

Situation of Brick Klins in eastern UP - A case study of three Brick Klins

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Abstracts: The article is regarding the development of a project proposal of Purvanchal Gramin Seva Samiti (PGSS), Gorakhpur - a Diocesan partner of Catholic Relief Services (CRS), State Office, Lucknow on interventions in brick kilns of eastern UP. The Ministry of Labour, Government of India has categorized the unorganized labour force under four groups viz. occupation, nature of employment, especially distressed categories & service categories. Workers in brick klins come under the terms of occupation category under the unorganized sector in India (GoI, 2008). The unorganized sector plays a significant role in the economy in terms of employment opportunities & poverty alleviation. The sector has a crucial role in our economy in terms of employment & its contribution to the 'National Domestic Product (NDP)', savings & capital formation. (Vikraman, P, Basakaran, S, May, 2009). The case study brings out the reality of the workers of brick klins, their vulnerability, social insecurity, potential health risks, migration issues & the hazardous atmosphere that they thrive in their day-to-day lives. Thus, one can gauge the importance of the enactment of various acts related to the unorganized sector, social welfare schemes for this sector & the role of Non-Government Organizations for the welfare of the sector.

Keywords: Unorganized sector, ILO, MoL, CRS, NGO, GNP, NDP, NSSO, CPCB.

INTRODUCTION

Keith Hart is the first person to introduce the term 'informal sector' & distinguished formal & informal income opportunities on the basis of whether the activity entailed wage or self-employment (Hart K, 1973: Shodhganga, Chapter 3, 2008).

The term 'informal sector' came in a broader sense in the academic literature only after the visit of International Labour Organization Employment Mission to Kenya in 1972 (Shodhganga, Chapter 3, 2008).

According to UN Economic & Social Council, informal workers are defined to include persons whose employment relationship is not subject to labour legislation, social protection & certain employment benefit (Shodhganga, Chapter 3, 2008).

The first National Commission on Labour (1966-69) defined unorganized sector as that part of the workforce who have not been able to organize in pursuit of a common objective because of constraints such as casual nature of employment, ignorance &

illiteracy, small & scattered size of establishments & superior strength of the employer operating singly or in combination (Shodhganga, Chapter 3, 2008).

Most people in India earn a livelihood by working for an income. They work for one employer or many, or as self employed or own account workers or as contract workers, home based workers etc. in every sector in the economy. The informal sector is economic activity that is neither taxed nor monitored by a government & is not included in that government's Gross National Product (GNP) as opposed to a formal economy (Vikraman, P, Basakaran, S, May, 2009).

It is important that the nature & role of this sector are explored to see how it impacts the economy (Vaidyanathan R, 2004). There should be a wider recognition of the opportunity driven entrepreneurial endeavour of many working in the informal sector (Gurtoo A, Williams C C, 2009).

Forestry, irrigation works, plantations, recognized educational institutions & hospitals are classified as organized sector as these are registered as

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non-profit making bodies. All unincorporated enterprises & household industries which are not regulated by any acts & do not maintain any annual reports presenting the profit & the loss & balance sheets are classified as un-organized by the National Accounts Statistics (NAS, 1980).

India's workforce is 92% in un-organized segment. Due to their isolation & invisibility, workers in the informal sector are often largely unaware of their rights, cannot organized them & have little negotiating

power with their employers & intermediaries (ILO, 2000). Given the poor affordability & lack of an institutional mechanism, any design of social security that relies heavily on a contributory basis is bound to fail dismally (Joddar P, Sakyhivel S, 2006).

More than 82% of workforce in India is employed in unorganized sector (ILU, ILM update, 2016). An analysis of the informal labour market in India for 2011-12 by Confederation of Indian Industry (CII) report is given in the table below.

Table 1(Source- Geography & You, Development Chapter, 10th August, 2018)

SECTOR OF WORK	PEOPLE WORKING IN UN-ORGANIZED SECTOR (IN MILLIONS)
Mining	1.79
Manufacturing	52.49
Electricity & WS	1.21
Construction	48.92
Trade, Hotel, Restaurant	50.17
Education	6.31
Health	2.68

Brick Klins come under the construction sector which clearly shows a huge number of populations are involved in the sector. The National Statistics Commission in their 2012 report of the committee on un-organized sector statistic highlighted the importance of unorganized work force in influencing the country's Gross Value Added (GVA) percentage. (Geography & You, Development Chapter, 10th August, 2018).

Economy & the unorganized sector in India

The share of informal sector in 2004-2005 as recorded by the National Commission for Enterprises (NCEUS) in unorganized sector's in INR in Ten Million was 2855934 that constitutes 49.94% share by the informal sector. As per a survey by National Sample Survey Organization (NSSO) in 2009-10, the total employment in the country was 46.5 crores comprising around 2.8 crore in the organized & the remaining 43.7 crore in the unorganized sector. Out of these, in unorganized sector, 24.6 crore workers are in agricultural sector, 4.4 crore in construction work & remaining in manufacturing & service (Geography & You, Development Chapter, 10th August, 2018).

As per economic survey 2007-08, 93% of India's workforce include self-employed & employed in marginalized sector (GoI, 2009: Vikaspedia). The survey also mentions that agricultural workers have the largest segment of workers in the unorganized sector i.e. 52% of the total workers (GoI, 2009: Vikaspedia).

Current Laws & the unorganized sector in India

India has the unorganized workers social security act, 2008 for the social security & welfare of unorganized workers & for other matters connected there with or incidental there to. The parliament passed the wage code bill in 2019 to ensure minimum wage for

workers. The code ensures minimum wages along with timely payment of wages to all employees & workers (GoI, 2019).

Further, the labour ministry has decided to amalgamate 44 labour laws in to four codes. These are 'wages, industrial relations, social security & safety, health & working conditions (ET, 2019). The future plan is to have a law to provide security to unorganized sector through the industrial relations code bill in 2020. The bill has specified compensation on retrenchments & prohibits establishments that employ at least 100 people from laying off workers without permission from the government (HT, March 2020).

RESEARCH METHODOLOGY

Three brick klins were selected purposefully from the list of brick klins in Kaptanganj block of Gorakhpur district. A preliminary assessment of the three selected brick kilns of eastern UP was done. Primary data was obtained through assessment using tools such as observations, discussions/interviews with managers and laborers of the brick kilns. The views of local people, PGSS staff was also taken into consideration. Secondary data was obtained from the District Pollution Control Board using the list of brick klins. The ensuing project was supposed to focus on interventions in Gorakhpur and Kushinagar districts.

Research tools

Observation checklist, interview guide, Focus Group Discussion protocol were used to collect primary data from the stakeholders like managers, laborer's, local people and the partner staffs.

Data Analysis

Qualitative analysis of data was done after collecting qualitative data from all the stakeholders. The differentiation was done among the similar & different responses & were categorized. The verbatims as expressed by the participants were written as such to retain the original flavor of the data.

RESULTS & DISCUSSIONS

A continuous flow of migrant laborers especially from Ranchi (Jharkhand) and Bilaspur (Chhattisgarh) help the brick kilns of eastern UP to operate for eight months in a year. The peak period of work for the laborers is from December to June. The workforce includes children in 10-18 year age group, women with their families and adults. The vulnerability risk cuts across all these groups but the most vulnerable are women and children in 0-3 year age group. The risk factors are the long working hours in a day, shanty living conditions, exploitative tactics of the employers and undue involvement of local people. These factors perpetuate because of the apathy of the administration towards unorganized sectors like brick kilns.

Employers do not maintain any information or records regarding the laborers. Middlemen from Jharkhand and Chattisgarh hire the labor force and send them to various brick kilns. The fate of these laborers rests entirely on the mercy of the employer. The system that the employers create for the laborers is a classic example of keeping them as bonded laborers while they portray themselves as their patrons. A lump sum is paid to a local grocery on behalf of all the laborers and the employer informs the deposited amount per person to each laborer. They are supposed to get grocery items from the shop while the shopkeeper updates the balance for each laborer. By June end when the workforce is ready to go home, they do not get their balance amount from the shopkeeper as the intention of both the shopkeeper and employer is that the laborers should come back to their brick kilns again in the following year. This way the shopkeeper gets a lump sum amount at one go helping him to use the money as a revolving fund.

The employers neither pay the full daily wages to the laborers per day nor pay as per the amount of work that people do. A laborer can earn up to Rs 150/- per day (this is why they are drawn towards the brick kilns as they only earn about Rs 40/- to Rs 50/- per day in conventional work). Any amount paid to them during sickness works as a debt for them. The living conditions depend on the mercy of the employer. In terms of construction of walls it varies from temporary brick structures to cemented walls while the roofs range from polythene to tin. The status of living conditions is directly proportional to the income of the brick kiln owner. Only the high-income owners provide wood as fuel and kerosene to light lamps in the evening. The only care they take is to provide clinical services (mainly domiciliary) to the workers when they fall sick.

Local people from the surrounding villages add to the misery of these laborers. They come to the brick kilns to buy country liquor from these workers at night, which in turn encourages the laborers to make alcohol (usually made from rice water) in more quantities so that the demand for both sale and consumption can be met. Alcoholism catalyzes not only prostitution but also forced sex with women by the locals. The women silently suffer lest they lose their work, as these incidents happen with the knowledge of the employers although the owners feign ignorance.

There are only 15 brick kilns in Gorakhpur district as per the records of the District Pollution Control Board. Unofficially, there are about 200 brick kilns in Gorakhpur district. The District Panchayat Office also does not keep track about all the kilns. The reporting pattern depicts the degree of administrative apathy towards the brick kilns. The apathy is not only at local or state level but also at the national level. The guideline for unorganized sectors is still in the form of a draft bill. There is a Brick Kiln Act, which clearly states that kilns cannot be set up on agricultural land but one can see that brick kilns operate in the center surrounded by agricultural land. This is a clear violation of the Act.

The brick kiln owners have an Association at the District level. The Association focuses only on the interests of the owners. They protest against policies on coal, brick price and payment of tax when it hinders their income. The Association never discusses the condition or welfare of laborers to at least set a minimum standard to be adopted by all owners in that particular District or State. Sadly, the entire onus in this regard lies with the owner's clemency. The major reason for this callousness of owners is because there is no paucity in labor force availability.

This situation makes the labor force highly vulnerable. Women work carrying their little children on their back. This practice makes both the mother and the child highly susceptible to respiratory disorders as they inhale volumes of dust. The same condition applies to adolescents, especially girls, and adults.

"Women laborers fail to look upon themselves as dignified individuals because they are looked upon as commodities by exploiters".

The staple diet of these laborers is brown rice and its water. The child is also fed this rice. Some leafy vegetable is consumed. Pulses and fruits are rarely included in the diet. Under nutrition makes these laborers susceptible to intermittent illnesses.

Children are born in these shanty colonies. Pregnant women obviously fall under high-risk category, as they have to work in brick kilns as well as do domestic chores. Antenatal care, nutrition, natal care and postnatal care is poor. The same cycle applies to the child - the child gets poor neonatal care, infancy care

and under nutrition during the prime stage of mental and physical development. In addition to this, the child loses the opportunity to learn during pre-school stage and school stage, as majority of the children are not enrolled in any educational institution. This clearly demonstrates that children, adolescents, women and adult males are deprived of their fundamental rights in the field of education, health and recreation.

The planned intervention

The project intervention will build confidence among brick kiln owners so that they do not fear losing their labor force. The first four months of the project will focus on rapport building among laborers and owners. The project will focus on the labour force as a whole. Children in the age group of 6-14 years constitute 30-40% of the total labor force in the brick kilns. Due to the heavy workload, adolescents and adults do most of the work in the kilns. The October to June period will be the period for interventions, while July to September months will be for advocacy and dissemination of information about the project achievements. During this period, networking with owners and other Community Based Organizations (CBO) of the District will be strengthened. Education interventions will be through setting up Balwadis, crèches, health intervention will be through health camps (both preventive and curative) and provision of primary health services through effective linkage with the local Primary Health Centers (PHC). Recreation facilities will include both entertainment and awareness sessions on various social issues. The initial part of the project will focus on quality interventions while the later phase of the project will focus on mobilizing local CBOs and sensitizing owners to address the minimum needs of laborers and their families.

In 2020, the National Green Tribunal had directed for submission of a study on the impact of brick kilns on loss or degradation of top soil¹⁶. Similarly, the project had also envisaged that the top soil would be dug out & kept separately. After the brick kiln work is over, the soil is again put back on the same place there by retaining the fertility of the soil.

Limitations of the study

The study addressed only three brick kilns in a large state like Uttar Pradesh. The number of stakeholders are also too few to represent the entire state or district. Moreover, the study was an assessment done at a primary level thus giving a glimpse of the situation of brick kilns.

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Conflict of Interest

There is no conflict of interest.

Declaration of Authors

The authors declare that the contents of the article were written 16 years ago. There has been lot of advancements since the article was written. The contents are a reflection of the challenges that the brick kilns faced 16 years ago & are still facing currently.

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