector is that while the men enter into a contract against an advance taken from the contractor, the

**Table 7: Age of First Migration to Kiln**

Age	No of Workers	Per Cent
Don't know	3	5.9
Less than 14 years	7	13.7
More than 14 and up to 18 years	11	21.6
More than 18 and up to 21 years	7	13.7
More than 21 up to 35 years	20	39.2
More than 35 up to 45 years	2	3.9
More than 45 up to 50 years	1	2.0
Total	51	100.0

**Table 8: Percentage of Child Labour among the Moulders**

Total no of workers on the rolls	51
Total no of workers	139
Total no of male child workers	22 (15.8 per cent)
Total no of female child workers	25 (18.00 per cent)

**Table 9: Facilitators of Entry into Brick Kiln**

Facilitators	Frequency	Per Cent
Family members	12	23.5
Friends	4	7.8
Labour agent	33	64.7
Own effort	2	3.9
Total	51	100.0

**Table 10: Number of Years with the Same Contractor**

Years of Working with Present Contractor	Years Spent	Percentage
Up to Six months	11	21.57
Six months to 12 months	16	31.37
One to two years	4	7.84
Two to five years	7	13.73
More than five years	7	13.73
Don't remember	6	11.76
Sum	51	

women and children are exploited as a result of that relationship, purely on the basis of dependency. The working unit on the kilns is usually the nuclear family, in addition to widowed mothers, unmarried sisters or brothers and close relatives children (sometimes). What begins as a nominally free dependent labour for the worker, slowly loses its nominal freedom over the years and declines into servitude by continuing to either work for the same contractor and for the same kiln – unable to change to another occupation – and having to continue to combine agricultural work and work in the brick kilns. All the workers interviewed pointed out that that they did not want their children to work in the brick kilns, but the presence of large number of children, and workers present who had started their life at the kiln sites, is an indication that it is either an element of direct bondage or indirect bondage in the labour relationship where the bargaining power of the labourer is so low and he is faced with no alternative source of employment so that he is forced to accept below minimum wage.

### Work Process and Division of Labour

Brick making is a low technology industry which is characterised by distinct division of labour. Starting from moulding till extraction of the baked bricks from the kiln, the division of labour may be broadly categorised as sixfold: They are:

'Pathera' (moulder): They prepare the pits, dig the raw earth, make the dough by continuously sprinkling water on the earth and shape the rounds of mud 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.

'Prajapati' or 'bharaiwala' or 'kumhar' (loader): They carry the kutchra (unbaked dried bricks) to the kilns. For this purpose, they use their own pack animals for carrying the bricks. They are also called donkey labour. Of the three kumhars (out of nine at the brick kiln) all of them had used the advance money to buy the donkey and the cart. This category of labourers is also paid per thousand bricks.

'Beldar' (stacker): one who arranges the bricks in the kiln for firing, paid per thousand bricks.

'Rapaswale': they level the stacked bricks with earth and make them ready for the burning process to begin.

'Jalawala' (fireman): these workers fire the kiln and watch continuously if the bricks are being properly baked.

'Nikasiwala' (unloader): They are employed to take out the baked bricks from the kilns and sort and stack them according to the grade of bricks.

(Bricks are of different grades, graded according to the quality of burning, and breakages, and all of them are stacked separately and the pricing varies per thousand bricks. Till 1985, all damages were deducted from the wages of the worker except damages caused by rain, but after prolonged strike by the brick kiln workers the onus was shifted to the owners of kilns).

Besides, there are munshis who maintain the accounts (includes payment of advances to the contractors; advances are made by them through the contractor every fifteen days to the workers to maintain their living expenses; they also supervise the work, and make payment to the jamadaars and chaukidars who keep a watch over bricks and their makers. There is no interchangeability of roles among the workers. There is another category

of workers who are called loaders who only load the trucks carrying the bricks to the market/clients. They are paid per thousand loaded.

The contractors are of two categories – one who is the contractor of the moulders and the other is a contractor for the beldar, nikasi and rapaswale together, and for the jalawala as well as the kumhar. The commission paid to the contractor is on the following basis: the contractor for the moulders is paid per thousand bricks produced; the other contractor gets paid a certain amount that covers the wage rates of nikasi, rapaswale and the beldar and he gets a commission on each of the sub category at per thousand rate. For the fireman the contractor receives one months' salary and for the other categories such as the loader the contractor receives per thousand too. The munshi, the chaukidar and the driver is paid directly by the owner and the contractor receives no commission on those payments.

Apart from the per month rate, the others are amounts per thousand bricks produced in each category of work. The owner in Ghaziabad gave us false rates about the beldar, and the rapaswale, as they do not pay them on a per month basis but on piece-rate similar to the rates as paid in Haryana. While the owner pointed out that the commission that is paid to the contractor is additional to the minimum wages fixed for each category of work, the reality is that the amount is deducted from the wages prescribed for the categories of workers and that amounts to paying the commission from the labour of the workers and not from the owner's profit.

The moulders are the largest concentrate of workers and they come at the start of the season, i.e., in the month of October/November and a month later the other category of workers follow. Once the other category of workers follow the work at the kiln becomes a simultaneous activity. The sequential track ends once the moulders have prepared bricks to fill half the kiln. The moulders' job is labour intensive and forms the base of the kiln. The pace at which the kiln will operate, the number of rounds that the kiln would make in a season and the optimisation of production all depends on the speed at which the moulders work.

### Degree of Labour Exploitation

The figures of wage rates given to the workers and the minimum wages prescribed by the state do not truly reveal the degree of exploitation that the worker in the kiln is forced into. I use the word forced into as the workers given their poverty and unemployment are almost forced onto accepting the kind of wages that are offered to them. The real picture is far grimmer than what appears. The following tables detail the per hour wage rate that works out for each category of worker and each family within it, keeping in mind that the number of child workers and women workers who remain as the invisible workforce.

The variation in the per hour rate is due to the number of heads who work towards preparing the bricks, the component of child labour in the teams, old people and then number of able-bodied

**Table 11: Commission Per Category of Work Paid to the Contractor**

State	Commission Per Category to the Contractor				
	Moulder	Nikasi	Rapaswala	Beldar	Firer
Haryana wages (in Rs)	121	38.50	8.40	11.95	2200
Commission (in Rs)	6		5		200(pm)
Ghaziabad wages	127	28.50	2300	3500	2300
Commission (in Rs)	5	2	100(pm)	200(pm)	200(pm)



adults in the team. The moulders who form the backbone of the industry and the largest number of employees in the industry are exploited the most. Their exploitation begins from the day they sign up to work. Moulders are paid per thousand bricks. The owners as well as the contractors and the system of wages give the impression that a moulder earns a lot as he can prepare two thousand bricks per day. Our data has shown the following: on working for 14 hours a day an able bodied adult cannot make more than a thousand bricks; Two adults together sometimes are able to prepare just 1,500 bricks; Sometimes five members of a team that includes three children are able to produce only 1,500 bricks.

The piece-rate system hides the necessary labour time and the variations in the strength of the team, as also the contribution of invisible workers. The minimum wages earned therefore are in total divergence from what sounds fine as per thousand rates. The per thousand and the official rates are given in Table 12.

These wages are fixed every year between owners and the government department concerned with the licence of the kilns. The contractors and the workers raise the demand every year in the middle of the season and negotiation begins. The raised amount is paid at the end of the season from the day it is made effective. The workers join at the previous years wage rates. The difference in wage rates between the scheduled wage rates for brick kiln workers in Delhi and wages paid at kilns near Delhi and those servicing Delhi is as follows:

Minimum wage rates for Delhi effective from February 1, 2000: moulder: Rs 182.80 per thousand; nikasi, rapaswale, beldar: Rs 67.37 per thousand; kumhar/loader: Rs 65.98 per thousand; fireman: Rs 2585 per month; driver: Rs 2,843.00 per month.

These are the minimum wage rates and the difference is sharp between what is the supposed rate and the actual amount paid to each category of worker.

The moulder and the fireman work the longest hours. The fireman works 12 hours a day and so do the moulder along with their family members. If a moulder works 12 to even 14 hours a day and produces a maximum of 1,200-1,400 bricks (including family labour) then his wage rate at 8 hours per working day works out to be a pittance as mentioned earlier. Even the minimum wages in the schedule based on per thousand rate fails to reflect the number of workers employed behind each thousand bricks produced and therefore the surplus labour that is generated through invisible workers such as the women and the children.

Moulders are the worst victims of the labour process too. The unpaid labour component is quite high for the moulders. Moulders are the first batch of workers to come to the kiln. Not only does the worker build a dwelling place in his own time, but along with this, a suitable piece of earth is selected by the labourer which is cleared of all foreign matter and is made as fine as possible for the best results in brick-making. No payment is made for this work.

In the beginning, for about a week, the moulders have to sustain themselves with the advance money paid to them back in their village. The workers also mention how every fortnight "since supplies are not available on the site, it can mean half a day's loss of work". Also "there is a loss of some workdays, as when the man goes out to bring the supplies or in case of ill-health, etc, when no payment is made" to this may be added the days lost curing the winter rains and breakages, not to speak of other reductions arbitrarily made by kiln owners. The practices resorted by them are no secret. The workers have their notebooks for example where they try to maintain account of how many bricks they have produced during the day. Most of them are illiterate

and depend on the contractor to write the account of their day's work. But the kiln owners have greater faith in to the accounts maintained by the accountant paid by the owner, whose work is in the interests of the owner.

All the workers are paid some amount of money every 15 days to run their daily expenses. These amounts do not match up to the value of their work and the wages that are due to them in accordance with what they have produced. They receive only about 25-30 per cent of their wages. The money given to them towards expenses and the advance that they have taken are both deducted at the end of the season when the final payment is made to the workers. In a way, the owners and the contractors hold the workers back till they have earned enough to pay back the advance and the amount that they have been given as expenses although the expense money comes from the workers labour and from his unpaid wages. It is not easy for the workers to leave the kiln as and when they wish to look for better or alternative work opportunities. I have already detailed the circumstances under which the workers can leave or cannot leave, in the earlier sections of this report. These circumstances are almost to a kin bondage. Although there has been considerable expansion of the trade, 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 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 overwork, piece-rate, family labour for the wage of one (knowing very well that a single labourer cannot earn the per thousand rate on his own and more), holding back wages by paying enough to subsist and to continue to till the end of the season, etc.

The earnings from the brick kilns are for a period of six to seven months depending on the nature of work, for example the moulders start to work from November till June and the others all 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 in the capacity of agricultural labourers. At the end of

**Table 12: Per Eight Hour Rate (Applicable only for Moulder (Pather) )**

Per Hr Rate	Frequency	Per Cent
37	1	2.0
44	1	2.0
48	1	2.0
62	3	5.9
76	1	2.0
120	1	2.0
132	2	3.9
Total	10	19.6
No reply	41	80.4
	51	100.0

**Table 13: Wage Rates in Faridabad District and Ghaziabad for Brick Kiln Workers**

	Faridabad (Rs)	Ghaziabad (Rs)
Moulder	121.50 (per thousand bricks)	127
Kumhar	50 (per thousand )	56.50
Beldar	11 per thousand	3,500 per month
Rapaswale	8 per thousand	2,300 per month
Fireman	2200 per month	2,300 per month
Nikasi	31 per thousand	28.5 per thousand
Driver	2500 per month in addition 10 per trip made	

the season when the workers go home, they often find that they are left with just the money to pay for their travel back home with the family and no more after deducting the advance and what they had been given for their survival for the months that they have worked. The difference between what they have earned and the amount that they settle with the owner and the contractor gives them the extra earning with which they hope to go back to the village and manage their expenses along with earnings from the village till it is time for their return to the kiln. Those who are left with no difference take an advance from the contractor with the promise of returning next season. The contractors negotiate from a different economic position but often belong to the same caste as the workers and hails from the same village. The workers mentioned that even if they want to run away from the oppressive working condition and labour relation they do not wish to embarrass the contractor who is one of their own and they can resort to him for loans when they need to back in the village. The average monthly income of the workers (depending on the number of working hands, family members, adult child component) and earning from the village combined works out to be as follows (Table 13).

### Working and Living Conditions

Women workers are not on the muster rolls. Working hours are between 10 to 14 for all workers. One rest day every 15 days for which no payment is made. The fireman has no holiday. There is no bonus or no provident fund, no gratuity; no medical benefits (except for a first aid box), no maternity leave, no protective gear for the workers, in fact, none of the acts pertaining to work place standards applied; be it social, economic, health, or safety. They are not compensated for days when work stops because of rain. All implements are provided by the owners except lights required by the moulders to work at night. The moulders pay for their own gas lights and also bring their own implements for digging, there is no electricity, no facility for communication in case of emergency such as phone, no crèche, no separate rest room, no toilets. The moulders live in the open under a temporary tent made of bamboo and plastic. Temporary brick structures are provided for the other workers – a room size of 8 x 6 ft. The firemen live together under one roof on the kiln in a room size measuring 8 x 6 (housing four firemen). There is no drainage facility; no open space for cooking, the workers and their children are exposed to the fumes the whole day and at night. Interestingly, liquor shops selling locally brewed liquor are conveniently located and easily accessible to the workers. *A typical day for the moulder and his family:* The day starts early for the kiln workers especially the moulders. The woman has to complete the cooking and washing by 6 am so that she can join her husband in the process of brick-making. While she is

completing her housework, the man sprinkles water on the earth prepared the last evening into a dough. He kneads it with his feet to make it more pliable. If there is a young daughter she may help the mother in cooking and the mother can help in breaking the clods of earth too. After the dough is ready the woman hands over the rounds (lumps) of mud and the man shapes them into bricks with the help of a wooden mould provided by the kiln owner. He keeps the prepared bricks on the wooden planks also provided by the owners. The women and the children work alongside and that is how the children too learn their work and grow up to be moulders themselves. Then the women and the children take the moulded bricks to spread in the sun while the man continues to mould. The bricks have to be turned on all sides for even drying. Women and children too do this work. The morning shift is up to 2 pm. With a break for lunch the work is resumed in the afternoon. Before retiring for the day the earth is dug and dough is prepared for the next day's work. Women and children supervise the water channel while the men dig the earth with a shovel. At 6 pm the man relaxes, smoking and talking to his friends or just sitting on the cot in front of his hut, while the woman gets busy with the cooking of the evening meal and sleeps only after she has served the food and washed the utensils. Fieldwork shows that very often the workers carry on till 10 to 10-30 in the night having started at 5 in the morning, with an hour's rest around 2 pm.

### V Organisational Status

The brick kiln workers are organised each year by different unions, mostly by individuals who work with larger unions/political parties. The workers pay Rs 50 per head to whoever has organised their wage rate for the year. The workers complained that the unions include the women workers in their collection but have not till date fought for inclusion of the women worker's names in the muster rolls. Apart from this interaction, there is no other form of interaction between the workers and the union members. For any help, economic and social, the workers only interact with the contractors. The workers do not even speak to the owner of the kiln. The owner does not know the workers by name or any aspect of their lives.

### Legal Framework

A tripartite committee was constituted by the government of India vide its resolution no R43012/2/84-LW dated May 1, 1984 to go into the question of a separate self-contained legislation for the brick kiln industry considering the special features that apply to the industry and the difficulties in implementing the labour laws here. The terms of reference of the committee were:

Table 14: Average Monthly Income of Brick Kiln Workers

Monthly Income from Brick Kiln	Beldar	Driver	Jalaidar	Kumhar	Nikasi	Pather	Rapaswala	Thekedar	Total
0-1500	4	0	0	1	3	1	3	0	12
	100.0			20.0	42.9	4.3	75.0	0.0	23.5
1501-2500	0	0	4	2	3	6	1	1	17
			66.7	40.0	42.9	26.2	25.0	100.0	33.3
2501-3000	0	0	0	1	0	3	0	0	4
				20.0		13.0			7.8
More than 3000	0	1	2	1	1	13	0	0	18
		100.0	33.3	20.0	14.2	56.5			35.3
Total	4	1	6	5	7	23	4	1	51
	100	100	100	100	100	100	100	100	100

(i) to consider and formulate, if so considered necessary, the details of having a separate self-contained legislation for the brick kiln industry considering its special features; and, (ii) to work out what type of special social security schemes should be formulated for the workers in the industry.

The tripartite committee was basically constituted to review certain labour laws that have been made applicable to the brick kiln industry. Factories Act, Gratuity Act, Payment of Bonus Act, EPF and MP Act, Employees State Insurance Act, Interstate Migrant Act, Contract Labour Act and Minimum Wages Act, etc.

The biggest lacunae however, in this framework of applicability of laws is that the brick kilns themselves have not been considered as factories and part of the formal sector and therefore its owners are also not entitled to any benefits as industrialists. At the tripartite meeting all these above acts were discussed and the different views of the trade union, the state government and the brick kiln owners federation were debated ('Report of the Tripartite Committee on Brick Kiln Industry', A committee constituted by the government of India, ministry of labour and rehabilitation, department of labour, New Delhi, July 31, 1984). However the discussions remained unresolved, as no formal measures have been adopted as yet and there is as yet no law or act that pertains to the brick kiln industry alone. Such a law/act is much awaited both by the trade unions as well as the brick kiln owners. Extensive discussions have taken place with the local department officials in charge of brick kilns (licensing and sales tax), labour officers, and the district chiefs and they pointed out that unless the system of advance payment is stopped the interests of brick kiln owners as well as the workers interests will always clash. The owners are often booked under the Abolition of Bonded Labour Act, the Child Labour Abolition Act and for sexual harassment. As the entire arrangement of working and employment condition is an unwritten one, the conflict is compounded. However, in order to systematise the brick kiln industry a Tripartite committee was set up at the national level which submitted its report on July 31, 1984. The unions, government, as well as the owners have made several recommendations. However no decision has been arrived at yet and the sector remains as unstructured as ever.

## Conclusion

For the brick kiln workers the main concern is increase in wage rates and better living conditions. The fact that work in the brick kilns is the last option for the workers in the face of poverty and unemployment is corroborated by the workers' desire to keep their children out of the industry. They do not see it as a future for their children and therefore do not express any interest in improved methods of work or training in the same industry. At the same time, interestingly the workers stated that they preferred to work in the kilns on a piece-rate rather than on a daily wage rate as they could take time off as they wished and work as much as they felt like. There is no such opportunity in daily wage work. They also pointed out though that if they were to get employment in the village they would not choose to work in the kilns. Workers dreamt of buying land one day and settling down in the village. Schools and crèches are the biggest demands of the workers apart from a hike in their wage rates. Several policies suggest coordination with trade unions or NGOs who will take it upon them to ensure schools, crèches, and implementation of the various laws, that were discussed by the tripartite committee. But several unresolved areas of concern

remain in terms of the future of the brick kiln industry, the fate of this vast reserved surplus labour force whose base is in the agricultural sector and cannot be absorbed by the industrial sector.

Perhaps if the kilns were given the status of industry then a large section of the rural surplus labour force could be permanently shifted from agriculture to the industry. The kilns cannot operate the whole year as they operate in the open and therefore cannot be operative during the monsoon. The workforce being seasonal migrants cannot be made permanent by the employers, as there is no guarantee that the workers will return to the same kiln. If the kilns were recognised as industries, the owners could venture into large-scale investment to mechanise the process of moulding (there is one such experiment in Punjab). There are owners whom I interviewed who said they were seriously considering semi-automation of their kiln operations. The category of workers who would be affected by this move are the moulders who incidentally form the largest category of workforce in the kilns. Apart from mechanising the moulding process, sheds can also be built to protect the drying bricks as well as for stacking the burnt bricks. Presently the owners can not think of any way by which the kiln could be protected during monsoon. The brick kiln industry cannot be made to operate for the whole year. If we are to consider the semi-automation of the moulding process then we will have to have some plans for the largest section of the kiln workers, i.e., the moulders. Even with the existing terms of trade and the market for bricks on one hand and labour supply at the cheapest rate, there are enough surpluses for a better distribution of the same through wage improvement for workers. The exact figures of the scale of profit, sales, and cost of production are difficult to come by and the owners refused to cooperate on this score. Even if minimum wages are to be enforced, for that purpose alone an enforcement regime needs to be set up. These enforcement regimes could be organised by NGOs or CSOs, trade unions, or large organisations that devote themselves to the unorganised sector alone. [\[PW\]](#)

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## Appendix

### Report of Meeting with Brick Kiln Workers of Tegaon, Faridabad, Haryana, at Mittal Brick Kiln on March 9, 2000

A meeting was held with 12 workers of the brick kiln, at their work site, where the specific task of the workers was to prepare the bricks for the kiln. They are called 'pathais' and their job starts with digging the fields, preparing the mud, and finally giving it the shape of bricks. The workers were all from Aligarh, Uttar Pradesh and belonged to the scheduled caste (except for two Muslim workers) and were settled at the site in kuccha houses with their families. Their main occupation is that of kiln workers and none worked in any other industry or sector of the construction industry. They work at the kiln for eight months a year and the rest of the time they are back in their village while some among them continue to work elsewhere. However the contractor who brings these workers to the kiln takes no responsibility of the workers once work is over at the kiln.

The workers are paid on piece-rate basis and currently they are paid Rs 121 per thousand bricks. The pathais prepare 1,200-1,500 bricks after working for 12-15 hours. They work as a team of husband and wife and I also noticed children under 14

helping their parents. The wife prepares food and she takes it to the work site. The family often does not return home for lunch. The pathais work round the clock, the family divides the work amongst themselves with each contributing on an average 14 hours a day.

The family/worker is paid every fifteen days an amount to take care of their subsistence and this amount too is treated as advance and the full amount of their fifteen days work is not paid to them. Their initial advance and the expenses that they have incurred during the period of the work season is all deducted at the time of final settlement, i.e., at the end of the season of the work cycle.

The women and children are not on the muster roll of the contractor or the accountant of the kiln. Only the male members are counted as workers although the women work equally along with the men especially as pathais (moulders) and as nikasi (those who clear the kiln of the burnt brick). In all other job categories at the kiln women do not contribute. In those categories women do not necessarily accompany their men to the kiln. The rate that is paid to the pathai and the nikasi in fact is a payment made to the entire family's work and is not a wage earned by a single worker.

The owners mentioned that the workers are paid Rs 127.50 per thousand bricks, and when I asked the contractor how he earns his living as he does no physical work himself, he said that of the Rs 127.50 stated by the owner as wage of a pathai, he receives Rs 6.50 per thousand and the worker in fact gets Rs 21 per thousand.

The labourers were unhappy with their living condition and mentioned that one old man died as the roof of the kuccha house collapsed. The contractor did not want a detailed discussion on that.

The labourers are given an advance before they are brought in to work at the kiln. This advance the workers mentioned goes towards paying of debts, interest on debts incurred in the village for daughter's marriage, consumption expenses, and loans for other social ceremonies. They also have to leave some money behind with their family especially old parents who are not in a state to come to the kiln to work. The amount of advance varies according to the need of each worker.

The majority of the workers were landless labourers or owned small patches of land that barely met their consumption requirement for more than two months. Most of the workers have a little homestead back in the village that they lock up and come to the city to the kiln with all their belongings. The workers' belongings were meagre. The rooms that were made for the workers, (in fact they make it themselves with material provided by the owner), are barely 8 ft by 8 ft and there is no separate provision for kitchen. One such hut housed eight persons. There were no toilets and no private bathing place for the workers. The workers did not have any special skill; they had all picked up their skill on the job. Their parents teach the children.

The workers wanted a crèche, good schools and said that as they stay eight months at the kiln, their children could go to school even if they may not have the opportunity to continue with schooling back in the village as the period for which the workers are back in the village is usually the sowing season and village schools in many of the rice growing regions remain closed for that period. The workers were indeed very keen on schools for their children. None of the workers wanted their children to continue to work in kilns.

The workers receive no special payment on festivals and no medical benefit. We had not got around to discussing accidents at work sites. Their nearest access to a medical centre was two kilometers away from the site. The workers also did not come out clearly on any dispute between them and the owners that

may have reached the courts. They were all union members (they could only give me some names of people who visit them in the name of a union) and they all pay Rs 100 per year as union membership. My guess is that the union membership is solely in the name of the male worker and the women do not figure in that list. The wages at the kiln are fixed/negotiated by the union leaders with the owners. Even the contractor only abides by the rate fixed between the union, the owner and the district authorities. The contractors do not have any role in the fixation of wages. The contractor switches allegiance to the union depending on the bargain that the union gets for them as the contractor/labourer team.

The moulders complained of break down in water supply at the work site which results in loss of work days for no fault of theirs but they experience a loss of work and wages. The workers' dues are adjusted at the end of the season. According to the contractor, the family can return home with Rs 7,000-8,000, while the workers pointed out that they barely manage to take home Rs 3,000-4,000 and sometimes receive nothing after adjusting their advance. They said their whole life is spent in just keeping their body and soul together on a daily basis and they are unable to make any plans for the future.

The workers are however not all organised under one contractor. The moulders are all under one contractor and the nikasi, beldar, and rapaswale are under another contractor. For the last three categories the contractor receives a lump sum of Rs 59 per thousand to distribute among the three categories of workers, and his commission per thousand bricks is included in this amount.

The organisation of work is quite complex and it is often up to the contractor to allocate work depending on his judgment of capability of each worker (individual and as a team) and this is particularly so for the nikasi, beldar and rapaswale. This is a critical area for analysis because any discussion about raising productivity of the worker will depend on the system of existing work allocation by the contractor. The worker manages to keep track of the amount of bricks prepared or produced by him/team but that is also the site of dispute. The system of finalising payment at the end of the season also leaves room for irregularities and dispute..

None of the workers had access to a ration card while at the kiln nor can they exercise their voters right while at work at the kiln. The workers take six holidays at their own cost in a month. For those days both production as well as the contractors and the worker's wages are affected. But this break is perhaps built into the system of production, as the days of work must have some compatibility with the optimum level of production and also suited to the rhythm of the technical sub process. The accountant maintains a record of the number of workers present for the day which establishes that there is a pattern and logic to the number of workers for the day, number of holidays, while ensuring production as per the given capacity of the kiln.

The workers reported no tension between themselves on the lines of caste or religion, but did mention that they do have arguments amongst themselves over the children and their fights with other children.

## Reference

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