

# BRICK BRICK BY

Towards Securing Rights & Entitlements  
of Seasonal Migrant Workers, Especially  
Women and Children in the Brick Kilns





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of Seasonal Migrant Workers, Especially  
Women and Children in the Brick Kilns

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# Acknowledgements

**H**AQ: Centre for Child Rights was set up in 1999 with an aim to mainstream child rights and children's concerns in all development planning and action. In striving towards this goal, HAQ invests in generating evidence and creating knowledge that can be used to inform law, policy and programmes as well as build capacities of duty bearers and key stakeholders with information, analysis and insights that can help improve the response to child rights concerns. HAQ's publication of status reports on the situation of India's children is a periodic and regular endeavour in this direction. While these reports draw attention to a wide range of children's rights, some specific and focussed research is also undertaken by HAQ on issues that remain out of focus and hence unserved or under served. This report is one such effort, focussing on the situation of women and children in India's brick kilns. It is part of an ongoing project on working towards securing food, health and nutrition rights of women and children in the brick kilns, while ensuring dignity of labour and decent work conditions for all brick workers. The project is supported by BMZ, the German Federal Ministry for Economic Cooperation and Development and terre des hommes (Germany). We are grateful to them for giving us this opportunity to explore a territory not so well researched in India as part of the child rights sector.

Although groups working on labour rights, environment protection, health and gender have raised concerns regarding children in brick kilns from time to time, a need was felt to collate and document the existing research and analysis in one place, revisit and complement it with primary data and present a holistic and more updated picture. It is only due to the interventions being carried out in the project areas by the Centre for Labour Action and Research (CLRA) and the Centre for Education and Communication (CEC) that HAQ's research team could gain access to the kilns and the brick workers and make this research possible. We are extremely thankful to them for investing their time and energy in data collection from the field.

Every new area of research excites HAQ and its research team, which was waiting for the COVID-19 pandemic to slow down in order to get into the field. While the field work was delayed and the visits were shortened, the team made every effort to capture as much as they could. We cannot thank our field researchers enough, including teams from CLRA and CEC for braving the COVID risks. Unfortunately, Debatri Gupta, Nazia Manquibwala and Vaishnavi Gaur, three research interns who joined us from the Azim Premji University could not go into the field due to the pandemic uncertainties. However, we appreciate their contribution to secondary research and wish them good luck in future.

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While the COVID-19 pandemic has brought the plight of migrant workers to light, we hope, with this report, those in the brick kilns will receive specific attention as their situation demands and steps will be taken towards more focussed and nuanced planning of interventions by governments, corporates and civil society organisations.

**Bharti Ali**  
Executive Director



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# List of Abbreviations and Acronyms

am	Ante meridiem (before noon)	MGLI	Mahatma Gandhi Labour Institute
ANM	Auxiliary Nursing Midwife	NFHS	National Family Health Survey
ASHA	Accredited Social Health Activist	NFS	National Food Security
AWC	Anganwadi Centre	NGO	Non-Government Organisation
AWW	Anganwadi Worker	NHM	National Health Mission
BMI	Body Mass Index	NHRC	National Human Rights Commission
BOCWB	Building and Other Construction Workers Board	No.	Number
CEC	Centre for Education and Communication	NO <sub>x</sub>	Nitrogen Oxides
CHNC	Child Health and Nutrition Centre	NRBC	Non-residential Bridge School
CLRA	Centre for Labour Research and Action	NRHM	National Rural Health Mission
cm	centimetre	NRSTC	Non-residential Special Training Centre
CO	Carbon Monoxide	OBC	Other Backward Castes
CO <sub>2</sub>	Carbon Dioxide	ONORC	One Nation One Ration Card
Col.	Column	PHC	Primary Health Centre
CWDS	Centre for Women's Development Studies	pm	Post meridiem (after noon)
DLHA	District Level Household Survey	PMBSY	Pradhan Mantri Suraksha Bima Yojana
DPEP	District Primary Education Programme	RBC	Residential Bridge School
DSO	District Supply Officer	RMNCAH+N	Reproductive Maternal Newborn Child Adolescent Health and Nutrition
e-POS	Electronic Point of Sale	Rs	Rupees
FCBTK	Fixed Chimney Bulls Trench Kiln	RSTC	Residential Special Training Centre
FGD	Focus Group Discussion	RTE	Right to Education
GBD	Global Disease Burden	S. No.	Serial Number
ICDS	Integrated Child Development Services	SC	Scheduled Castes
IFA	Iron and Folic Acid	SDG	Sustainable Development Goals
ILO	International Labour Organisation	SO <sub>2</sub>	Sulphur Dioxide
INA	Information Not Available	SPM	Suspended Particulate Matter
INR	Indian National Rupee	SSA	Samagra Shiksha Abhiyan / Sarva Shiksha Abhiyan
JSY	Janani Suraksha Yojana	ST	Scheduled Tribes
kcal	calorie	std	standard
kg/m <sub>2</sub>	kilograms per square metre	TT	tetanus
km	kilometre	UAN	Universal Account Number
MCP	Mother and Child Protection	VHSNC	Village Health Sanitation and Nutrition Committee





**CHAPTER 1**

# About the Report



In 2020, HAQ: Centre for Child Rights, the Centre for Labour Research and Action (CLRA) and the Centre for Education and Communication (CEC) came together to work towards building a child rights-based model of sustainable food sovereignty for children of seasonal migrant workers in the brick kilns. With support from the German Federal Ministry for Economic Cooperation and Development (BMZ) and terre des hommes (Germany), interventions were planned in 20 kilns in Ajmer and Bhilwara districts of Rajasthan and 10 kilns at Surir in Mathura district of Uttar Pradesh. One year down the line, a need was felt to document the insights received in the course of implementing the planned interventions, against the backdrop of existing research on the brick kiln industry (eint udyog) and the situation of brick workers and their families. This report focuses on their rights and entitlements vis-à-vis health, food, nutrition and dignity of labour.

Interventions in the kilns, commonly referred to as bhattas, are aimed at contributing to SDG 2 on achieving food security and ending malnutrition and hunger in India. These initiatives focus on improving the nutritional status of women and children in the brick kilns through: (a) awareness and education of the brick workers, particularly women and their children around feeding and eating habits along with sanitation and personal hygiene; (b) empowering brick workers to stand up for their rights; (c) establishing and running child health and nutrition centres at the brick kilns; (d) linking the workers and their families with existing government programmes and services; (e) enlisting support from the brick kiln owners for such activities and enhancing their sustainability in the long run; (f) building alliances with employers, trade unions, government, civil society organisations and campaigns, media and policymakers at the state, regional and national level to achieve the goals of food sovereignty, health, nutrition and decent work conditions for the most underserved and “visibly invisible” workforce in the brick kilns.

This report is a combination of secondary and primary research. Primary research was conducted by HAQ in collaboration with CLRA and CEC, in both source and destination areas. This document generates evidence that can inform key policy asks, explore the barriers limiting migrant families’ access to rights and entitlements and suggest policy shifts along with immediate and long term measures that will protect the human rights of the brick workers and their families.

An attempt is made to understand the impact of the working conditions of brick workers on their children’s rights; analyse government regulations and the gaps in their implementation; record access to government programmes and entitlements; evaluate the voices of brick workers, brick owners, government officials at the local, district, state and national levels; and pan out the areas for coordination and further action.

The report is thus divided into four main sections as follows:

- i. Overview of the brick manufacturing industry - conditions of work and laws governing the industry and the workers
- ii. The situation of women workers in the kilns - conditions of work, mobility, access to health and nutrition programmes, safety and security
- iii. The situation of children of brick kiln workers - health, nutrition, early childhood care and development, education and right against exploitation
- iv. Suggestions and recommendations for future action

## Primary Data Collection

Individual interviews and Focus Group Discussions (FGDs) were the main tools used for primary data collection.

Field visits were carried out for primary data collection to a few selected source areas, keeping in mind the COVID restrictions.

In Surir, most migrant workers come from Gaya, Nawada, and Jehanabad districts of Bihar and Mahoba and Hathras districts of Uttar Pradesh. Some also migrate from other blocks of Mathura district. In Ajmer

and Bhilwara, majority of the migrant labour is from Sitapur, Lakhimpur, Bareilly, Chitrakoot districts of Uttar Pradesh; Mahasamund and Baloda Bazar in Chhattisgarh, Rewa in Madhya Pradesh; Gaya, Nawada, Bhagalpur, Banka and Jamui in Bihar. Some are from Nagaur, Ajmer and Sikar districts of Rajasthan itself.

## Primary Data Collection in Selected Source Areas

BIHAR		
No. of Villages	3	<ol style="list-style-type: none"> <li>1. Aati (Kadirganj Block, Nawada)</li> <li>2. Anandpur (Kadirganj Block, Nawada)</li> <li>3. Sikri (Choukhathi Block, Gaya)</li> </ol>
No. of meetings organised with the local CSOs	1	Meeting with Representatives from 5 CSOs in Gaya <ol style="list-style-type: none"> <li>1. Jan Jagran Sansthan</li> <li>2. Lok Prabhat</li> <li>3. Centre Direct</li> <li>4. Asangathit Kshetra Kamgar Union</li> <li>5. Action Aid</li> </ol>
Village level meetings and FGDs	7	Meetings were conducted with: <ol style="list-style-type: none"> <li>1. Sarpanch and Panchayat Members</li> <li>2. Anganwadi worker</li> <li>3. Asha Worker</li> <li>4. SMC member</li> <li>5. 2 separate discussions were held with the villagers from Aati and Anandpur (Nawada) around awareness regarding safe migration and importance of documents.</li> <li>6. One collective meeting with villagers, panchayat members, Anganwadi worker, Asha worker, CSOs and local activists was held in Sikri.</li> </ol>
Individual Interviews Conducted	8	Individual interviews were conducted with workers and their family members, who were willing to talk.

CHHATTISGARH		
No. of Villages	5	<ol style="list-style-type: none"> <li>1. Gardih</li> <li>2. Saliha</li> <li>3. Aarangi</li> <li>4. Surgulli</li> <li>5. Jogidipa</li> </ol>
No. of meetings organised with the local CSOs	1	Meeting with Representatives from 5 CSOs in Gaya <ol style="list-style-type: none"> <li>1. Steam Education Society</li> <li>2. Baisakhin Devi Education and Charitable Trust</li> <li>3. Society for Public Advancement and Nourishment</li> <li>4. Pragati Prashikshan Samiti</li> <li>5. Arunodaya Shikshan Samiti</li> </ol>
Village level meetings and FGDs	4	Meetings were conducted in 4 villages with: <ol style="list-style-type: none"> <li>1. School Management Committee (SMC) Members</li> <li>2. Village Health Sanitation and Nutrition Committee (VHSNC) Members</li> <li>3. Anganwadi Workers (AWW)</li> </ol>
Individual Interviews Conducted	25	Individual interviews were conducted with workers and their family members, who were willing to talk.



## Primary Data Collection in Destination Areas

In the destination areas, data was collected from all the 30 brick kilns in Ajmer, Bhilwara and Surir, where interventions are being carried out by CLRA and CEC.

FGDs were held with groups of 10 workers in each of the 30 kilns and one local trade union. It was not possible to meet the workers individually during their working hours. Neither was it ethical to disturb them during their rest hours. Hence, participation in the FGD was left up to the worker's choice.

Individual interviews were held with officials from the Education and Labour Department, Anganwadi Worker, ASHA worker, ANM, Community Health Officer, 2 School Principals, 2 brick kiln owners and 2 contractors in Ajmer, and 2 brick kiln owners in Surir.

A survey was also carried out with the help of CLRA and CEC between October, 2021 and March, 2022. The number of families that arrived at the kilns in October-November, 2021 is as follows:

Serial No.	Brick Kilns in <b>Ajmer, Rajasthan</b>	Number of families that arrived at Brick Kilns in October - November 2021	Number of family members
1.	BBC Ladpura Bhatta	36	162
2.	Bharat Lohagal Bhatta	34	131
3.	GBC Hansiyawas Bhatta	44	174
4.	GBC Nareli Bhatta	42	199
5.	JMD Bubani Bhatta	56	146
6.	JMD Ladpura Bhatta	138	541
7.	Power Brick (Tabizi) Bhatta	23	82
8.	RKB Somalpur Bhatta	24	104
9.	VBC Gegal Bhatta	60	261
10.	VBC Ladpura Bhatta	49	227
<b>Total</b>		<b>506</b>	<b>2,027</b>

*Data received from CLRA*

Serial No.	Brick Kilns in <b>Bhilwara, Rajasthan</b>	Number of families that arrived at Brick Kilns in October - November 2021	Number of family members
1.	Azad Bricks	17	71
2.	Gayatri Bricks	10	38
3.	Gita Bricks	41	133
4.	Laxmi Bricks	25	95
5.	Pawan Bricks	58	205
6.	Prabhu Bricks	28	94
7.	Salasar Bricks	24	95
8.	Shakti Bricks	30	80
9.	Sri Krishna Bricks	34	137
10.	Vinayak Bricks	28	1095
<b>Total</b>		<b>295</b>	<b>1058</b>

*Data received from CLRA*

Serial No.	Brick Kilns in <b>Surir, Uttar Pradesh</b>	Number of families that arrived at the Brick Kilns in October - November 2021	Number of family members
1.	Bharat Eint Udyog	42	190
2.	Bhawna Eint Udyog	36	163
3.	Devika Eint Udyog	46	219
4.	GCA-I Eint Udyog	28	133
5.	GCA-II Eint Udyog	22	114
6.	Hawaladar Eint Udyog	39	196
7.	Madhav Eint Udyog	37	142
8.	Radhey Eint Udyog	44	193
9.	Raju Eint Udyog	26	152
10.	Sai Eint Udyog	51	249
	<b>Total</b>	<b>371</b>	<b>1751</b>

*Data received from CEC*

Out of these, further data was collected for 506 families in Ajmer, 295 families in Bhilwara and 371 in Surir, which forms part of different sections of this report.





CHAPTER 2

# Brick Kilns in India: An Overview



# Introduction

A study conducted in 2014-2015 found that the Indian economy employed 457.5 million individuals, 394.9 million of whom belonged to the unorganised sector. This is six times the people employed in the formal sector.<sup>1</sup> The brick kiln industry in India contributes 0.7% of the GDP and employs around 10 million people, being one of the largest employment generators in the country. But these workers are largely exploited economically and physically.<sup>2</sup> Unlike the neighbouring regions and other Southeast Asian countries that have introduced new licensing and labour laws and undergone mechanisation in the last decade, the Indian brick industry remains largely unregulated. Sparse licensing and regulations negatively impact the working conditions of brick kiln workers and facilitate environmental harms. Most brick kilns in India are Fixed Chimney Bulls Trench Kilns (FCBTK), which cause air pollution that is unhealthy for the workers and their families who live at the kilns. FCBTKs are also harmful for agriculture and the general population.<sup>3</sup>

Compared to China's brick kiln industry, which is one of the largest producers of bricks in the world, India's brick kiln sector is more labour intensive and underpaid. Despite employing almost double the number of brick workers, the output from brick manufacturing units in India is a fifth of what is produced in China.<sup>4</sup> The root cause of this underproduction is the labour intensive nature of this work, and the industry's unorganised employment structure.

The source areas for brick kiln labour include Chhattisgarh, Odisha, West Bengal, Uttar Pradesh, Madhya Pradesh, Jharkhand, Bihar. Workers from these states migrate to destination areas like Delhi NCR, Rajasthan, Gujarat, Andhra Pradesh, Karnataka, Tamil Nadu and Telangana.<sup>5</sup> This list of locations is not exhaustive; there are a number of kilns present in other parts of India, like Punjab and West Bengal to name a few. Brick kiln workers come from abject poverty, and entire families are forced to migrate to find work. In these excruciating circumstances, workers are forced to settle for poor working conditions, which are often unregulated. In these situations, brick kiln workers go through a cycle of debt bondage, health problems, inadequate regulatory protection and frequent migration. Most brick kiln workers also belong to the socially disadvantaged sections of society, such as historically oppressed and backward castes. Their social status also acts as a major factor in their exploitation.

During the dry season, brick kiln workers migrate with either their spouse or their entire family. This system is popularly known as the *jodi* system, which translates to a 'pair' in English. The male head is generally the only one who is registered on the pay rolls. The rest of the family and dependents work as a unit. Migration of the entire family generally takes place to increase production capacity, as payment of wages is done on piece rate basis. Earnings increase with the number of bricks produced. Workers are paid per 1000 bricks, which limits the earnings of individuals involved in brick making. This system incentivizes child labour, as children in the family come forward to help parents meet the production targets. The entire family's wages are paid to the male head of the household. Women are practically invisible workers and are not registered on the muster rolls. This practice also contributes to the exploitation of women in the brick kilns, because they do not fall under the purview of any employment regulations, however inadequate these regulations may be.

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1 Kumar, R. (2015). *A study on women workers in the brick kiln industry*. Journal of Advances and Scholarly Researches in Allied Education (JASRAE), 9(18), p 2. Available at: <http://ignited.in/p/35082> [Last Accessed on 11 March, 2022].

2 Jitendra. *Brick Kiln workers in India underpaid and exploited*. Down to Earth. March 12, 2015. Available at: <https://www.downtoearth.org.in/news/brick-kiln-workers-in-india-underpaid-and-exploited-48958> [Last Accessed on 11 March, 2022].

3 Mohanty, RK and Suman, S. (2020). *Children in Brick Kiln: Scenario in Odisha*. International Journal of Social Sciences, 9(2), pp 97-102. Available at: <http://ndpublisher.in/admin/issues/IJSSv9n2f.pdf> [Last Accessed on 27 February, 2022].

4 Ibid (n 2).

5 Prayas Centre for Labour Research and Action. *Women Migrants in the Brick Kiln Industry: A Study on the Conditions of Female Labourers in brick kilns*. Action Research on Women's Labour Migration in India. Working Paper No. 14, December 2017-July 2018. Centre for Women's Development Studies and ILO. Available at: <https://www.cwds.ac.in/wp-content/uploads/2020/06/Working-paper-14.pdf>. [Last Accessed on 08 February, 2022].

# Why migrant workers?

*“September se aana shuru kar dete hai, November tak aate hai.  
Vapis jayenge May-June tak.”*

*“Start arriving in September and until November.  
Will return by May-June.”*

- a male worker from Hawaldar Eint Udyog (Surir)

Almost all the workers the research team interacted with in Ajmer, Bhilwara and Surir, migrated during September-November. GBC Hansiyawas Bhatta (Ajmer) was an exception. In this facility, workers from Chhattisgarh arrived in July while the local workers from Rajasthan arrived in August. The brick kilns start functioning after the monsoon season. In all 30 brick kilns, the majority of male workers, travelled with their family (wife and children). Usually, old parents and parents-in-law are left behind in the village, though there are a few exceptions. For example in some cases, the father accompanied his son's family (son, daughter-in-law and grandchildren) to work in the kilns. In another case in GCA-I Eint Udyog (Surir), an old widowed mother accompanied her son's family, though not for work. Similarly, there are cases where an adult unmarried sister has also accompanied her brother's family to work in the kilns.

*“Choti nanad aur saas ko chhor ke aye hain. Mai, mere do bachche,  
badi nanad aur pati sab aye hain.”*

*“Younger sister-in-law and mother-in-law are left behind.  
Me, my two children, older sister-in-law and husband, all have come.”*

- a female worker from JMD Bubani Bhatta (Ajmer)

Almost all the families researchers met during primary data collection, have been working in the brick kiln industry for quite some time. A few have been working for as long as 10-15 years, while others have worked for the last 8-9 or 3-5 years. In all the three districts, these families travel to different kilns (both intra and inter-state) every year for work, depending on which kiln is assigned to them by the contractor. In Surir however, it is common for families to work in the same kiln year after year. For example, some families from Gaya district in Bihar have been working in GCA-II Eint Udyog for the last four years. In Raju Eint Udyog (Surir), workers from Bihar shared that they will be working there for the next five years. This implies that they have been given a five year contract at the same kiln. This is their second season in the Raju brick kiln. While this could be seen as a form of bonded labour, such determinations depend on how comfortable workers are with contractors, the kiln supervisors/owners and vice-versa.

*“Hum paanch saal fix hain yaha pe.”*

*“We are fixed here for five years.”*

- a worker from Raju Eint Udyog (Surir)

Contractors and brick kiln owners prefer migrant workers for multiple reasons. Most brick kiln workers take advances or loans before they start their employment. Advances are readily offered because they become one of the most important controlling weapons in the hands of the Supervisors or Managers of the brick kilns. Brick kiln workers labour for hours beyond the permissible limits and their wages are withheld until they acquiesce to the rules of the supervisors and contractors. Low and piece rate wages exacerbate worker's struggles. They must work long hours to accumulate additional wages, but also remain underpaid.

Migrant workers have little or no political and labour union support. They are unaware of minimum wage regulations and other labour rights available in their destination areas. This lack of knowledge, coupled with poor implementation of labour laws in the brick kiln sector, aggravates the disadvantages faced by workers in this field.



The vulnerability of these workers is further enhanced by unfamiliar environments and the language barriers they face at their destination areas. These factors diminish worker's bargaining power and provide additional scope for exploitation as well as discriminatory treatment at the hands of the brick kiln owners and supervisors.

Thus there are various interjecting factors which facilitate the exploitation of brick kiln workers. Firstly, workers in need of financial aid often fall for the advance payment lure, which gives the owners an upper hand and allows them to fix wages lower than the ongoing market rate. Secondly, the workers are recruited in source areas and are not aware of the minimum wage guarantees in destination areas. Thirdly, since the wages are fixed before departure, the workers cannot negotiate when they reach their destination.<sup>6</sup>

*"Isliye toh yahan mar rahey hain; chawal bhi itna mehenga ho gaya hai. Hum rate badha nahi saktey kyunki humne pehle hee advance le liya hai aur rate taye ho chuka hai."*

*"That is why we are dying here; even rice has become so expensive. We cannot increase the wage rate as we have already taken an advance and the rate offered has been agreed upon."*

– a worker from Hawaldar Eint Udyog (Surir)

Migrant workers are an obvious choice for a hassle-free brick kiln season as local workers may have unions to approach and seek redress. Coming from different states and districts, they are often unable to collectivise and are not represented in trade unions or any workers' collectives.

## Caste and Class factor in the Brick Kilns

Migration to brick kilns is not only based on economic need, but also social status. The NSS Employment, Unemployment and Migration Survey, 2008 data shows that the majority of brick kiln workers belong to a socially disadvantaged background - 47% belong to the scheduled castes, 16% are scheduled tribes and about 32% are other backward castes (OBCs). There is an association between work assignments and social status.<sup>7</sup> Workers who belong to the scheduled castes, especially women from that group, are given the work of moulders. Meanwhile, scheduled tribe women are often the head loaders. These jobs are of the lowest rank in the brick kiln sector. Therefore, even within the sector there is a division of work on the lines of one's caste and gender identity.

506 families from Ajmer, 295 families from Bhilwara and 371 families from Surir were covered during surveys carried out by the teams from CLRA and CEC in Ajmer, Bhilwara and Surir. These surveys were conducted between October-November, 2021, when the workers arrived at the kilns, and March, 2022, in the middle of the season. An attempt has been made to assess the connection between caste, occupation and the geographies from which these workers come.

Different terms are used for the various types of work carried out in the kilns. These terms have been presented below for a better understanding.

### **The process of brick making and the tasks involved: A Glossary**

*khudai* workers - Digging the land to extract the upper soil

*pathai* workers – mixing clay with water manually to get the right consistency, moulding and drying the green bricks

*rehdi* workers - carrying green bricks from the moulding point to the kiln

*bharai* workers – stacking or placing bricks in the kiln

*jalai* workers - firing the bricks in the kiln

*nikasi* workers - unloading, sorting and carrying the bricks to the stockyard or market

6 Anti-Slavery International. (2017). *Slavery in India's Brick Kilns & the Payment System: Way forward in the fight for fair wages, decent work and eradication of slavery*. Available at: <https://www.antislavery.org/wp-content/uploads/2017/09/Slavery-In-Indias-Brick-Kilns-The-Payment-System.pdf>. [Last Accessed on 27 February, 2022].

7 Roy, SN and Kunduri, E. (2018). *Migration to Brick Kilns in India: An Appraisal*. New Delhi, Centre for Policy Research. Available at: <https://cprindia.org/wp-content/uploads/2021/12/Migration-to-Brick-Kilns-in-India.pdf> [Last Accessed on 02 March, 2022].

Caste break-up	Ajmer	Bhilwara	Surir
SC	25%	59%	92%
ST	29%	17%	1%
OBC	11%	21%	3%
General	35%	3%	4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

The survey shows that the scheduled castes comprise maximum number of kiln workers in Surir and Bhilwara, while in Ajmer there are more workers belonging to the scheduled tribes and the general category.

Caste and Occupation Break-up (Ajmer)										
Caste break-up	Bharai	Nikasi	Pathai	Rapas	Tractor Operator	Bhatta Munim	Mix of Col. B to E	Other Tasks	INA	Total
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
SC	6	19	66	4	6	0	13	9	1	124
ST	0	0	148	0	0	0	0	1	0	149
OBC	1	1	51	0	0	0	2	2	0	57
General	14	2	146	1	0	1	5	7	0	176
<b>Total</b>	<b>21</b>	<b>22</b>	<b>411</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>20</b>	<b>19</b>	<b>1</b>	<b>506</b>

Geography and Occupation Break-up (Ajmer)										
Caste break-up	Bharai	Nikasi	Pathai	Rapas	Tractor Operator	Bhatta Munim	Mix of Col. B to E	Other Tasks	INA	Total
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
Chhattisgarh	0	0	277	0	0	0	0	2	0	279
Uttar Pradesh	0	0	64	0	3	0	0	0	0	67
Odisha	0	0	1	0	0	0	0	0	0	1
Maharashtra	0	0	1	0	0	0	0	0	0	1
Rajasthan	21	22	67	5	3	1	20	17	0	156
INA	0	0	1	0	0	0	0	0	1	2
<b>Total</b>	<b>21</b>	<b>22</b>	<b>411</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>20</b>	<b>19</b>	<b>1</b>	<b>506</b>

Caste and Occupation Break-up (Bhilwara)										
Caste break-up	Bharai	Jalai	Nikasi	Pathai	Rapas	Rehdiwala	Bhatta Munim	Mix of Col. B to G	INA	Total
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
SC	3	6	2	148	2	1	1	9	2	174
ST	5	1	2	31	1	0	2	8	1	51
OBC	14	12	2	29	0	0	1	3	0	61
General	4	2	0	3	0	0	0	0	0	9
<b>Total</b>	<b>26</b>	<b>21</b>	<b>6</b>	<b>211</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>20</b>	<b>3</b>	<b>295</b>

Geography and Occupation Break-up (Bhilwara)										
Source Areas	Bharai	Jalai	Nikasi	Pathai	Rapas	Rehdiwala	Bhatta Munim	Mix of Col. B to G	INA	Total
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
Bihar	0	12	0	121	0	0	0	7		140
Uttar Pradesh	0	4	2	58	2	0	0	5	1	72
Jharkhand	0	0	0	16	0	0	0			16
Madhya Pradesh	1	1	0	8	0	0	0	3	1	14
Rajasthan	25	4	4	8	1	4	1	5	1	53
<b>Total</b>	<b>26</b>	<b>21</b>	<b>6</b>	<b>211</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>20</b>	<b>3</b>	<b>295</b>

Caste and Occupation Break-up (Surir)	
Caste break-up	Pathai
Col. A	Col. B
SC	343
ST	4
OBC	10
General	14
<b>Total</b>	<b>371</b>

Geography and Occupation Break-up (Surir)			
Source Areas	Pathai	INA	Total
Col. A	Col. B	Col. C	Col. D
Bihar	298	2	300
Uttar Pradesh	70	0	70
Jharkhand	1	0	1
Madhya Pradesh	0	0	0
<b>Total</b>	<b>369</b>	<b>2</b>	<b>371</b>

Most families surveyed in Ajmer, Bhilwara and Surir are found to be engaged in pathai work and are commonly known as *patheras*. All the families surveyed in Surir are pathai workers, while in Ajmer the patheras constitute 81% of the families surveyed and in Bhilwara 72%. Maximum number of patheras in Bhilwara and Surir belong to the scheduled castes (SC) from Bihar. In Ajmer, majority of them belong to the scheduled tribes (ST) from Chhattisgarh.

As is evident from the survey data, more skilled tasks like bharai (placing bricks in kiln for firing) and jalai (firing of bricks) are largely performed by those belonging to the other backward castes (OBC) in Bhilwara or workers from the general category in Ajmer. These statistics reconfirm the caste and occupation hierarchies in the brick kilns, which is well documented in different research papers and reports. According to the 2017 analysis presented by Anti-Slavery International,<sup>8</sup> skilled workers who are paid on hourly basis earn 30% more than workers paid on piece rate basis. The skilled workers are generally paid more than the unskilled workers, and these unskilled workers belong to the lowest rank of the social hierarchy. Therefore, the pay is regulated indirectly on caste lines.

<sup>8</sup> Ibid (n 6).

Caste and geography impact workers' ability to receive favours from kiln managers or owners. For example, workers from the same state are favoured over out-of-state workers and are given better or easy access to certain facilities. In Surir, workers from Bihar complained that the kiln owner was not paying any heed to their requests while their counterparts from Uttar Pradesh received more favourable treatment. The manner in which the workers' settlements are arranged clearly reflects the highly pronounced caste system that is carried forward into the kilns and can be found even among workers from the same state. These distinctions govern socialisation patterns, or rather the social distancing norms, within the kiln.

## Recruitment and Work: Common Characteristics of Brick Kilns

Despite being exploitative and unrewarding in many ways, the workers opt for brick making because cash is easily available in advance, even before they start their work, and the entire family can stay and work together without the requirement of having any major skills.<sup>9</sup>

*“Jitna kaam hota hai uttna letey hain. Koi pachas hazar leta hai, koi tees hazar leta hai; ye kaam ke upar hai. Hum log teen aadmi pe pachpan hazar liye hain. Aadmi jitna hota hai na uss hisab se advance leta hai.”*

*“We take as per the amount of work. Some take 50,000, some 30,000; it depends on the work. We have taken 55,000 for three people. Advance is taken on the basis of the number of people.”*

- a worker from Sai Eint Udyog (Surir)

Supervisors or Managers of the brick kilns hire contractors, commonly known as the *thekedars* or *jamadars*, who then go to the source areas to hire workers. The supervisors give contractors a lump sum of money, which is dispensed to recruited workers in the form of an advance. Once the workers agree to join the kilns, the contractor pays the advance amount. The amount is fixed based on negotiations which occur between the contractor and potential workers. The number of family members who will be working at the kiln as a unit is also considered when determining the advance amount. In need of money and work, many workers fall for this advance payment scheme.

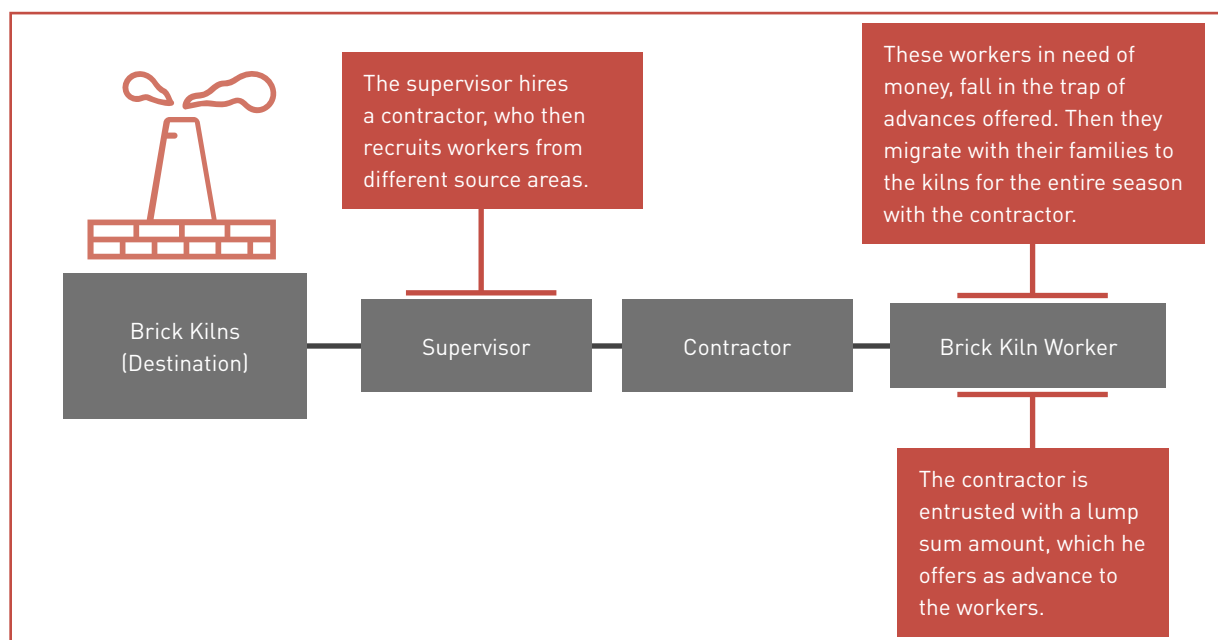
The Anti-Slavery International's study in Punjab highlights that the advance amount ranges from anything between INR 3,000 to INR 20,000 per unit, i.e., per family.<sup>10</sup> This method of payment acts as a way of bondage. Workers, despite all the hardships, are forced to stay back till the end of the brick kiln season in order to have their dues cleared. They work for long hours in excruciating conditions to make up for the advance taken and earn extra money for sustenance. The study found that in multiple cases the supervisors withheld the wages months after the brick kiln season was over. At the end of the season, the payment due is calculated based on unit production of bricks. The advance amount and daily sustenance allowances are subtracted from this figure. In some cases, owners also levy interest on the advance payment. In most cases where the workers are liable to pay interest on the principal amount paid as advance, they are not informed about the interest rates till the very end. This further increases their financial burden and economic exploitation.<sup>11</sup> These unforeseeable fees are also seen as a tactic used by supervisors to make workers return for the next season, thus continuing the cycle of debt, bondage and exploitation.

9 Kumari, S. (2018). *Neo bondage in the brick kiln industry: A case study of Bihar*. SAGE Journals. Available at: <https://journals.sagepub.com/doi/10.1177/0049085718781687> [Last Accessed on: 02 March, 2022].

10 Ibid (n 6).

11 Ibid (n 6).

## The Cycle of Debt Bondage



As mentioned above, a sustenance allowance is given to the workers weekly or fortnightly for food and lodging. This allowance is called *kharchi* in Ajmer, Bhilwara and Surir. The amount is settled against the advance and wages due at the end of the season. The amount varies and depends on the kinds of tasks completed by the workers. In Surir, the *kharchi* ranges from INR 500 to INR 1200, while in Ajmer and Bhilwara the range is higher, from INR 2000 to INR 6000. *Kharchi* is usually paid to the male head of the family whose name is in the registers. However, the interventions being carried out by CLRA and CEC have allowed women workers to be given *kharchi* in certain kilns. By and large women who have received *kharchi* in their hands appreciate this practice as it gives them a sense of worth and a little control over the family's finances. *Kharchi* day is a no work day. The workers spend the day visiting the market and celebrating with good food. Men often buy alcohol while women indulge in purchasing shampoo, bindis, lipstick and other cosmetics for themselves. Generally, the money is used to buy essentials such as cooking oil, rations, medicines, soap, etc.

After being asked if they ever save some of the *kharchi*, worker's responded with a clear "NO". In fact, sometimes the given amount falls short for them. They have to ask for an additional amount from their owner (commonly referred to as *malik* or *seth*), in order to pay back the small amounts (INR 100-200) they borrow from their fellow companions. The extra amount they borrow from their *malik* is deducted from their final payment at the end of the season.

Kharchi given in BBC Ladpura Bhatta (Ajmer)

- pathai workers (brick moulders) get INR 5000 for 15 days (for a pair)
- rehdiwala workers (who transport bricks and mud on wheel carts) get INR 3000 for 15 days (for a pair)

In Ajmer, Bhilwara and Surir, workers provided researchers with information about the advance system, how it works and what are their thoughts around advance versus fixed decent minimum wages per month.

In the case of workers from Gaya and Nawada districts of Bihar and Baloda Bazar and Mahasamund districts of Chhattisgarh, the advance amount ranges from INR 40,000 to INR 1,50,000 per family. Workers from Uttar Pradesh and Madhya Pradesh receive between INR 15,000 and INR 80,000 per family. In one of the kilns in Surir, researchers found that workers migrating from districts within the state, such as Aligarh, Hathras, and Barsana, are not given any advance. The contractor arranges their transport to the kiln and they are given INR 1000 - 2000 for food expenses during travel. In another kiln in Surir, the workers shared that the owner himself comes to the village along with the contractor to pay the advance.

Most families who agree to work in the brick kilns belong to marginalised communities with little or no land and no employment opportunities in the source areas. Given an option, the advance is preferred by the



workers over fixed monthly income as it helps them meet many pending and urgent needs. Advances are used for home construction, land and husbandry purchases, marrying off siblings or children, repaying old debts, emergency health care and to sustain families after they return from the kilns. Most workers have no other sources of income and cannot earn wages while they are waiting for brickworks to reopen.

The workers were very practical in their responses to queries regarding their preference for advances versus fixed monthly income. For example, while a male worker in Ajmer looks at advance as a form of security and assurance for work, for a female worker views a fixed monthly income as the key to disaster, as most of it would be spent by men on alcohol.

*“Advance isliye aadmi le leta hai ki agar kaam pe jane ke baad thekedar baimani kar liya, paisa nahi diya, toh nuksaan humara hoga. Toh isliye advance lena zaroori hota hai; aadmi ko biswas ho jata hai. Thekedar malik ke upar biswas karta hai aur mazdoor thekedar ke upar biswas karta hai.”*

*“An advance is taken so that in case the contractor cheats us after going to work and does not pay the wages, then we will be at a loss. That is why it is important to take an advance payment; you can then trust the other person. The contractor trusts the owner and the worker trusts the contractor.”*

- a worker from RKB Somalpur (Ajmer)

*“Madam advance hi lete hain. Advance se hum ghar bana lete hai, karza vapas ho jata hai. Shaadi mein kaam aa jata hai. Agar sirf yahan par paisa lenge toh humein cut hoke milega aur pata bhi nahi chalega ki kyu paisa cut gaya. Advance poora humein hi milta hai.”*

*“Madam we take advance only. With advance we can build our house, return the debts. It can be used for weddings. If we only take money here (at the kiln), some amount will be deducted and we will not come to know why it has been deducted. Advance comes to us entirely.”*

- a female worker from Raju Eint Udyog (Surir)

*“Agar sirf mahine ke mahine hi paisa milega toh sab kharch ho jayega.”*

*“If we receive only monthly wages, all the money will be spent.”*

- women workers from Raju Eint Udyog (Surir)

*“Har mahine zyada paghar toh milegi lekin humare marad phir daaru par zyaada kharcha karenge aur paisa nahi bach payega.”*

*“We will get more wages every month but our men will then spend more on alcohol and there will be no savings.”*

- women workers from Prabhu Bhatta (Bhilwara)

Amongst the many who favoured advance over fixed monthly income, a few also recognised the system of bondage perpetuated by these payment structures. For example, it was pointed out that if there is some occasion or emergency in the village, such as a wedding or a death in the family, workers cannot leave their jobs and go back home.

*“Shaadi bhi hoti hai parivar mai toh hum ja nahi patey hain. Kyonki advance le liye hain toh kaam khatam hone ke baad hi ja pate hain.”*

*“Even if there is a wedding in the family we cannot go. Since we have taken an advance we can only go back after completion of work.”*

- a female worker from JMD Bubani Bhatta (Ajmer)

Overall, the advance economy appears to suit both the workers and the owners. However, a few contractors and owners did complain about workers disappearing after taking the advance or leaving midway through the season, never to be traced again. Often such cases are used by the owners and contractors to highlight their plight, but it must be reiterated that such incidents are rare. The general scenario continues to be exploitative, even if it suits the workers for a myriad of reasons.

Absence of fixed minimum wages, wage differentials, advance systems and deduction of wages based on pretext are common characteristics of the brick kilns. For example, in almost 6 out of the 10 brick kilns of Surir, workers complained that money will be deducted for fuelwood or cow-dung cakes, when the final payment is settled. Here too, workers from the same state are treated more favourably than out-of-state workers, who experience higher salary deductions. For example, in Hawaldar Eint Udyog (Surir), the families from Bihar end up paying more money for fuel to their malik compared to the families from Uttar Pradesh.

*“Malik lakdi lata hai toh paise kaat leta hai. Agar ek lakh eint baneyenge toh pachchees sau rupaye maalik lakdi ke naam pe kaat leta hai.”*

*“If the owner brings fuelwood, he deducts money for it. If we make one lakh bricks, the owner will deduct 2500 rupees in the name of fuelwood expenses.”*

- workers from Bihar in Hawaldar Eint Udyog (Surir)

*“Ek lakh eint banane pe barah sau pachas rupaye malik lakdi ke liye kaat leta hai.”*

*“On one lakh bricks we make, 1250 rupees is deducted for fuelwood.”*

- workers from Uttar Pradesh in Hawaldar Eint Udyog (Surir)

In Ajmer and Bhilwara, most brickworks, with the exception of two kilns, give workers free fuelwood. Researchers observed that some local Rajasthani families working in a kiln in Ajmer, carry their own gas cylinders and stoves when they shift to the kilns.

## Wages and Wage Differentials

The brick manufacturing industry has also struggled to fix piece rate minimum wages, determined on a scientific basis, instead of time rate wages for eight hours of work per day. CLRA has been instrumental in identifying a scientific way to determine piece rate wages for brick moulding. In Gujarat, minimum wages for brick moulders were fixed at INR 293 per 490 bricks through a government notification dated 5 October, 2021. An earlier notification of the Gujarat government had fixed minimum wages for 1100 bricks moulded by hand. However, in 2008, a union of brick workers challenged this notification and argued that it was unrealistic. The number of bricks moulded in a day was pegged much higher than the workers' average eight hour production. While submissions highlighting this problem were made to the concerned authorities, no efforts were taken to address the issue. In 2014, CLRA produced a report based on a time motion study carried out by the Industrial Design Centre of the Indian Institute of Technology (IIT), Bombay, which determined that the average production of bricks by a single worker in eight hours a day was 490. In 2017, this was confirmed through another time motion study carried out by a Committee set up by the Gujarat Government and the Mahatma Gandhi Labour Institute (MGLI) in Ahmedabad. However, the state government continued to notify minimum wages for brick kilns based on the old pattern. Eventually, a petition was filed in the Gujarat High Court (Int Bhatta Majdoor Union vs. State of Gujarat [Special Civil Application No. 12432 of 2020]). Based on the High Court of Gujarat's decision, the state government issued a new notification on 5 October, 2020, with the piece rate minimum wage for brick moulders fixed at INR 293 for average brick production of 490 bricks in eight hours a day.

Many states continue to apply the time rate wage determined for skilled, semi-skilled and unskilled workers; ignoring the realities of brick workers. According to CLRA,<sup>12</sup> the minimum wage for semi-skilled workers in Uttar Pradesh is INR 10,483 per month (26 working days), which comes to INR 403 per day of eight

12 Information shared by Mr. Sudhir Katiyar, Executive Director, Centre for Labour Research and Action (CLRA), Rajasthan.

working hours. If the Gujarat norm is to be applied, the piece rate wages in Uttar Pradesh would come to INR 822 per 1000 bricks, while the actual wages given to brick workers in the state range between INR 550-600 per 1000 bricks. Similarly, in Rajasthan, the minimum wages are decided on piece rate basis and fixed at INR 283 for 1000 bricks. If this rate is taken as the cost for the standard average production of 490 bricks per day, the wage for 1000 bricks would come to INR 578.



Even where piece rate minimum wages have been fixed, the workers are not paid according to the fixed rate. This point was highlighted in the study conducted by Anti-Slavery International in Punjab.<sup>13</sup> It was observed that though Punjab had a minimum piece rate wage per 1000 bricks, brick kiln owners often refused to adjust the wages to the existing rates. The Punjab Minimum Wage Rules adjust the wages with inflation every six months, but most brick kilns violate this provision and pay the workers on backdated rates. In most cases, workers and trade unions are not aware of these mid-season changes in wage rates.

The petition filed in the Gujarat High Court, and its outcome, should be used to encourage other state governments to establish scientifically determined piece rate wages for brick workers. Each state must decide on uniform piece rate minimum wages for brick workers. The absence of such determinations leads to wage differentials within a state, from kiln to kiln.

The worker population in the 30 brick kilns covered during the primary research undertaken for this report, includes both inter-state and intra-state migrants. Wage differentials are found for the same kind of work (moulding) across the 30 kilns. In a few kilns the wages differ for the workers from different source areas. In Surir the current rate for moulding varies from 480 to 550 rupees per 1000 bricks, while in Ajmer it ranges from 400 to 550 rupees. In Bhilwara it is between 450 and 550 rupees.

The tables that follow provide a glimpse into the wage differentials.

S. No.	Brick Kilns in <b>Ajmer, Rajasthan</b>	Rates for Moulding per 1000 bricks (in Rupees)
1.	BBC Ladpura Bhatta	400
2.	Bharat Lohagal Bhatta	500
3.	GBC Hansiyawas BHatta	475
4.	GBC Nareli Bhatta	500
5.	JMD Bubani Bhatta	450 - 500
6.	JMD Ladpura Bhatta	500
7.	Power Brick (Tabizi) Bhatta	550
8.	RKB Somalpur Bhatta	500 - 550
9.	VBC Gagel Bhatta	500 - 550
10.	VBC Ladpura Bhatta	475

13 Ibid (n 6).

S. No.	Brick Kilns in <b>Bhilwara, Rajasthan</b>	Rates for Moulding per 1000 bricks (in Rupees)
1.	Azad Bhatta	500 - 550
2.	Gayatri Bhatta	500 475 (For workers from Madhya Pradesh)
3.	Gita Bhatta	500
4.	Laxmi Bhatta	450 - 500
5.	Pawan Bhatta	500
6.	Prabhu Bhatta	500 550 (For workers from Bihar)
7.	Salasar Bhatta	450
8.	Shakti Bhatta	500
9.	Sri Krishna Bhatta	450
10.	Vinayak Bhatta	500

S. No.	Brick Kilns in <b>Surir, Uttar Pradesh</b>	Rates for Moulding per 1000 bricks (in Rupees)
1.	Bharat Eint Udyog	500
2.	Bhawna Eint Udyog	500
3.	Devika Eint Udyog	550
4.	GCA-I Eint Udyog	550
5.	GCA-II Eint Udyog	525
6.	Hawaladar Eint Udyog	500
7.	Madhav Eint Udyog	550
8.	Radhey Eint Udyog	480
9.	Raju Eint Udyog	450 (For workers from Uttar Pradesh) 550 (For workers from Bihar)
10.	Sai Eint Udyog	520

Based on interviews and discussions with workers, kiln owners, contractors and managers, it was found that wages are higher if workers have to prepare the clay manually. Another reason for these wage differentials is power of the thekedar or contractor. This individual is the only mediator between the owner and the workers, and enjoys the power to negotiate wages in the source area itself while offering an advance. Once an advance is taken, there is no scope for any change in the wage rate agreed upon by the workers, even if the living cost goes up.

## Legal Framework and Regulations

Legislation	Highlights
Factories Act, 1948	Manufacturing bricks and the premises within which they are manufactured come under the purview of the Factories Act. A worker in a brick kiln is a factory worker as per section 2(l) of the Factories Act, even if employed through a contractor. Further, under section 103 of the Factories Act, there is a presumption of employment if a worker is found on the premises of the factory. The Factories Act regulates the working conditions of the workers and lays down various provisions which are related to minimum age of employment, hazardous processes and regulation of working conditions, health, safety, crèches for 0-6 year old children of women workers, and other welfare measures for the workers.

Legislation	Highlights
Minimum Wages Act, 1948	Most States frame their own rules with respect to minimum wages and keep adding new occupations and processes to the list of scheduled employment to which the minimum wage law will apply. Employment in Brick Kilns is notified as Scheduled Employment under the Minimum Wages Act by most State governments and minimum rates of wages are also notified.
Employment Provident Fund and Miscellaneous Provisions Act, 1952	Brick Kiln workers who render 60 days of work within the employment tenure of 90 days should be enrolled as members of the Provident Fund, Family Pension Fund and Employees Deposit Linked Insurance Scheme.
Maternity Benefits Act, 1961 and the Maternity Benefits (Amendment) Act, 2017	<p>The Maternity Benefit Act, of 1961 was enacted to provide maternity entitlements to women in all mines, plantations, shops and establishments and factories either in organised sector or unorganised sector, for a certain period before and after childbirth. As per the amended law, to be eligible for maternity benefit, a woman must have been working as an employee in an establishment for a period of at least 80 days in the past 12 months immediately preceding the date of her expected delivery.</p> <p>The period of paid maternity leaves (Maternity Benefit) that a woman employee is entitled to has been increased to 26 (twenty-six) weeks, of which pre-natal leave can be up to 8 weeks. Even mothers who adopt can get maternity leave of 12 weeks from the date of adoption. Besides, provisions relating to work from home and crèche facility have been introduced in the Amendment Act.</p>
Payment of Bonus Act, 1965	If 20 or more individuals are employed in an accompanying year in a factory as per the Factories Act, then the brick kiln workers are eligible to claim bonus as per the Payment of Bonus Act.
Contract Labour (Regulation and Abolition) Act, 1970 <sup>14</sup>	<p>Where 20 or more contract labour are employed in an establishment through contractors on any day in the preceding twelve months, it is mandatory for the principal employer to register such establishment under the Contract Labour Act, failing which employment of contract labour is prohibited. The law casts a duty on the contractor to provide for certain basic facilities for contract labour such as sufficiently lit and ventilated rest rooms or accommodation, adequate drinking water, toilet and washing facilities and first aid. Where the contractor fails to fulfil such obligation, the duty lies with the principal employer.</p> <p>Wages to contract labour have to be paid by the contractor in the presence of a person authorised by the principal employer, and if the contractor falls short in this regard, the responsibility to pay the due wages lie with the principal employer.</p> <p>A principal employer and contractor are required to maintain certain registers and records containing particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour, amenities provided at worksite, etc. They also have to exhibit notices containing particulars about the hours of work, nature of duty and such other information.</p>
Payment of Gratuity Act, 1972	As a factory, brick kilns comes under the purview of the Gratuity Act. The workers are thus entitled to gratuity, based on their tenure and other conditions.
Equal Remuneration Act, 1976	Provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination against women in matters of employment on grounds of sex. This includes not merely initial recruitment but also different stages of employment, including promotions.

<sup>14</sup> *The Contract Labour (Regulation and Abolition) Act, 1970*. Available at: [https://legislative.gov.in/sites/default/files/A1970-37\\_0.pdf](https://legislative.gov.in/sites/default/files/A1970-37_0.pdf) [Last Accessed on 15 February, 2022].

Legislation	Highlights
The Bonded Labour System (Abolition) Act, 1976	Bonded Labour was outlawed with this legislation. The act defines bondage as any form of forced labour or partially forced labour where the debtor renders his or his family's services to repay an advance or loan. Bonded Labour according to the understanding of this act is widely visible in the brick kiln industry, therefore this is one of the major legislations in place to keep a check on it. The legislation also guarantees a one-time rehabilitation remuneration to the bonded labourers.
Inter-State Migrant Workmen Act, 1979	<p>The law provides for regulation of conditions of recruitment, transportation and work, and the basic facilities to be provided by the contractors for inter-state migrant workers.</p> <p>Any establishment which employs 5 or more interstate migrant workers falls under the purview of this legislation. The benefits offered are:</p> <ul style="list-style-type: none"> <li>• Journey allowance</li> <li>• Displacement allowance</li> <li>• Accommodation near the site</li> <li>• Medical assistance inclusive of hospitalisation.</li> </ul>
Building and Other Construction Workers (Regulation of Employment And Conditions of Service) Act, 1996 and The Building and Other Construction Workers Welfare Cess Act, 1996	The brick kilns are required to be registered with state-level Building and Construction Workers' Welfare Boards. A fund is created under the Board through the cess levied on employers, which is to be used for providing social security measures for the workers. Minimum safety standards and conditions of employment including healthcare, assistance for education of children, housing and shelter, pension, life insurance, assistance for purchase of tools, etc. are provided for in this legislation.
Unorganised Workers Social Security Act, 2008 <sup>15</sup>	<p>The Act requires the Central Government to formulate and notify welfare schemes for unorganised sector workers on matters relating to life and disability cover, health and maternity benefits, old age protection, etc., while the State Governments are required to formulate and notify schemes relating to provident fund, housing, employment injury benefit, educational schemes for children, skill upgradation of workers, funeral assistance, old age homes, etc.</p> <p>Unorganised sector workers include those self-employed or employed for wages, employed directly or through contractors or agents, casual or temporary workers, migrant workers, workers employed by households such as domestic helps.</p> <p>Facilitation centres may be set up by State Governments to assist in registration of unorganised sector workers and facilitate their enrolment in social security schemes.</p>
Child Labour (Prohibition and Regulation) Act 1986 and Child and Adolescent Labour (Prohibition and Regulation) Act 1986 Amendment Act, 2016	The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in 2016) prohibits the engagement of children (below 14 years) in all occupations and of adolescents (14 to 18 years) in hazardous occupations and processes. However, children under the age of 14 years are allowed to help in family enterprises and work in the entertainment and sports industry other than circus after school hours or during vacations. Further, 'hazardous' works has been restricted to factories, mines and inflammable substances or explosives, allowing adolescent labour to work in non-hazardous occupations under regulated conditions.
Equal Remuneration Act, 1976	Provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination against women in matters of employment on grounds of sex. This includes not merely initial recruitment but also different stages of employment, including promotions.

15 National Commission for Women and NLO, Odisha. (2020). *Background Note for 2nd Regional Consultation on Reviewing Law related to Inter-state Women Migrant Workers*. Available at: [https://www.nluo.ac.in/wp-content/uploads/2020/05/Concept-Note\\_ISMWW\\_14th-may.pdf](https://www.nluo.ac.in/wp-content/uploads/2020/05/Concept-Note_ISMWW_14th-may.pdf). [Last Accessed on 25 February, 2022].



Legislation	Highlights
The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	Commonly known as the POSH Act, the law provides protection against sexual harassment of women at the workplace and for the prevention and redress of complaints of sexual harassment. Workplace covers both organised and unorganised sector.  Any employer of a workplace with 10 or more employees is required to constitute an Internal Complaints Committee (ICC). The ICC is responsible for hearing and redressing any complaints pertaining to sexual harassment in such a workplace through proper inquiry.

Source: Urban India, 2014<sup>16</sup>, Migration to Brick Kilns in India: An Appraisal, 2018<sup>17</sup> and Labour Law and the Migrant Worker<sup>18</sup>

By and large, most of the laws listed above are poorly implemented. Such open and widespread disregard for labour laws feeds the existing debt bondage system and facilitates discrimination against women in the workforce. Enforcement machineries are inadequate and workers are expected to find redress independently through other agencies, namely the unions.<sup>19</sup> The fact that brick kiln workers are seasonal and inter-state migrants who work at the kilns for less than a year, and may or may not work in the same brick kiln every season, also works against them. As brick kiln workers have not collectively unionized, they are not in a position to negotiate with employers for decent wages and work conditions. Additionally, owners are able to exert control over these workers and make them labour in oppressive conditions to maximise output and meet the market demand. Unlike the locals, they do not have access to panchayats and police in the region.<sup>20</sup> This acts as an added advantage for the owners. During a visit to a kiln in Ajmer, the kiln owner proudly stated that they have opened a grocery store and a general store within the brick kiln premises. The owner maintained that these facilities allow workers to buy daily necessities without having to go far and spend money on travel. However, these stores actually help the owner ensure that the workers do not move out of sight, unless there is a situation of life and death.

According to a report published by the National Human Rights Commission (NHRC), 72% of employers surveyed stated that compliance with various welfare/labour laws would make their businesses significantly more expensive. They would be forced to give workers allowances, and provide accommodation as well as healthcare services.<sup>21</sup> Therefore, employers often under-report inter-state migrants, which causes these workers to be denied social protection and health services in the host state. The report also mentions that there is no proper verification of the wages, allowances, accommodation and healthcare services that should be available to inter-state migrants under the law. These inadequate monitoring and verification systems further weaken the implementation of labour legislation.<sup>22</sup>

Moreover, the workers are not aware of their legal rights and entitlements. Therefore, owners are able to dominate and manipulate them over wages, bonuses, gratuities, and other benefits. As mentioned earlier, the research conducted by Anti-Slavery International shows that in Chhattisgarh, Punjab and Uttar Pradesh, a vast majority of the workers did not know about the prevailing minimum wage rates. Workers and some local unions were also unaware of minimum wage rate increases during the season (adjusted every 6 months for inflation), thus often agreeing to an out-of-date and inaccurate minimum

16 Action Aid, Hyderabad. (2014). *Legal Primer: Brick Kiln Workers and Bonded Labour*. Urban India, 34 (1). Available at: <https://www.shram.org/uploadFiles/20150417071513.pdf> [Last Accessed on 23 February, 2022].

17 Ibid (n 7).

18 Centre for Women's Development Studies. (n.d.). *Labour Law and the Migrant Worker: Research Report*. Available at: [https://www.cwds.ac.in/wp-content/uploads/2019/08/LabourLawMigrantWorkerCWDS\\_ReportFinal.pdf](https://www.cwds.ac.in/wp-content/uploads/2019/08/LabourLawMigrantWorkerCWDS_ReportFinal.pdf) [Last Accessed on 27 February, 2022].

19 Prayas Centre for Labour Research and Action (PCLRA). (n.d.). *Migrant Labour at Brick Kiln in Andhra Pradesh: A Human Right Perspective*. Available at: <http://www.mfcindia.org/main/bgpapers/bgpapers2013/am/bgpap2013Tt.pdf> [Last Accessed on 16 January, 2022].

20 Gupta, R. (2018). *Labour Market Dynamics & Industrial Relations in Brick Kiln Industry, Research Study as part of the Project: Empowering CSOs for Decent Work and Green Bricks in India's Brick Kilns*. Centre for Education and Communication, New Delhi. Available at: <https://www.cec-india.org/libpdf/1547116021LabourMarketDynamics&IndustrialRelationsinBrickKilnIndustry.pdf>. [Last Accessed on 27 February, 2022].

21 Jacob, John et al. (2020). *A Study on Social Security and Health Rights of Migrant Workers in India*. National Human Rights Commission. Kerala Development Society. Available at: [https://nhrc.nic.in/sites/default/files/Approved\\_Health%20and%20social%20security%20ISMW\\_KDS-NHRC.pdf](https://nhrc.nic.in/sites/default/files/Approved_Health%20and%20social%20security%20ISMW_KDS-NHRC.pdf) [Last Accessed on 13 February, 2022].

22 Ibid (n 21).

wage.<sup>23</sup> It is also reported that some brick kiln owners arbitrarily change the wage rate at the end of the brick kiln season when payments are being settled. Workers are often unable to negotiate the rate at this time. The report further reveals that on many occasions, there were hardly any officials or staff in the state government's labour department overseeing the implementation of the Minimum Wages Act, 1948. Moreover, government tends to prioritise and promote 'ease of doing business' instead of carrying out labour inspections.

There are other challenges as well. Most contracts that workers enter into are verbal agreements made with the contractor. There are no official records of when they started work, the advance provided, how many bricks they are making and what they are being paid. This leads to a serious gap in evidence, as workers are unable to prove that they were actually employed in the kiln. These record deficiencies allow owners to out rightly deny the existence of some workers.<sup>24</sup> Under such circumstances, questions of paying gratuity or other benefits to the workers do not arise. Even though it has been held in numerous cases by NHRC<sup>25</sup> and various high courts,<sup>26</sup> that a lack of employment record at the kilns raises a presumption of forced and bonded labour, brick kiln owners still fail to maintain proper official records.

The government's casual attitude towards the implementation of the above-listed laws is also evident from the fact that laws like the Factories Act, 1948, which form the backbone of the recently introduced labour code, have not been enforced effectively to date. Although the brick manufacturing process comes under the framework of the Factories Act, many states have not specifically issued any notification to this effect. The ambiguity resulting from absence of such notification by the states allows kiln owners to default. Even if the states were to do so, the owners do not practice transparency and refuse to maintain or share employment records, thus excluding workers from their entitlements. Experts believe that non-implementation of these laws keep the brick kiln workers away from the mainstream, retaining their status of informality. Hence, unless their status is changed to formal workers, their living conditions cannot be regulated and they will remain deprived of many social security schemes.<sup>27</sup>

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 requires every State and Union Territory (UT) to set up a Building and Other Construction Workers Welfare Board (BOCWB) with equal representation from workers, employers, and government. The Board is required to register all construction workers in the state and promote the welfare of registered construction workers through various schemes, measures or facilities.<sup>28</sup> To fund the welfare activities of the Board, the Building and Other Construction Workers Welfare Cess Act, 1996 envisages the levy of a 1-2% cess on the construction of all buildings and other works employing construction workers. However, research studies<sup>29</sup> and on-the-ground experiences<sup>30</sup> have revealed a depressing picture regarding the implementation of this law. The brick kiln owners willfully refuse to submit workers lists to the Board. Therefore the required linkage between the workers and the Board is not created.<sup>31</sup> Workers are also deterred from getting registered due to complex self-registration processes, elaborate documentation requirements, burdensome forms, employment proof mandates, etc. It is especially challenging for inter-state migrant workers who are not aware of the procedures involved and may be confused by variations in different state laws and regulations.<sup>32</sup> Therefore, to ensure benefits reach the workers, states need to work on various aspects of implementation - be it worker registration, cess collection and utilization, or the establishment of

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23 Ibid (n 6).

24 Ibid (n 6).

25 Ibid (n 6).

26 High Court of Judicature at Allahabad. (2011). *Shiva Ent Udyog, Bulandshahr v/s National Human Rights Commission, New Delhi*. Available at: <https://www.lawyerservices.in/Shiva-Ent-Udyog-Bulandshahr-Versus-National-Human-Rights-Commission-New-Delhi-2011-01-21>. [Last Accessed on 17 February, 2022].

27 HAQ: Centre for Child Rights. *Brickwalled*. Issue No. 1, December 2021. Available at: [https://www.haqrc.org/wp-content/uploads/2021/12/Brickwalled\\_Newsletter\\_Issue\\_1\\_December-2021.pdf](https://www.haqrc.org/wp-content/uploads/2021/12/Brickwalled_Newsletter_Issue_1_December-2021.pdf) [Last Accessed on 23 February, 2022].

28 Roy, SN and Naik, M. (2017). *Evaluating the welfare framework for building and other construction workers in India*. Available at: [https://www.researchgate.net/publication/337150887\\_Evaluating\\_the\\_welfare\\_framework\\_for\\_building\\_and\\_other\\_construction\\_workers\\_in\\_india](https://www.researchgate.net/publication/337150887_Evaluating_the_welfare_framework_for_building_and_other_construction_workers_in_india) [Last Accessed on 25 January, 2022].

29 Ibid (n 28).

30 Ibid (n 27).

31 Ibid (n 27).

32 Tiwari, Sadhika. *No Documents, No Benefits: How India's Invisible Workforce Is Left to Fend for Itself*. India Spend. June 21, 2020. Available at: <https://www.indiaspend.com/no-documents-no-benefits-how-indias-invisible-workforce-is-left-to-fend-for-itself/> [Last Accessed on 25 January, 2022].



appropriate regulatory and implementation institutions.<sup>33</sup> The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 may be amended on the lines of the Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969. The Mathadi Act applies to unprotected manual workers such as head loaders/hamals engaged in certain employments in Maharashtra. According to Sudhir Katiyar of CLRA, the success of the law lies in the fact that it regulates the workplace and not the workers. Once the Act is implemented in the district, the employer has to be registered with the Board created under the Act and has no option. Workers (Mathadis) cannot be employed without registration of the employer with the Board. Salaries have to be deposited by the employer with the Board instead of making direct payment of salary to the workers. It is the Board that pays the salary to the Mathadis and charges a 30% fee over the salary towards provision of social security measures such as provident fund, bonus, housing schemes, building hospitals for the workers and their families, etc. Such measures have led to upward mobility of a whole generation of Mathadis.

Though implementation of these laws is an ongoing challenge, there are also instances where a particular law has proved to be counterproductive when enforced. For example, the Inter-State Migrant Workmen Act, 1979, which is a key piece of legislation governing inter-state migration of workers in India, has proved to be a barrier to the free movement of workers in Odisha. Ground level experience<sup>34</sup> has shown that many brick kiln workers migrate from west Odisha to Telangana, which is infamous for its exploitative working conditions. Labour law violations are always in the news and governments have responded to such bulletins by focusing on the implementation of the Inter-State Migrant Workmen Act. As a result, now in western Odisha, a fee is imposed on the movement of workers. According to a survey conducted by CLRA four years ago, for every worker moving out of western Odisha, the contractor had to pay almost 5000 rupees. This amount essentially came out of the worker's pocket, enabling everyone except the labourers to benefit financially. For instance, the local sarpanch (village head) would charge money, the person booking tickets at the railway station would impose a fee and the labour department officials would extend their hand under the table for illicit compensation. Therefore, whenever an unregistered worker wants to migrate, the officials demand money for registration. Sudhir Katiyar from CLRA argues<sup>35</sup> that in essence, the Inter-State Migrant Workmen Act seeks to regulate the supply of labour. However, unless and until the government regulates the workplace and provides proper social security schemes, the working and living conditions of workers will not improve. It is important to note that the Inter-State Migrant Workmen Act only applies to inter-state, not intra-state migrants and provides no solace to those who migrate on their own due to distress.

With an aim to simplify existing complex and archaic labour laws, and ensure that workers in the unorganised sector get the benefits of these provisions in the labour laws, the Central Government recently codified 29 central laws into 4 codes - The Code on Wages, Industrial Relations Code, Social Security Code, and Occupational Safety, Health and Working Conditions.<sup>36</sup> According to the Government, these labour reforms will not only enhance the ease of doing business in the country, but also increase employment creation and output of workers<sup>37</sup> The codes passed between 2019 and 2020 were originally planned to be implemented from April 1, 2021. However, since labour is a concurrent subject, both the Centre and the states have to notify the rules under these codes to convert them into implementable laws. The states are all in different stages of this process.<sup>38</sup>

Punjab is the only state to have prohibited the employment of children below 14 years in brick kilns by passing the "Punjab Prohibition of Child Labour at Brick Kilns Ordinance, 2016". The law presumes employment of children if they are found in the kilns during school hours. This may seem to be an extreme measure. After all, many brick kiln workers migrate with their families and younger children are bound to be found around these facilities, even if they are not working. However, to back such a legal provision, the

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33 Ibid (n 28).

34 Ibid (n 27).

35 Ibid (n 27).

36 4 laws in the Wage Code, 9 laws in the Social Security Code, 13 laws in the Occupational Safety, Health and Working Conditions Code, 2020 and 3 laws in the Industrial Relations Code.

37 Ministry of Information and Broadcasting, Government of India. *New Labour Code for New India*. Available at: [https://labour.gov.in/sites/default/files/Labour\\_Code\\_Eng.pdf](https://labour.gov.in/sites/default/files/Labour_Code_Eng.pdf) [Last Accessed on 27 February, 2022].

38 Kashyap, Aparna. (2021). *India's New Labour Code*. Lawrbit. Available at: <https://www.lawrbit.com/article/indias-new-labour-codes/> [Last Accessed on 16 February, 2022].

state government has also announced free education for children working in brick kilns and has provided additional incentives such as a monthly stipend of INR 1,000 for every school going child and an annual stipend of INR 2,000 for parents on getting their child admitted into a school.<sup>39</sup>

As a floating population, brick kiln workers are routinely excluded from various social protection benefits, both at the source and the destination locations. Poor literacy levels, absence of identity and residence proofs, limited political agency, among other things, prevent workers and their families from claiming rights and entitlements under applicable laws, schemes and services. The informal nature of the brick kiln sector makes it easy for authorities to deny workers the benefits they deserve. For example, the Workmen’s Compensation Act, 1923 will not apply as the definition of “workmen” under the law excludes casual workers and brick kiln workers. Women and children who accompany the head of the family to work in the kilns and hence remain invisible workers, would easily fall in this category.<sup>40</sup> Social security measures for migrant workers irrespective of nature of employment or untied to work situations are the need of the hour. However, authorities have not paid adequate attention to migrant workers’ ability to access food security and health care services. Early childhood care and education for their children have also been ignored.

India’s public distribution system for food supplies has undergone substantial changes over the years, especially since the Nation Food Securities (NFS) Act, 2013 came into force. New ration cards are being issued under the NFS Act following a graded eligibility criteria based on the socio-economic status of people. Gradually the voice for portability of ration cards gained significance and the “One Nation One Ration Card” (ONORC) initiative was launched in 2018. This programme picked up pace during the COVID-19 pandemic as the plight of migrant workers came to light. Under the initiative, eligible beneficiaries can claim their entitled food grain from a fair price shop anywhere in the country, using the ration card issued to them under the NFS Act in their home state. However, many migrant workers are unable to access these benefits as the scheme struggles to overcome implementation challenges.

Workers having a ration card in one state are unable to use it in another state despite the announcement of ONORC. As a result many workers in Ajmer, Bhilwara and Surir who hail from Bihar, Chhattisgarh and Madhya Pradesh shared that they do not carry their ration card to the kilns. Also, if a ration card has names of other family members on it who have stayed back in the village, or is registered under the name of an elder brother or father currently residing in the source location, workers cannot use it in the destination areas unless a photocopy is allowed. The ONORC fails to address such practical difficulties.

Destination Area	No. of families who have a Ration Card	Total no. of families that arrived at the kilns in October-November, 2021	Percentage of families who have a Ration Card
Ajmer	350	506	69%
Bhilwara	250	295	85%
Surir	323	371	87%

Destination Area	Families who have a Ration Card	Families who carried their Ration Card to the kiln	Percentage of families carrying their Ration Card to the kiln
Ajmer	350	78	22%
Bhilwara	250	48	19%
Surir	323	55	17%

Furthermore, procuring the new ration card under the NFS Act itself is a tedious task. A bharai worker from Uttar Pradesh shared that his family had a ration card but the ration dealer refused to give them ration after new cards became eligible under the NFS Act. He kept trying a couple of times, but each time the dealer would direct him to another office, asking him to get a new ration card made. His family ran around for a

39 Ahmed, Iftexhar. *Legislating for children’s rights*. February 7, 2016. The News. Available at: <https://www.thenews.com.pk/tns/detail/560330-legislating-childrens-rights> [Last Accessed on 08 February, 2022].

40 Ibid (n 16).

month and then gave up. Field visits to the source areas in Gaya, Nawada, and Baloda Bazar also revealed that a few families who have a ration card are no longer able to get the ration as their names have been deleted from the list and they have been asked to get a new ration card made.

The linking of Aadhar Card to Ration Card under the NFS Act has also prevented many workers from getting the subsidised food supplies that they are entitled to.

There are many workers who do not have an Aadhar card. The data collected from Ajmer, Bhilwara and Surir is telling.

Destination Area	No. of Persons who have an Aadhar Card	Total no. of persons who arrived at the kilns in October–November, 2021	Percentage of brick workers and their family members who have an Aadhar Card
Ajmer	1137	2027	56%
Bhilwara	870	1058	82%
Surir	695	1751	40%

Those who have an Aadhar card do not necessarily carry it along with them to the destination state or district as they are afraid of losing this essential document. This practice of not obtaining an Aadhar card or refusing to carry it along to the kilns is more common among workers from Bihar in Surir compared to those in Ajmer and Bhilwara. Most workers in these areas, carry their Aadhar card wherever they go. A few prefer to carry a photocopy of their Aadhar card instead of the original.

Destination Area	No. of persons who have an Aadhar Card	No. of persons carrying Aadhar Card to the kiln	Percentage of persons carrying Aadhar Card to the kiln
Ajmer	1137	993	87%
Bhilwara	870	774	89%
Surir	695	385	55%

For those having an Aadhar Card, technical problems with biometrics is another challenge they face while attempting to link this document with their ration card. The Central Government has made the use of internet based e-PoS (Electronic Point of Sale) machines mandatory for distribution of ration at government approved ration shops. The e-PoS machine is an Aadhar based method of enrolment, and each ration card holder is connected with the national portal of Government of India as part of the ONORC scheme. To get approval for ration using a card issued under the NFS Act, the Aadhar number of the ration card holder is fed into the machine. The machine then crosschecks the authenticity and genuineness of the ration card holder by taking their thumb impression. Then, an Electronic Ration Ticket is generated. This ticket details the amount of food supplies that can be procured by the ration card holder, and any payments that must be made. These machines work through a SIM card with internet connectivity. This poses problem in rural and urban areas which lack adequate internet service. Therefore, many machines do not function. Biometrics also don't match in some cases. To correct biometric errors, one has to apply online or meet the concerned officials and seek their assistance. Once an entry is made online for correction of an error, officials responsible for such technical problems take a long time to resolve these issues, ranging from a few months to a couple of years. According to a representative from CLRA, the workers have tried using their ration card to collect food supplies in Rajasthan but have been facing technical issues with Aadhar card seeding. They even approached the District Supply Officer (DSO) and the District Collector for assistance, but the matter has still not been resolved. Those who work on daily wages or piece-rate basis tend to give up on running around from pillar to post at the cost of losing out on work and wages. A ration dealer in Ajmer shared that the workers are expected to download the “*Mera Ration*” Mobile App from Google Play Store and follow the instructions for Aadhar Card seeding. However, many workers are illiterate and do not possess the smart phones needed to use such digitized services.

It is hoped that all these technical and digital access issues will be overcome with time and that this is a transitional phase. However, poor families receive no relief in the interim, if they are unable to equip themselves with technical knowledge, gadgets, internet connectivity or, most importantly, an Aadhar Card. For the scheme to be successful, the government must ensure that such implementation gaps<sup>41</sup> are identified and taken care of.

Another attempt made by the central government for the benefit of unorganised sector workers is the e-Shram portal, a centralised database of unorganised workers seeded with Aadhar. Once a worker is registered on the portal and is assigned a permanent 12-digit Universal Account Number (UAN), they will be eligible for an Accidental Insurance cover of 2 lakh rupees under the Pradhan Mantri Suraksha Bima Yojana (PMSBY). In future, all the social security benefits of unorganised workers will be delivered through this portal. For registration on the portal, it is necessary for the workers to have an Aadhar card, a mobile number linked with Aadhar and a bank account. If a worker does not have Aadhar linked mobile number, he/ she can visit the nearest Common Service Centre and register through biometric authentication. However, as with ONORC, online processes are not easy for the workers to follow and use. Any mistake in entering the details could cancel their registration and deprive workers of their due.

While none of the workers in Surir have an e-Shram Card, in Ajmer and Bhilwara CLRA is facilitating e-Shram registration in the 20 kilns covered during research. As a result of their efforts, some workers have been registered on the e-Shram portal. However, generally, there is little awareness among workers about the significance of e-Shram card and its benefits.

Interactions with the workers revealed that some of them have what is known as the “Labour Card”. A Labour Card is an identity card issued by the labour department of respective state governments for the development, safety, security, education, and protection of labourers in the unorganised sector. There are two types of labour cards. The “Building Card” is the one issued to those who are working under a licenced contractor, such as the brick kiln workers. Registration for a labour card can be done both online and offline. The labour card is not a permanent card and must be renewed. This card provides several benefits, ranging from health insurance to support for skill development, resources for purchasing tools and other work implements, education support for children, assistance to women during pregnancy and child birth, financial assistance for home loans and marriage costs, etc. However, the process of registration is cumbersome. Aadhar Card of self and family members, bank account, email id and mobile number are all mandatory for registration.

Destination Area	No. of adult workers who have the Labour Card	Total no. of adult workers who arrived at the kilns in October–November, 2021	Percentage of adult workers who have the Labour Card
Ajmer	234	951	25%
Bhilwara	268	368	73%
Surir	27	776	3%

Survey data collected from Ajmer, Bhilwara and Surir shows poor registration for labour cards. Most brick workers in Surir are from Bihar and only 3% of them have a labour card. This speaks volumes about the manner in which the state labour department functions. The data also reflects a lack of awareness among workers regarding such schemes and highlights the burdensome nature of documentation requirements, which prevent many families from acquiring a labour card. The research team came across workers from Bihar who do not have a bank account. While the workers from Uttar Pradesh are able to deposit around 500-1000 rupees a month in the bank, and know that the bank account details are necessary to acquire ration benefits, workers from Bihar have a different story. Very few of them have a bank account as they are hardly able to save any money to deposit in these facilities.

41 Srinivasan, Aditya. *For India's 'One Nation-One Ration Card' plan to succeed, it must overcome three key obstacles*. January 26, 2022. Scroll.in. Available at <https://scroll.in/article/950953/for-indias-one-nation-one-ration-card-plan-to-succeed-it-must-overcome-three-key-obstacles> [Last Accessed on 08 February, 2022].

To enable workers to access the services offered through such initiatives, efforts are required to generate awareness on all counts – about the initiative and its procedures, about the documentation required, about how to acquire the critical documents that are the gateway to accessing these schemes. In addition, help desks and facilitation centres should also be created. Such facilities would allow workers to access the assistance they need to procure documentation and fill out forms. While telephonic helplines and online portals have been established for facilitation, these do not help people who are unable to use online platforms or understand complex procedures through phone calls. A helpdesk should employ staff members who can physically assist people that struggle to fill out forms. These employees should also be able to escort applicants to different offices where documents need to be submitted/collected, or query needs to be raised. Institutions of local self-governance and its representatives must be involved in running such facilitation centres in both source and destination areas. During the visit to source areas in Bihar, a meeting with the civil society organisations was organised in Gaya. During this discussion, representatives from Jan Jagran Sansthan, Centre Direct, Action Aid India, Asangathit Kshetra Kaamgar Union shared that there are various social and educational schemes that have been floated by the Bihar government in recent years, to provide migrant workers with additional assistance. However, many members of the public are not aware of such programmes and the *gram panchayats* (village level units of local self-governance) have failed to link migrant workers with these schemes. The role of panchayats in dealing with issues concerning migrant workers and their families is thus equally important.





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CHAPTER 3

# Women Migrant Workers in the Brick Kilns



# Introduction

The construction industry is one of the largest non-agricultural contributors to the unorganised sector. According to factsheets produced by CWDS as part of an action research on women's labour migration in India, undertaken through the ILO's Work in Freedom Project in 2017-18, about 8.5 million women are employed in the construction industry. However, due to lack of training, they are restricted to unskilled jobs. Only 1.4% of them are in the top hierarchy.<sup>42</sup> There are over 200,000 brick kiln units across the country, employing over 12 million unskilled workers, the majority of which are women.<sup>43</sup> However, while large numbers of women are engaged in this sector, their labour remains unrecognised. They are also subjected to inhuman working and living conditions.

Women workers in the brick kiln work for extremely low wages and are more vulnerable to exploitation than their male counterparts. Migration, lack of political awareness, inaccessibility of government programmes and isolated working conditions, cause these women to be deprived of job security and social security benefits. These workers are unable to avail themselves of welfare programmes and other services. Moreover, along with working at the kilns, these women have a dual burden of domestic labour and childcare. Thus, their role in production, as well as reproduction is invisibilised.



## About the women kiln workers

According to studies conducted in several parts of India such as Kerala,<sup>44</sup> Uttar Pradesh,<sup>45</sup> Maharashtra,<sup>46</sup> Punjab,<sup>47</sup> Karnataka,<sup>48</sup> Tamil Nadu,<sup>49</sup> West Bengal,<sup>50</sup> Haryana,<sup>51</sup> Rajasthan,<sup>52</sup> Gujarat,<sup>53</sup> the majority of women working in the brick kilns belong to the scheduled and other backward castes, followed by the scheduled tribes. These studies also suggest that most women working in the kilns are young and married. A very small percentage are unmarried or widowed. A study conducted in Kerala, found that most women

42 Chaitanya, K. *Workers in the Organised Sector of Construction Industry: Working Conditions of Women Workers and the Effectiveness of Legal Aid*. Action Research on Women's Labour Migration in India. Working Paper No. 13, December 2017-July 2018, p 3. Centre for Women Development Studies and ILO. Available at: <https://www.cwds.ac.in/wp-content/uploads/2020/06/Working-Paper-13.pdf> [Last Accessed on 08 February, 2022].

43 Ibid (n 5).

44 Ibid (n 1), p 3.

45 Singh, DP. (2005). *Women workers in the brick kiln industry in Haryana, India*. Indian Journal of Gender Studies, 12 (1), pp 83-97. Available at: <https://www.shram.org/uploadFiles/20180410101708.pdf> [Last Accessed on 08 February, 2022].

46 Khan, I and More, R. (2015). *Study of socio-economic status of female workers in some selected brick kilns in Karad, Maharashtra, India*. International Journal of Multidisciplinary Research and Development, 2 (10), pp 299-304. Available at: [https://www.researchgate.net/publication/306101286\\_Study\\_of\\_socio-economic\\_status\\_of\\_female\\_workers\\_in\\_some\\_selected\\_brick\\_Kilns\\_in\\_Karad\\_Maharashtra\\_India](https://www.researchgate.net/publication/306101286_Study_of_socio-economic_status_of_female_workers_in_some_selected_brick_Kilns_in_Karad_Maharashtra_India) [Last Accessed on 10 February, 2022].

47 Ibid (n 6).

48 Mahesha, S.J (Dr.). (2020). *A Sociological Assessment of Brick-Kilns Women Workers in Ballari District of Karnataka*. Aayushi International Interdisciplinary Research Journal (AIIRJ), 7(9), pp 40-45. Available at: [http://www.aiirjournal.com/uploads/Articles/2020/09/4688\\_08.Dr.S.%20J.%20Mahesha%20Javaraiah.pdf](http://www.aiirjournal.com/uploads/Articles/2020/09/4688_08.Dr.S.%20J.%20Mahesha%20Javaraiah.pdf) [Last Accessed on 10 February, 2022].

49 Desingu, P. (2020). *An Economic Analysis of Women Workers in the Brick Kiln Industry in Tamilnadu, India*. International Journal of Advances in Engineering and Management (IJAEM), 2 (9), pp 147-154. Available at: [http://ijaem.net/issue\\_dcp/An%20Economic%20Analysis%20of%20Women%20Workers%20in%20the%20Brick%20Kiln%20Industry%20in%20Tamilnadu,%20India.pdf](http://ijaem.net/issue_dcp/An%20Economic%20Analysis%20of%20Women%20Workers%20in%20the%20Brick%20Kiln%20Industry%20in%20Tamilnadu,%20India.pdf) [Last Accessed on 10 February, 2022].

50 Das, R. (2015). *Socio-Economic Standing of Female Workers in Brick Kilns: Mistreatment to Social Wellbeing. An Assessment on Khejuri CD Blocks in Purba Medinipur District, West Bengal*. International Journal of Humanities and Social Science Invention, 4(1), pp 39-49. Available at: [https://www.ijhssi.org/papers/v4\(1\)/Version-3/H0413039049.pdf](https://www.ijhssi.org/papers/v4(1)/Version-3/H0413039049.pdf) [Last Accessed on 10 February, 2022].

51 Ibid (n 45).

52 Prayas. (2019). *Fact Finding Report Reproductive and Child Health Amongst Brick Kiln Workers*. Available at: <https://www.prayaschittor.org/files/ReproductiveAndChildHealthAmongstBrickKiln.pdf> [Last Accessed on 10 February, 2022].

53 Ibid (n 5).



fall between the ages of 15 and 25.<sup>54</sup> Another study in five districts of Haryana observed that more than 87% women in the kilns were less than 45 years of age.<sup>55</sup>

The facilitator at the child and health nutrition centre (CHNC) run by CLRA in Salasar Bhatta in Bhilwara shared that girl brides, as young as 16-17 years, migrate with their husbands and end up working at the brick kilns. While all the workers in the brick kilns suffer from the consequences of low wages, improper living conditions, occupational hazards, and exploitation at the hands of employers, the situation is worse for the women workers. Early marriage and migration pose greater challenges for women and enhance their vulnerability to violence and abuse.

*“Majboori hoti hai ...Paisa nahi hota. Jab bhi 16-17 saal ke bhitar paisa hota hai, kar detey hain shaadi. Hum samjhtey hain ki galat hai par phir bhi kar detey hain.”*

*“We are compelled by circumstances ...there is no money. Whenever money is available, around the age of 16-17 years, the marriage is performed. We understand this is wrong but still do it.”*

- a male worker from Salasar Bhatta (Bhilwara)

*“Meri mummy papa ne shaadi kar diya. Gaon se school dur tha, mummy papa nahi chahte thei humari ladki dur padhne jaye. Bhai jab tak chhote thei, unke sath jate rahe, phir papa ne meri shaadi kar di, baad mein sasural wale nahin chahte thei padhana toh phir nahi padhey.”*

*“My parents got me married. The school was far from the village and parents didn't want their daughter to go so far for education. We went to school till our younger brothers were there, then papa got me married. My in-laws also did not want me to study further so I didn't.”*

- a female worker from Bharat Lohagal Bhatta (Ajmer)

*“Mata pita chhotey mein khatam ho gaye aur chhotey-chhotey bhai-behen thei, toh isliye mera padhai beech mein ruk gaya.”*

*“My parents died when we were very young and I had younger siblings to take care of, so my education had to stop.”*

- a female worker from Gayatri Bhatta (Bhilwara)

Women across socio-economic backgrounds struggle with male domination within households. Adding caste and poverty into the mix, causes women's bargaining power to be further diminished in the house. “Decision-making is an indicator of power and control over the affairs of the family”.<sup>56</sup> These powers are often attributed to males who are viewed as the sole breadwinners of the family. Despite contributing to the family income through both paid and unpaid labour, the woman's position remains subordinate. Among the female workers studied in the five kilns of Haryana, only “17.3% of women took decisions themselves. These individuals were either divorced, widowed, or had husbands who were addicted to alcohol, lotteries, or gambling”.<sup>57</sup>

Like in other brick factories, payment in the brick kilns of Surir, Ajmer, and Bhilwara is also recorded family-wise. Only the names of male household heads are found in the registers maintained by kiln owners and supervisors. These individuals receive all the earnings due to them. Even in the few kilns in Ajmer, Bhilwara and Surir where women have started receiving the weekly or fortnightly kharchi (sustenance allowance), it is found that they collect this amount against the name of their husband, as mentioned in the register. While a positive change is visible in the interventions carried out by NGOs like CLRA and CEC, there is still a long way to go. Some women workers in Bhilwara mentioned that they only collect kharchi if their husband is unavailable and someone needs to do it on his behalf. They shared that, otherwise, their husbands might only give them a small portion of the kharchi, after spending most of the money on rations, alcohol and cigarettes.

54 Ibid (n 1).

55 Ibid (n 45).

56 Ibid (n 45).

57 Ibid (n 45).

Clearly, a more holistic change requires working with women, men, young girls and boys as much as the kiln owners.



Some moments of joy on the Kharchi day Vendors know when to get there

## Role of Women in the Labour Process

Like most employment structures, the brick kilns also operate under a strictly hierarchical setup. At the top of the chain are the employers and the supervisors cum accountants (known as *munshi/munim*) followed by the intermediaries or contractors and the male workers. The women workers fall at the bottom of the hierarchy and rarely interact with the top tier, having only occasional interactions with the contractors.<sup>58</sup>

There are various stages to the brick-making process and many of these tasks are segregated based on gender. Most women are only involved in the initial stages, such as setting the brick mixture into moulds to be dried (*pathai*), loading and unloading horse/camel carts or stacking bricks to be taken to the kiln for firing (*rehdi*). The study in Haryana shows that among the total number of sampled women, 77.56% were involved in moulding, 11.95% were involved in fetching and carrying operations and another 10.49% were responsible for unloading bricks from the trenches.<sup>59</sup> These jobs do not require special skills and thus are mostly done by women and children. Since these are unskilled jobs, women get paid much less than men for equal amounts of drudgery and back-breaking labour. Even reports from a progressive state like Kerala suggest that “The wage is fixed at Rs 40 an hour for the men and Rs 30 for the women.”<sup>60</sup> Along with being paid less, female workers are also left out of any social accounting within the economy.<sup>61</sup> Women are prevented from accessing any employment-related benefits because their name does not figure in the records. Scholars have found India’s brick kiln industry employing the “largest unpaid women workforce in the world”.<sup>62</sup>

58 Ibid (n 45).

59 Ibid (n 45).

60 Women’s UN Report Network. (2012). *India – Brick Kiln Women Workers Endure Hard Work, Poverty Life*. Available at: <https://wunrn.com/2012/09/india-brick-kiln-women-workers-endure-hard-work-poverty-life/> [Last Accessed on 10 February, 2022].

61 Ibid (n 5).

62 Ibid (n 52).

# The Double Burden

Working hours in the brick kiln are extremely long, and since the workers are paid on a piece-rate basis, there are no fixed timings. Most women are reported to be working on site for about 12 hours a day.<sup>63</sup> Along with working in the kiln and bearing and rearing children, women are also responsible for performing household chores. Tasks such as cooking food, washing clothes, fetching water, cleaning utensils, and tidying the home are primarily done by women. Some of the earliest studies have shown how women's working hours get extended due to the multiple tasks they have to perform at work and at home. For instance, a 1982 report on brick kilns in Uttar Pradesh, quoted in a study on women workers in Haryana's brick kilns, suggests that none of the female workers reported working less than 12 hours a day, and about 50% of them worked between 18 hours to 22 hours a day.<sup>64</sup> The Haryana brick kiln study<sup>65</sup> also suggests that 37% of the women had no time for leisure or rest; the only time they had for any recreational activities was during festivals. Despite flexibility in work hours, most women preferred work over recreation in order to make more bricks and earn more. Debts also contribute to women's worries and exacerbates their need to earn as much as possible.<sup>66</sup> This shows that women have no choice but to work for the survival of their family. However, their labour in both brick kilns and at home remain technically unpaid.

During primary data collection in Surir, women shared that in summers they wake up as early as 3 am to 4 am and start their work to avoid the heat. Workers in Ajmer and Bhilwara also follow the same routine of waking up between 3-4 am and working till about 11 am. The only difference is that in Surir breakfast is eaten before getting to work whereas in Ajmer and Bhilwara it is after the first work shift ends at 11 am. This meal is more of a brunch than breakfast. After eating, workers will rest till about 3 pm and start working again. They cook and eat dinner between 8-10 pm in the evening and call it a day.

*“Subah 3-4 baje uthte hain kyuki mitti pathna hota hai. Toh hum uthte hain, fresh hote hain, manjan karte hain, chai banate hain, phir mitti pathte hain. Uske baad naha-dho ke khana banate hain aur khate hain. Ye sab subah 6-7 baje tak, phir hum kaam hi karte hain 12 baje tak. Phir kaam ke baad thoda aaram karte hain aur 3-4 baje dobara kaam shuru karte hain raat 9 baje tak.”*

*“We wake up by 3-4 am in the morning as we have to mix and prepare the clay. So we get up, freshen up, brush our teeth, make tea and then prepare the clay mixture. After that we bathe, cook and eat. All this is done by 6-7 am in the morning and then we get to work till about 12 noon. After work, we take some rest and then get back to work by 3-4 pm until 9 pm.”*

- a female worker from Mahoba in Raju Eint Udyog (Surir) narrating her daily routine

Referring to an ergonomics study conducted in Rajasthan, where the researchers calculated the time and energy expenditure for different operations in brick making, Prayas Centre for Labour Action and Research writes that on an average, the energy expenditure among female nikasi workers (those involved in the process of removing bricks from the kiln, transporting, and loading for supply), was 2,768 kcal a day. The study found that the physiological stress for females of the kiln was higher than men.<sup>67</sup>



63 Hawksley, Humphrey. *Why India's brick kiln workers 'live like slaves'*. January 02, 2014. BBC News, Andhra Pradesh. Available at: <https://www.bbc.com/news/world-asia-india-25556965> [Last Accessed on 11 March, 2022].

64 Ibid (n 45).

65 Ibid (n 45).

66 Ibid (n 45).

67 Ibid (n 5).



## Living Conditions at the Worksite

*“Nahin jaate. Inme chaar laterine-bathroom hain, woh hain dur, aur yahan kum se kum sau-do-sau labour to hai hi. Paani ki suvidha nahi hai, light bhi nahi hai. Subah toh sabko jaana hi hota hai. Paani nahi hoga toh kaun saaf karega unko?”*

*“We don’t go. There are four toilets cum bathrooms, which are far and here there are at least 100-200 labourers. There is no facility for water, no electricity. Everyone has to go in the morning. If there is no water, who will clean the toilets?”*

- a female labourer at RKB Somalpur Bhatta (Ajmer)

Most migrant workers stay on the worksite in temporary hutments. These houses are usually made of rejected bricks and tin, plastic sheets, or other materials provided by contractors and employers. These shelters are scarcely appropriate for a living since there are no facilities for separate kitchens, bathrooms, lavatories, or crèches in or around them.<sup>68</sup> Similar inadequacies were identified in Ajmer, Bhilwara and Surir. The temporary structures that the workers stay in are tiny - divided into two smaller compartments - a cooking area and some space for sleeping. Basic amenities such as drinking water facilities and toilets are scarce and shared by a large number of workers.

According to a study conducted in the kilns of Chhattisgarh, 50 to 100 families were forced to share one hand pump. This made the process of fetching water, a task usually completed by women, extremely difficult. About 84.7% of the women had to go for open defecation due to the non-availability of usable toilets, endangering their hygiene, and health.<sup>69</sup> In rural areas, open defecation in nearby fields is common. However, the safety and security risks persist in both rural and urban areas. In fact, such risks are enhanced in urban areas and locations that are otherwise alien to seasonal women migrant workers.<sup>70</sup>

In Surir, hand pumps and water tankers are the major sources of drinking water in the brick kilns. Hand pumps are installed in some brick kilns, while in the others, owners have arranged for water tankers every morning to ensure water supply. Water from the borewells that are installed by the brick kiln owners for the preparation of clay can also be used any time of the day, except on a holiday, when the kiln is not functional. Water is stored from these sources for both drinking purposes and household chores. Though water from the hand pumps is clean, potable and safe in most brick kilns that possess these facilities, workers in Bharat and Radhey Eint Udyog (Surir), shared that the water was salty. Moreover, in some kilns there are only one or two hand pumps each for a population of over 200 workers, and in a few others, the hand pumps are located far from the residential areas of the workers. Therefore, the women workers, adolescent girls and children have to carry water to their homes every day.



Water is collected and stored by the workers in huge drums for personal use. This is used for washing clothes and utensils.

68 Ibid (n 45).

69 Mishra, R. (2014). *Effect of seasonal migration on lives of women and children in Chhattisgarh*. Madhya Pradesh Journal of Social Sciences, 19(1), pp 17-39. Available at: <https://go.gale.com/ps/i.do?p=AONE&u=googlescholar&id=GALE|A436230251&v=2.1&it=r&sid=AONE&asid=3038556e> [Last Accessed on 11 March, 2022].

70 Ibid (n 69).





Common hand pump is used by the workers in the bhatta for bathing, washing etc.

In Rajasthan, the owners have installed water tankers and borewells for workers and their families. For example, in Hansiyawas (Ajmer) and Salasar (Bhilwara) bhattas, pipes are connected to a common borewell and laid down all over the kiln so workers can use the water as per their need. Similar to the Surir brick kiln, there is no purpose-wise distinction of water – the same water is used for all purposes. The number of water tankers differs from kiln to kiln.

*“Malik nein khet le liya hai. Ussi mei hum sab jatey hain aur nahane ke liye ek hee toh kal (hand pump) hai toh mard log pehele naha leta hai, aur pichchey se aurat log nahata hai.”*

*“The owner has bought an agricultural field. We all go there and for bathing there is only one hand pump, so the men bathe first, followed by women.”*

- workers from GCA-I Eint Udyog (Surir)

In the absence of toilets equipped with water connection and electricity, open defecation continues. Six out of the ten brick kilns covered during primary research in Surir have no toilets and where toilets are constructed, there are many practical challenges that affect their use. In Madhav and Bhawna Eint Udyog for example, owners constructed kuccha toilet-like structures, but these facilities lacked water. Therefore, everyone prefers going out to the fields or the roadside for open defecation. Only a few families in Devika Eint Udyog (Surir), who hail from the nearby districts of Aligarh, Mahoba, and Hathras in Uttar Pradesh and have purchased land in the brick kiln, built houses near the “pasar” area (where moulding is carried out) and constructed toilets for their use. Borewells are used to supply water to these facilities. In Raju Eint Udyog (Surir), the research team found nine toilets in one corner. Clearly, two narratives are observed with regards to toilet use. The local workers from Mahoba district (Uttar Pradesh) use the toilets built in the brick kilns, whereas the workers from Nawada district (Bihar) go for open defecation. When asked why they choose open defecation, these workers noted that the toilets were constructed at the opposite end of the settlement, far from their houses. They find it time-consuming to go all the way as they also have to start working early. As a result these individuals prefer open defecation on the roadside (near the highway), which is closer. In GCA-I Eint Udyog (Surir), a nearby agricultural field has been bought by the brick kiln owner for open defecation.



Workers washing clothes and bathing near the water tank

None of the brick kilns in Surir have bathrooms. The male workers and children take bath near the hand pumps or the borewell outlets. Once the male workers are done bathing, the females take turns.

In Ajmer, toilets have been constructed in only three out of the ten brick kilns covered for research. Those toilets also lack running water or electricity. The workers themselves carry water to the toilets in small buckets. Women workers avoid using these washrooms because of dirt and inadequate lighting. In VBC Ladpura Bhatta (Ajmer), one toilet is constructed which is used by the munshi (accountant) and the malik (owner). Workers thus prefer going out in the nearby fields.



Eight toilets constructed in RKB Somalpur Bhatta (Ajmer) for 200 workers with no water and electricity

*“Hum pardes aate hain kamaane, toh nahaane dhone ka, sochalay ka kahan sochenge itna? Seth bhi itna aadmi ka sauchalay kahan se denge?”*

*“We migrate to different areas to earn, so how are we going to think so much about bathing, washing and toilets? How will the kiln owner also provide toilets for so many people?”*

- a women worker from Pawan Bhatta (Bhilwara)

In Bhilwara, none of the brick kilns have toilets. So women continue to use the nearby fields to relieve themselves. They cope with this uncomfortable situation as their focus is to earn for the family, even at the cost of endangering their own safety, hygiene, and health.

In most brick kilns located in Ajmer and Bhilwara, workers are forced to bathe in the open. In RKB Somalpur Bhatta (Ajmer), women have made temporary arrangements with bricks to create bathing areas. However, the water has to be fetched from borewell outlets provided at the kilns.

A study conducted in a brick kiln in Rajabari village under Panikgaiti Gaon Panchayat of Kamrup (Metro) district of Assam, also highlights the lack of safe bathing spaces for women. The women surveyed at this kiln reported that the only place they have for bathing is the canal, which has flowing water, but is not suitable for bathing.<sup>71</sup> In other words, women end up compromising their dignity and health.



Self-constructed temporary bathroom structure for the use of women workers in BBC Ladpura (Ajmer)

<sup>71</sup> Azad, AK. (n.d.). *Issues and Concerns of Women Workers at Brick Kiln: Case Study of a Brick Kiln at Panikhaiti*. Available at: [https://www.academia.edu/7005093/Issues\\_and\\_Concerns\\_of\\_Brick\\_Kiln\\_Workers\\_in\\_Guwahati](https://www.academia.edu/7005093/Issues_and_Concerns_of_Brick_Kiln_Workers_in_Guwahati) [Last Accessed on 27 February, 2022].



## Restricted Mobility

Since most workers are not permanent residents of the destination areas, they are not integrated into the local community. Most of the kilns are situated in peri-urban areas or at the outskirts of towns and cities. There is little interaction between the brick kiln workers and the local community. Moreover, various research papers and reports indicate that there are restrictions on the movement of the workers, which are imposed by the brick kiln managers in different ways, direct and indirect. The people interviewed during a study in the kilns of Patna district in Bihar said that the managers did not allow them to leave the premises. Controlling the movement of the workers is especially isolating for women workers since men are able to leave the worksite more frequently for business transactions, such as buying food at the local market.<sup>72 73</sup>

*“I only communicate with people inside the brick kiln.  
I have never even been to the market here. I do not mingle with other people.”*

- a woman worker (quoted in Bohne, 2018)<sup>73</sup>

Responses to questions around restriction of movement are not always clear and straight forward. This was evident during primary data collection for this report. Moreover, a mixed response came from both male and female workers on the question of freedom of movement. Experiences also vary, depending on the attitude and behaviour of the kiln owner and management, as well as the success of NGO’s advocating for decent work and dignity for labour. Workers from 9 out of the 10 brick kilns in Surir shared that there are no restrictions on their movement inside or outside the brick kilns. However, they further qualified their words by stating that they are only allowed to go to the market and the hospital when needed. Workers from Hawaldar Eint Udyog (Surir) receive better treatment as they can go back to their villages in Uttar Pradesh and Bihar if needed and their malik (owner) does not refuse. They also reported going back to their homes to manage construction work (house repair) or for other personal reasons. At times, they end up staying back in their villages for one to one and a half months. The brick kiln owner does not say anything. If the time of their stay extends beyond the agreed period, then their owner calls them via phone and asks them to return to work. Similarly, in the brick kilns of Ajmer and Bhilwara, there are no predetermined restrictions on mobility. A few women shared that they do go back to their villages in between the season to attend weddings, funerals, or for other important reasons. However, some women also stated that the entire family is not allowed to leave the kiln to attend to emergencies in their village. The head of the family who has taken the advance money has to stay back.

While women’s mobility is generally affected by change of place and unfamiliarity with the location, owners also employ indirect tactics to monitor workers and restrict their travel. Making groceries, alcohol, cigarettes and other essential commodities available within the premises of the kiln for example, ensures that the workers do not have to move out. This was found in a kiln in Ajmer during the field visit by the HAQ team. Employers maintain that these facilities are constructed to ease the life of workers, protect women from untoward incidents and mitigate any discomfort that may arise when traveling in a new place. However, this strategy actually protects the interest of owners as they can ensure that the workers remain within their sight and do not try to run away from their exploitative practices after taking an advance.

Lack of transport facilities also limits women’s movement around their destination site. In a study conducted in Haryana (Hissar), about 60% of the women respondents were pleased with the free-of-cost transport facility made available to them to go to the cities by their employers. On further investigation, it was found that vehicles like tractors and trucks which transported bricks to the cities could be used by the workers if they had a need. “However, there was no vehicle specially assigned for meeting emergencies like serious illnesses, accidents, and so on.”<sup>74</sup>

72 Bohne, C. (2018). *Seasonal Work, Interrupted Care: Maternal and Child Health Gaps of Brick Kiln Migrants in Bihar, India* (Doctoral dissertation, Harvard University). Available at: <https://dash.harvard.edu/bitstream/handle/1/37945630/BOHNE-THESIS-2018.pdf?sequence=3&isAllowed=y> [Last Accessed on 11 March, 2022].

73 Ibid (n 72).

74 Mor, DP Singh. (2003). *Living Conditions of Women Workers in Brick Kilns: Reflecting the Agenda for Social Work Intervention*. INDIAN JOURNAL OF SOCIAL WORK, 64 (3), pp 388-400. IJSW Online, Sir Dorabjee Tata Memorial Library. Available at: <https://ijsw.tiss.edu/greenstone/cgi-bin/linux/library.cgi?e=d-01000-00---off-0ijsw-00-1---0-10-0---0-0direct-10---4-----0-0l-11-en-50---20-help---00-3-1-00-00-4-0-0-11-10-OutfZz-8-00&a=d&c=ijsw&cl=CL2.12&d=HASH01cc2757ce67f2bb3ccc4c74> [Last Accessed on 11 March, 2022].

# Health and Nutrition

Isolation from the community and mobility restrictions also impact women's access to health services, including maternal and child health care schemes. This fact was pointed out by Bohne in a study carried out in the brick kilns of Patna, Bihar. About 85% of the women workers included in the sample did not know where to go in case of a medical emergency. They were not aware of any private or government medical facilities nearby, and did not know how to locate these institutions. Inadequate knowledge about government schemes and their lack of essential identity documents, prevent women workers from accessing necessary health care, food and nutrition benefits, even during pregnancy.<sup>75</sup>

Women working in brick kilns face multiple health risks on account of: inadequate sanitation and hygiene facilities, lack of safe drinking water, poor diet, back breaking labour and long working hours. The problems are such that on 8 March 2022, International Women's Day, the Labour and Employment Minister had to host a health and nutrition check-up camp for women workers in brick kilns and the beedi industry. Authorities were attempting to detect early signs of any major occupational health related diseases.<sup>76</sup>

## (i) Occupational Hazards

The 2003 study in Hissar, Haryana found that 62.68% of the respondents suffered from bronchial and respiratory diseases like cough, cold, allergies and tuberculosis. 63.66% reported eye problems, skin diseases, blisters of the hands, episodic cholera and diarrhoea. Nearly 80% complained of having aches relating to back, shoulders, hands and joints.<sup>77</sup> Another study on work related musculoskeletal disorders among female brick workers in West Bengal,<sup>78</sup> found that 80% of respondents complained of chronic pain in their back, shoulders, hands, and joints. In most cases, these illnesses are caused by excessive exposure to heat and dust as well as the gruelling work practices employed in brick kilns. Women workers are forced to adopt uncomfortable bodily postures and do manual work for long hours without adequate rest. Another more recent study on the occupational health hazards of women workers in the brick industry in Gulbarga district of Karnataka, corroborates the findings of respiratory and bronchial diseases, identified among women brick workers in other parts of the country. Exposure to dust particles causes women workers to develop these diseases.<sup>79</sup> That women continue to work even during their illness is no gospel truth. While this holds true for women in the brick kilns also, their situation is more precarious. The more bricks they make the more they will be able to earn, which will help the family repay debts and save for the few months when they will be back in their villages with no work.

## (ii) Maternal Health

Despite a notable improvement in maternal mortality and neonatal mortality rates in India, it is rightly pointed out that this reduction has not been "experienced equally across geography and socioeconomic groups".<sup>80</sup> It is well documented that both can be prevented by expanding existing interventions and enhancing the quality of the health care system.

Studies around health of women in brick kilns have noted that women have often suffered premature deliveries and miscarriages due to squatting and exertion while working at the kiln for more than 10 to 12

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75 Ibid (n 72).

76 Statesman News Service. *Labour Minister hosts Health & Nutrition Check-Up Camp for Women Brick Kiln & Beedi workers on International Women's Day*. March 08, 2022. Available at: <https://www.thestatesman.com/india/labour-minister-hosts-health-nutrition-check-camp-women-brick-kiln-beedi-workers-international-womens-day-1503050776.html> [Last Accessed on 11 March, 2022].

77 Ibid (n 74).

78 Ray, Chaudhuri et al (2012). *A Subjective and Objective Analysis of Pain in Female Brick Kiln Workers of West Bengal, India*. International Journal of Occupational Safety and Health, 2(2), pp 38-43. Available at: <https://doi.org/10.3126/ijosh.v2i2.6597> [Last Accessed on 11 March, 2022].

79 Duddagi, M and Jadhav, VS. (2020). *Occupational health hazards of women workers in brick industry*. Young, 25(22), pp 24-40. Available at: <https://www.thepharmajournal.com/archives/2020/vol9issue5/PartF/9-5-18-925.pdf> [Last Accessed on 11 March, 2022].

80 Ibid (n 72).



hours.<sup>81</sup> Women workers do not get respite from the demanding tasks of the kiln even during pregnancy. This poses significant risks to their health.<sup>82</sup> A study in Telangana recorded women working even in the last month of her pregnancy to ensure basic payment for their families.<sup>83</sup> This was found true in Ajmer, Bhilwara and Surir as well. Women do take precautions during pregnancy by avoiding heavy loads and attempt to take rest. However, many female workers do not understand the importance of self-care during pregnancy. Most women are of the view that if they keep working throughout pregnancy their health will be fine; they will be more active and will have less pain during the delivery. Some of the common health-related issues reported by pregnant women in the brick kilns of Surir, Ajmer and Bhilwara are: severe body ache, fever, stomach ache, fatigue and sudden unconsciousness. Some women did share that if they are in their village during pregnancy, they don't have to worry about work or waking up early. They take proper rest and if needed, their family members take them to the hospital. These family members take care of the pregnant women's needs and prepare food they like to eat. However, in the brick kilns, women miss such attention and care. They are also concerned about the extra expenses incurred while accessing health services.

Many women face complications during pregnancy that can be life-threatening. These challenges are aggravated by the nature of their work at the kilns. When a pregnancy is registered at the native place but the major period of pregnancy is spent at the destination place, most pregnant women are deprived of ante-natal and post-natal care services. This increases the rate of maternal morbidity and mortality among kiln workers. A study conducted in Chhattisgarh highlights the massive difference between the antenatal care women receive at the origin place and the destination place. At the place of origin, 67.4% of the sampled women received "antenatal check-ups, took IFA tablets and TT immunization". Meanwhile, in the destination place only "19.1

% of women received antenatal check-ups, 15.1% received IFA tablets and 15.7 % were immunized against tetanus." The disparity was also large when it came to the proportion of women attended by trained staff – at the origin place 54.4% women and at the place of destination only 7.9%.<sup>84</sup>

Destination Area	Pregnant women identified in the kilns	New Mamta cards made at the destination area through NGO intervention
Ajmer	16	12
Bhilwara	58	34
Surir	75	50

As seen from the table above, all pregnant women identified in Ajmer, Bhilwara and Surir do not possess a Mamta Card that can help them access ante-natal and post-natal care. Through efforts by CLRA and CEC, the Mamta Cards are now being made and distributed in the destination areas. The ineptitude of issuing authorities, who are not prepared to create these Mamta cards, and women's hesitance to receive such care due to myths and cultural practices, have imposed challenges upon this programme.

Nonetheless, regular health check-ups are not easily accessible for women workers, unless special drives are carried out. Primary health centres (PHCs) are located far from the kilns, in the villages. Many women workers struggle to reach these facilities. The distance between the brick kilns and the nearest PHC differs from kiln to kiln. In Surir, it ranges between 1 km and 12 km, while in Ajmer it varies from 2 km to 12 km and in Bhilwara it is between 2 km to 8 km. In the absence of access to government health care systems, women have to rely on local RMPs or other private doctors who charge a fee for services that are meant to be provided free of cost.<sup>85</sup>

In Ajmer, Bhilwara and Surir, most workers rely on private doctors. For example, in Surir, the local doctor comes and visits workers in the kilns and provides them with medicines as and when required. As revealed by the Coordinator who manages the child health and nutrition centre established by CEC at the kiln, this

81 Ibid (n 74).

82 Mitra, D and Valette, D. (2017). *Brick by Brick Environment, Human Labour, and Animal Welfare Unveiling the Full Picture of South Asia's Brick Kilns Industry and Building the Blocks for Change*. Available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_542925.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_542925.pdf) [Last Accessed on 13 March, 2022].

83 Ibid (n 5).

84 Ibid (n 69).

85 Ibid (n 5).

local doctor does not have a medical degree but is trusted as a doctor of experience (quack). In some of the brick kilns, when workers fall sick, they use slips provided by the owner to consult a Bengali doctor (also a quack). In case of severe health emergencies, the workers attempt to visit the nearest clinic or private doctor. They also approach the CHNC coordinators or facilitators for help. Medicines and treatment expenses paid by the brick kiln owners are later deducted from the wages due to the workers. In Ajmer and Bhilwara, majority of the workers prefer going to private doctors for treatment. Only workers from BBC Ladpura (Ajmer) mentioned consulting doctors in the nearest government hospital as well. This facility is located in Bhudol, which is 4-5 km away from the kiln. Workers either take themselves to the hospital or the owner arranges for transportation in case of emergency. In Salasar Bhatta (Bhilwara), the owner also helps arrange for vehicles during medical emergencies. However, the expenses are deducted from the workers' final payment. Workers from Bharat Lohagal (Ajmer) shared that they have the contact details of a private doctor and since the owner knows the doctor, in case of a medical crisis, the doctor visits them at the Bhatta itself.

*“Private doctor ko bulate hain phone karke. Wo dawai bhi de jate hain.”*

*“We call a private doctor on phone. They come and give medicine.”*

- workers from Sai Eint Udyog (Surir)

*“Apney se saadhan karke jatey hain, ambulance ya aise bhi.”*

*“We make our own arrangements, ambulance or otherwise.”*

- workers from Gayatri Bhatta (Bhilwara)

The study conducted in Guwahati,<sup>86</sup> revealed that more than “75% brick kilns are not visited by any doctor”, and only “9% of the pregnant women visited the doctor for health check-up.” The local ASHA either never visits the kiln because it may not fall within the area assigned to her or may visit only to carry out immunization drives. The kilns are located away from the village and the ASHA workers are overburdened.<sup>87</sup> Workers in Surir, Ajmer and Bhilwara also have similar experiences. In Surir, majority of the women workers are aware of ASHA (Accredited Social Health Activist), ANM (Auxiliary Nursing Midwife) and Anganwadi worker (AWW). During interactions with workers at Bhawna Eint Udyog (Surir), it was found that the ASHA and ANM had visited the brick kiln earlier during COVID. However, they have not visited in recent times. They mainly look into the vaccination of pregnant and lactating women along with the immunization of children. In fact, women interviewed in Sai Eint Udyog (Surir) are not aware of the term ASHA, but refer to the worker as “tika lagane wale didi” (the one who provides vaccination). In Hawaldar Eint Udyog (Surir), women mentioned that ASHA also helped them register and acquire Mamta Cards. This is a result of the initiatives undertaken by CEC in Surir. In Ajmer and Bhilwara the awareness among workers about ASHA, ANM and AWW is relatively higher. In some of the kilns they visit quite regularly, due to the efforts of CLRA. By and large, women workers from the 30 kilns in Ajmer, Bhilwara and Surir shared that the frequency of ASHA and ANM visits varies across source and destination areas. For example, women workers in Surir said that back home in their villages, ASHA and ANM visit the families twice a month. However, they do not frequent the kilns as much.

A study conducted in Faridabad in Haryana showed that while staying at the kiln, only 22.9% of the women delivered in a hospital. It was the availability of hospital facilities that encouraged them to have an institutional delivery. About one-third of the women did not avail themselves of the cash benefits of Janani Suraksha Yojana (JSY) or free ambulance services. Many workers struggled to access these services since most of them are only available at the PHCs or government hospitals. Awareness about such

Destination Area	Women who have a Mamta Card	Women who carried Mamta Card to the kiln
Ajmer	59	30
Bhilwara	89	47
Surir	77	66

<sup>86</sup> Ibid (n 71).

<sup>87</sup> Ibid (n 72).

entitlements was also low; only 45% of the participants had heard about the JSY scheme.<sup>88</sup> Even if they are aware of the schemes and know how to access them in their villages, the same is often not true at the place of destination, where they have little or no exposure to the outside world. Many women do not carry their original identity documents and other materials required to partake in certain schemes. This makes it difficult for them to access services at the destination.

The Janani Suraksha Yojana (JSY), provides cash incentives to pregnant women and ASHA workers to promote ante-natal care and institutional delivery. The scheme aims to reduce maternal and neo-natal mortality rates. In low performing states (Uttar Pradesh, Uttarakhand, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Assam, Rajasthan, Orissa, and Jammu and Kashmir), all pregnant women are eligible for the JSY cash incentive. They are given INR 1400 per delivery in a government health facility in rural areas and INR 1000 per delivery in urban areas, irrespective of birth order, age and socio-economic status. In other, high performing states, the cash incentive is INR 700, and is limited to women living below the poverty line as well as those belonging to the scheduled castes/tribes. Pregnant women living below the poverty line who are above the age of 19 years and are registered under the JSY but deliver at home, are entitled to cash assistance of INR 500 per delivery. These benefits are provided for up to two live births. In addition, a transport allowance is available for expectant mothers who reach the healthcare facility for delivery on their own, without the help of ASHA. This varies from state to state. If the ASHA worker brings them to the health facility, the transport allowance goes to her.<sup>89</sup> The cash incentive is deposited in the bank account of expectant mother. Through interactions with ASHA worker, ANM and the Community Health Officer in Ajmer district in Rajasthan it was found that even if pregnant migrant workers are registered under JSY in Rajasthan and get a Mamta Card (the Mother and Child Protection or MCP Card) in Rajasthan, they may receive ante-natal and post-natal health care. However, they cannot avail themselves of the cash incentives for institutional delivery, since state governments only provide these benefits to women who belong to the state. Even the delivery of the new born is recorded as “missing delivery”. Pregnant migrant workers can also not claim cash incentives attached to institutional delivery from their home state, if the delivery takes place in the destination state. This fact remains true even if they are registered under JSY in their home state. Thus they lose out on cash incentives every which way.

*“Sarkari kaisa! Jab delivery honey jata hai toh 1500 - 1600 rupaya kharch hota hai yahan pe. Humare Bihar mein ek bhi rupaya nahi lagta, sab kuch free hota hai aur bachcha honey par paisa bhi deta hai.”*

*“What government facility? 1500-1600 rupees has to be spent here at the time of delivery. In our Bihar you don’t have to spend even a rupee, everything is free and upon delivery of a new born you receive money.”*

- a woman worker from Surir

As is rightly stated, surveys such as the National Family Health Survey (NFHS), and the District Level Household Survey (DLHS) do not account for migration as a factor affecting maternal health.<sup>90</sup> During a National Consultation on securing right to health and nutrition for women and children in brick kilns, organised by HAQ in New Delhi in December 2021, Dr. Vandana Prasad, who is the Joint Convener of Jan Swasthya Abhiyan (People’s Health Movement – India) and a Member of the Right to Food Campaign, pointed out that District Health Plans are not being followed. According to her, lack of decentralization is one of the reasons for this failure as the finances are being controlled by the central government. She vociferously demanded that the District Health Plans should include bhatta specific plans, stating that there should be “a special line item in the plans for brick kilns.”

88 Siddaiah, A et al. (2018). *Maternal health care access among migrant women labourers in the selected brick kilns of district Faridabad, Haryana: mixed method study on equity and access*. International Journal for Equity in Health, 17:171. Available at: <https://equity-health.biomedcentral.com/track/pdf/10.1186/s12939-018-0886-x.pdf> [Last Accessed on 13 March, 2022].

89 Ministry of Health and Family Welfare, Maternal Health Division. *Janani Suraksha Yojana: Features and Frequently Asked Questions*. Available at: <https://nhm.gov.in/WriteReadData/l892s/97827133331523438951.pdf> [Last Accessed on 27 February, 2022].

90 Ibid (n 88).

### (iii) Food and Nutrition

The research paper published by Prayas Centre for Labour Research and Action<sup>91</sup> reports that most women working at the kilns are malnourished and suffer from anaemia. As mentioned above, the brick kilns do not provide health care services. Furthermore, visits by ASHA and ANM are rare and mostly focused on immunization. Thus women workers do not receive the nutritional supplements they need. A research paper on women brick moulders in West Bengal found that “58% of the women fell in the underweight category, in which 18% of the sample population was under severely thin Grade III chronic energy deficiency with BMI <16 kg/m<sup>2</sup> as recommended by WHO.”<sup>92</sup> While intra-household disparities are often neglected, several studies have shown how women are poorer in a poor household. There is discrimination within households regarding food intake. Women and girls often face nutritional deprivation due to lack of adequate food and prioritisation of men and sons.<sup>93</sup>

*“Gaon me sab kha lete hain bhar pet. Yahan pati aur bachchon ko khilana padta hai pehle.”*

*“In the village everyone has a fulfilling meal. Here at the kiln, men and children have to be fed first.”*

- a female worker from VBC Ladpura Bhatta (Ajmer)

A peaceful and filling meal can make a lot of difference to the health and nutritional of women. However, most women at the kilns in Ajmer, Bhilwara and Surir are of the view that given the life at the kilns, they are unable to eat peacefully to their satisfaction. They feel more satisfied with what they eat in their villages, as the work pressure is not the same and other members are always available to look after the children. In Ajmer and Bhilwara, workers in most at the kilns are of the view that they eat better in their village as ration is expensive in Rajasthan. In Devika Eint Udyog (Surir), women shared that they eat better in their villages as they get to buy the entire month's ration at one go. At the kilns, they are forced to buy small quantities on the day of the kharchi.

*“Gaon me zyada khate hain. Wahna ration bhi milta hai. Yahan bhatta pe nahni milta sab kuchh aur kharcha bhi bahaut hota hai.”*

*“In the village we eat more. We also get ration there. Here at the kilns we do not get everything and we also spend more.”*

- workers from Chhattisgarh in VBC Ladpura Bhatta (Ajmer)

Developing healthy food habits is an equally critical component of addressing nutritional deficiencies. Recognizing the need to inculcate healthy food habits among the workers, CEC and CLRA have been organising “*bhoj melas*” (food festivals) where new recipes are tried using food supplies that are easily available and affordable for migrant workers. These events also promote the diverse traditional foods consumed by the workers who come from different geographies and cultures. Most women find the food festivals interesting and would like such activities to be organised more often. Efforts have also been made to start kitchen gardens in the kilns itself so that the workers can grow some essential herbs and green vegetables for their consumption. The kitchen gardens do not survive once the brick making season is over and the workers leave for their homes. However, it is something that the women find useful and can be continued in every season, even if the kitchen gardens have to be set up afresh. Some trainings have also been organised with both men and women on health budgeting. Such programmes aim to help families assess where they spend their money and recognise the need to prioritise food and nutrition in their spending list. A few families in Bhilwara shared that they found the health budgeting sessions useful and are trying to implement the lessons they learnt in their daily lives.

91 Ibid (n 5).

92 Bijetri, B and Sen, D. (2014). *Occupational stress among women moulders: A study in manual brick manufacturing industry of West Bengal*. International Journal of Scientific and Research Publications, 4(6). Available at: <http://www.ijsrp.org/research-paper-0614/ijsrp-p3052.pdf> [Last Accessed on 13 March, 2022].

93 Gulati, L. (1979). *Female Labour in the Unorganised Sector: Profile of a Brick Worker*. Economic and Political Weekly, 14(16). Available at: <https://www.epw.in/journal/1979/16/special-articles/female-labour-unorganised-sector-profile-brick-worker.html> [Last Accessed on 14 March, 2022].



## (iv) Menstrual Hygiene

Menstruation is generally seen as a hurdle in women's work participation and is often used as an excuse for not allowing female workers to do tasks like firing at the brick kilns.<sup>94</sup> However, little is done to make menstruation a healthy experience for women and shed the myths that hamper their professional growth and work participation. Majority of the women interacted with during the course of primary research in Ajmer, Bhilwara and Surir said that they use cloth when menstruating - cotton cloth like saree and dhoti. Sanitary pads are now being used by young girls, but this largely depends on the family's capacity to buy sanitary napkins. In the 20 kilns in Ajmer and Bhilwara where CLRA has been working actively, sessions are conducted on menstrual hygiene with women and adolescent girls. Sanitary napkins are also distributed as part of the drive. Menstrual cramps, stomach aches and backaches are reported as common problems during the menstrual cycle. However, women have learnt to live with these challenges and keep working through their suffering. They also struggle to change and dispose of used pads or wash the soiled cloth for reuse.

### **Women's concerns around menstrual hygiene and related issues ...**

*"Pad nahi milta yahan. Toh kapda hi lagate hai."*

- a female worker from Raju Eint Udyog (Surir)

*"Paisa hi nahi bachta hai toh kya istemal karengey."*

- women from Salasar Bhatta (Bhilwara)

*"Stayfree diya hai madam ne."*

- an adolescent girl in JMD Ladpura Bhatta (Ajmer)

*"Dard rehta hai par kaam karna padta hai, varna paisa nahi milega."*

- a female worker from Raju Eint Udyog (Surir)

## Harassment and Exploitation of Women

Most studies reveal that the treatment of women in brick kilns is abominable in every way possible. They make for the easiest target for exploitation at home and work place. They face physical torture as well as sexual harassment by their superiors at work, and are also abused by locals. Female harassment is a common phenomenon in the informal sector where women are provided with no security. These incidents take place despite the presence of their male relatives at the kiln. Often unmarried young women become prey to debt-bondage and are used as collateral by the family when they are not able to repay loans.<sup>95</sup> A study reveals that kiln owners also ask for sexual favours from women workers as an advance payment for food and clothing.<sup>96</sup> These cases rarely come to light "because of the vulnerable position of the workers" reports Prayas Centre for Labour Research and Action,<sup>97</sup> adding that they have received enough cases "that demonstrate that this is a serious issue." The 2005 study on women workers in Haryana's brick kilns<sup>98</sup> shows that among the sampled women, only 6.34% mentioned being looked down upon or physically harassed. Another 10.48% reported no harassment and 83.18% of women declined to discuss this issue. These women also reported that they felt safer being with their family, clearly implying that they would prefer to migrate with their husband than be left behind on their own and become vulnerable to sexual abuse/assault. Other studies, such as the ones conducted in Uttar Pradesh, Delhi, Punjab, etc., faced a similar pattern as researchers found it difficult to get any information about the harassment or exploitation

94 Mathema, L and Bajracharya, S. *Transforming gender and social perceptions in the brick industry*. ICIMOD. March 21, 2019. Available at: <https://www.icimod.org/transforming-gender-and-social-perceptions-in-the-brick-industry/> [Last Accessed on 15 March, 2022].

95 Ibid (n 1).

96 Ibid (n 82), p 32.

97 Ibid (n 5).

98 Ibid (n 45).

of women/girls due to the sensitive nature of this issue. However, their refusal to respond does not mean that the harassment does not exist. The study conducted in Chhattisgarh found out about a few cases during the interviews and focus group discussions to eventually conclude that the cases of exploitation and harassment were much higher.<sup>99</sup>

To conclude, issues faced by women working at the brick kilns need immediate attention, given that their situation has worsened during the pandemic. The government, policymakers, and civil society must come together and take strong measures to improve their socio-economic conditions. Women working in the brick kilns belong to the most disadvantaged backgrounds, in terms of caste, gender, and class. These workers must be informed of their rights in the workspace. They work twice as hard as male workers but do not receive half the worth of their labour. For most women in the world today, childcare and domestic work remain undervalued and are seen as the “woman’s job”. Women labouring in brick kilns are also denied respect and proper compensation, for the work they do outside the home. The family wage system strips these women of their individuality and identity. The living and working conditions of the brick kiln are substandard for all workers. However these occupational hazards are multiplied for women, who also become targets of sexual exploitation. Their working conditions amount to nothing short of modern slavery.

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99 Ibid (n 69).

CHAPTER 4

# Children at Brick Kilns





# Introduction

Since most migrant workers employed in the brick kilns travel as a family, children often accompany their parents to the destination areas. Young people may also be left behind in the native village, under the care of grandparents or extended family. Children of brick workers are the most vulnerable, at-risk group. At the kilns, they confront an extremely difficult everyday life. Many children face social and cultural isolation, often stemming from the loss of friends, relatives and community. They engage in work alongside parents from a very early age and are routinely excluded from accessing education, health and food security entitlements. Unable to continue with their education, many children end up joining their parents in the bonded, low-skill-low-wage trap, experienced by brick kiln workers. This leads to cessation of intergenerational mobility among the most deprived sections of the society. Taxing brick kiln labour, associated with occupational health hazards, unsanitary living conditions and exclusion from accessing healthcare services, adversely impacts children's health, while worsening their life and living conditions. This chapter looks at the developmental conditions of children living in the brick kilns, including their educational status, health outcomes, nutritional status, vulnerability to child labour, and the systemic barriers which adversely impact their overall development and growth.

## Health and Nutrition

Ensuring the right to health and survival for children at risk has formed part of various national policies and plans. However, children in the brick kiln industry are often in poor health with low immunization status, acute nutritional deficiencies, respiratory and skin infections, injuries relating to work, etc. The unsanitary living conditions within the kiln settlement, deprivation of healthcare facilities such as immunization and the hazardous work environment impacts children's physical, mental and psychological well-being. Disability among the workers and their children has not received enough attention. A few women and children living with disabilities in the brick kilns were covered during primary data collection in Ajmer, Bhilwara and Surir. For example, in Sai Eint Udyog (Surir), there is a girl child who suffers from a physical disability (in her hands) but still helps her father in pathai work. These children are not left behind as there is nobody to take care of them in the village. Very few workers are aware that disabled persons can receive assessments that would describe the nature of their impairments and properly identify their disability. These individuals can also be given a disability certificate, if the degree of disability is more than 40%. However, getting such a certificate is not easy. In Bharat Lohagal Bhatta (Ajmer), mother of a child with speech and hearing impairments, who hails from Uttar Pradesh, said that despite several efforts her child did not get the disability certificate.

*“Kayi baar likha-padhi kari Uttar Pradesh mein. Par koi suvidha deta hi nahin hai.  
Form bhi bhara phir bhi kuchh nahin hua”.*

*“Several efforts have been made in writing, but nothing is provided.  
The form was also filled, but nothing happened.”*

- a female worker from Uttar Pradesh who works in Bharat Lohagal Bhatta (Ajmer)

Unfamiliarity with the language, people and new surroundings in destination areas, limits their social life and makes it difficult for them to form fruitful and productive friendships. Such social isolation negatively impacts children's emotional and mental well-being.

### (i) Immunization

Among the various health programmes and services for children, immunization has the biggest reach as far as children at brick kilns are concerned. Yet, studies suggest that full immunization coverage among brick kiln children aged 12 to 23 months is lower than the national average, which was 62% during NFHS-4 and is reported to have increased to 76% during NFHS-5.<sup>100</sup> A cross-sectional study on immunisation coverage

<sup>100</sup> Press Information Bureau, Government of India. *Union Health Ministry releases NFHS-5 Phase II Findings*. November 24, 2021. Available at: [https://www.pib.gov.in/PressReleasePage.aspx?PRID=1774533#:~:text=Full%20immunization%20drive%20among%20children,highest%20\(90%25\)%20for%20Odisha](https://www.pib.gov.in/PressReleasePage.aspx?PRID=1774533#:~:text=Full%20immunization%20drive%20among%20children,highest%20(90%25)%20for%20Odisha.). [Last Accessed on 15 February, 2022].



in children of migrant brick kiln workers in four selected districts of Bihar found that 55.43% children aged 12 to 23 months were fully immunized, 37.65% were partially immunized and 6.92% had not received any immunizations.<sup>101</sup> On the other hand, data collected by CLRA and CEC from migrant brick workers who arrived at the kilns in Ajmer and Surir in October-November 2021, shows that only 29% children aged 12 to 23 months have received all their vaccinations. 38% are partially immunized and for another 33% children, either no details were available or the information provided could not be verified. Behaviour and perceptions around immunization also impact the vaccination status of children. The Bihar study conducted by Kumar and other researchers,<sup>102</sup> shows that only 16.3% of parents had a record of their children's vaccination status. HAQ's field research shows great resistance among parents towards immunization of their children. In two kilns in Bhilwara (Azad Bhatta and Shakti Bhatta) for example, the workers have resisted getting their children immunized despite constant efforts by the CHNC facilitator from CLRA. Lack of awareness about the importance of immunization can be attributed to low levels of literacy,<sup>103</sup> kiln owners' control over health care access as well as the health seeking behaviour of brick workers.<sup>104</sup> FGDs conducted by Bohne during the study in Patna, Bihar<sup>105</sup> found that mothers do not vaccinate their children until they receive permission from the owners. However, the owners and managers often dissuade them on the pretext that children may develop a fever after vaccination, which in turn will affect their ability to work and earn.

## (ii) Nutrition and Day Care

The Global Burden of Diseases, Injuries, and Risk Factors Study (GBD) 2017 indicated that 68.2% of the total under-5 deaths in all states in India in 2017 were due to malnutrition. This was a “leading risk factor” for loss of health in all age groups.<sup>106</sup>

The connection between child malnutrition, child mortality and morbidity does not require further explanation. Malnutrition is a critical health issue affecting children at brick kilns. However, most studies on nutritional status or nutrition security among children of migrant workers are limited to those who migrate from rural to urban areas permanently. There are very few studies on the nutritional status of children whose parents are seasonal migrant workers. Information is even more scarce for the children of brick workers. A cross-sectional study on malnutrition in 1-5 year old children of brick kiln workers in rural areas of Panvel Taluka, Raigad District, Maharashtra found 61.9% children underweight, 49.5% stunted and 35.7% wasted. 27.3% of children were severely underweight while 24.2% and 5.9% of children experienced severe stunting and wasting, respectively.<sup>107</sup> Besides limited access to maternal and child health care services, a variety of other factors put children in the kilns at an elevated risk of malnutrition. This include, poor access to and unaffordability of nutritious food, illiteracy, misinformation about nutrition and health care, poor sanitation and limited access to clean water. Breast feeding practices among mothers who work in the kilns are also irregular and poor, due to their long working hours and exorbitant production burdens. Various supplemental feeding programmes do exist in India. However, these schemes are not available to the children of seasonal migrant workers. Anganwadi centres, which provide information on children nutrition and can mitigate health challenges, are largely inaccessible to brick kiln families. 73% of workers interviewed during the study by Anti-Slavery International reported that “early childhood services (anganwadi) were not provided or accessible.”<sup>108</sup>

101 Kumar, P et al. (2020). *Factors associated with Immunisation coverage in children of migrant brick kiln workers in selected districts of Bihar, India*. Indian Journal of Community Health, 32(1), pp 91-96. Available at: <https://iapsmupuk.org/journal/index.php/IJCH/article/view/1374/1021> [Last Accessed on 02 March, 2022].

102 Ibid (n 101).

103 Ibid (n 101).

104 Ibid (n 72).

105 Ibid (n 72).

106 The Lancet. (2019). *The burden of child and maternal malnutrition and trends in its indicators in the states of India: the Global Burden of Disease Study 1990–2017*. Child and Adolescent Health, 3(12), pp 855-870. Available at: [https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(19\)30273-1/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(19)30273-1/fulltext) [Last Accessed on 13 February, 2022].

107 Mali, KH et al. (2017). *Assessment of malnutrition in 1-5 years old children of brick-kiln workers in rural part near municipal area*. Journal of the Pediatrics Association of India, 6(4), pp 225-229. Available at: <https://nijp.org/wp-content/uploads/2018/01/v6n4-p225-229.pdf> [Last Accessed on 13 February, 2022].

108 Ibid (n 6).

Not only can severe malnutrition raise morbidity and mortality, while reducing immunity to common illnesses and diseases, it can also affect cognitive development, schooling and productivity.<sup>109</sup> Stunting between conception and 2 years of age, for example, is reported to put children at “greater risk of poor health and lower socio-economic attainment throughout their life.”<sup>110</sup> Malnutrition also affects the development of certain areas of the brain which control cognition, memory and locomotor skills.<sup>111</sup> Studies have shown that early childhood growth retardation can impact a person later on in life. These challenges can diminish self-esteem and reduce individual’s ability to perform expected tasks. These effects compound over time, leading to high healthcare costs, impact on income and the perpetuation of poverty/inequity.

Interactions during primary data collection in Ajmer, Bhilwara and Surir revealed that children of most workers were registered in an Anganwadi centre back in their respective villages and also received ration or meals every day. However, this was not the case in the kilns as no Anganwadi centre is available at the kilns or nearby. Most parents are not aware of Anganwadi centres close to their kiln and safety concerns cause parents to keep their children in the kiln, instead of sending them to an Anganwadi centre or school located in an unfamiliar area. Against the backdrop of the challenges faced by the brick workers with respect to nutrition and day care for their toddlers, CLRA and CEC convinced some brick owners to set up child health and nutrition centres (CHNC) in 30 brick kilns located in Ajmer, Bhilwara and Surir. As a result, the younger children in these kilns spend their entire morning, from 10 am to 2 pm every day in the CHNC. In some of the kilns, the physical structures are still under construction and the centre facilitators sit under the trees or man-made sheds to carry out the day’s activities. There is currently one centre facilitator/coordinator each in all 30 brick kilns. They are supervised by 6 block coordinators (2 in each district). The centre facilitator is responsible for providing food, monitoring the weight and height of children aged 0-6 years, organising age-appropriate activities with children and imparting early childhood education. Thus, under the supervision of the center facilitator, the children play games and learn new concepts and skills.



In Surir, children at the CHNCs get apples, bananas, eggs, chana (grams) and paneer (cottage cheese) to eat. In Ajmer and Bhilwara, both dry and cooked meals are provided alternately. Cooked meals include moong

109 Ravindranath, D *et al.* (2019). *Nutrition among children of migrant construction workers in Ahmedabad, India*. International Journal for Equity in Health, 18:143. Available at: <https://equityhealthj.biomedcentral.com/articles/10.1186/s12939-019-1034-y> [Last Accessed on 15 February, 2022].

110 Prendergast, AJ and Humphrey, JH. (2014). *The stunting syndrome in developing countries*. Paediatrics and International Child Health, 34(4), pp 250–265. Available at: <https://www.tandfonline.com/doi/pdf/10.1179/2046905514Y.0000000158?needAccess=true> [Last Accessed on 02 February, 2022].

111 Ibid (n 110).

dal khichdi, dalia, meethe chawal (rice). Centre facilitators ensure that proper hygiene is maintained in the centre. Personal hygiene is also promoted among children, who can be seen washing their hands before and after meals. Help is also sought from the workers to keep the surroundings clean.



Cooking Meetha Daliya



Waiting for the meals

Among the many benefits of providing facilities such as the CHNCs in the 30 kilns in Ajmer, Bhilwara and Surir is that children's growth gets monitored regularly. Growth monitoring is an important role of the Anganwadis who provide supplement nutrition and other services. The CHNCs are filling up the gap in Anganwadi services that should be reaching these 30 kilns. Eventually these CHNCs should become part of a government programme or the government should set up similar services in the kilns. Change in the growth and weight of children in these CHNCs in a span of six months is visible in the tables that follow.

Growth in Weight (In Kg) (0 to 6 years Children) October 2021 to March 2022				
	Ajmer	Bhilwara	Surir	Total no. of children
Changes in Measurement	No. of children	No. of children	No. of children	
0.000 Kg (No change)	58	66	32	156
0.001 to 0.500 (Increase)	91	190	121	402
0.501 to 1.000 (Increase)	61	86	114	261
1.001 to 2.000 (Increase)	48	57	73	178
2.001 to 3.000 (Increase)	21	2	4	27
3.001 to 4.000 (Increase)	5	2	2	9
4.001 to 5.000 (Increase)	0	0	0	0
5.001 to 10.000 (Increase)	0	6	0	6
10.001 to 15.000 (Increase)	0	0	1	1
Child passed away	0	1	0	1
Children whose growth could not be measured on a regular basis due to their non-availability at all times	11	34	0	45
<b>Total</b>	<b>295</b>	<b>444</b>	<b>347</b>	<b>1086</b>



Growth in Height (In cm) (0 to 6 years Children) Oct 2021 to March 2022				
Changes in Measurement	Ajmer	Bhilwara	Surir	Total No. of children
	No. of children	No. of children	No. of children	
0 cm (No change)	89	114	43	246
1 to 5 cm (Increase)	146	268	276	690
6 to 10 cm (Increase)	29	18	26	73
11 to 15 cm (Increase)	20	5	2	27
Child passed away	0	1	0	1
Scaling not done	0	4	0	4
Children whose growth could not be measured on a regular basis due to their non-availability at all times	11	34	0	45
<b>Total</b>	<b>295</b>	<b>444</b>	<b>347</b>	<b>1086</b>

*“Bachche badhiya se kha rahe hain, roz centre pe ja rahe hain, safai bhi ho raha hai. Jab hum kaam kar rahe hote hain tab bachcha log centre me hote hain. Bahadur sir bachhon ko padhate bhi hain, anda bhi khilate hain.”*

*“Children are eating well, going to the centre every day and also keeping clean. Children are at the centre when we are at work. Bahadur Sir teaches children and also feeds them eggs.”*

- a worker from Raju Eint Udyog (Surir)

The parents are happy about their children being looked after and receiving education and meals while they are at work. In fact, mothers in Ajmer said that they would want to come back to the same kiln next season if the contractor allows. However, after 2 pm, when the CHNC closes for the day, children either roam around or play nearby in the pasar area while their parents continue to work. Some children go back to their huts if they have older siblings who can take care of them. Some female workers shared concerns over the safety of their children as they feel the pasar is a little far from their houses. They prefer to have their children play nearby the pasar where they are working, so that they can watch over them. Women workers lamented that there is nobody to look after their children in the kilns, as they have to focus on work throughout the day. In their village, other family members help care for and supervise the children. Women would rather have day care facility at the kiln so their little ones can be safe while parents work their second shift. Such facilities would reduce parents’ worries and mitigate their childcare concerns.



Early childhood care for toddlers

A mother managing work and child care



### (iii) Pollution and related Health Hazards

In addition to the nature of work and migration that causes children to be denied social benefits, deepening systematic inequalities and deprivation of a quality life make brick kilns particularly hazardous for young children. Since families working in brick kilns often take their young ones with them, children are exposed to hazardous environmental conditions at the worksites. Brick kiln industries are a major source of air pollution and which causes health issues among workers and others in the community. The Fixed Chimney Bull's Trench kiln (FCBTK) are considered energy inefficient due to heat loss from the surface and incomplete coal combustion. FCBTKs can cause respiratory illness and cardiovascular disease, by exposing workers to high levels of particulate matter and gaseous pollutants.<sup>112</sup> According to a research paper, "66 million tons of CO<sub>2</sub> is released from the brick industries every year. As the industry consumes a larger chunk of coal every year, in addition to CO<sub>2</sub>, it also releases many toxic air pollutants like suspended particulate matter (SPM), carbon monoxide, sulphur dioxide (SO<sub>2</sub>), and nitrogen oxides (NO<sub>x</sub>). The large amounts of coal used for brick firing also leave behind bottom ash as residue. Such air pollution and bottom ash cause considerable health problems, especially related to respiratory health, while also damaging property and crops."<sup>113</sup> These health consequences can also be found in young children who experience airway inflammation, acute respiratory infections (e.g. pneumonia) and chronic respiratory infections (e.g. asthma). Infants and young children are particularly vulnerable to polluted air because their lungs and immune systems are not yet fully developed. Air pollution also compromises their immune system and renders them vulnerable to various infections and diseases.<sup>114</sup>

### (iv) Specific Occupational Health Hazards for Child Brick Workers

A study on brick kilns in Nepal<sup>115</sup> classifies the main risks posed by these facilities into chemical, physical, and physiological hazards. Such hazards are greater for children who are working in the kilns. Harms caused from exposure to brick dust, silica as well as other dangerous gases and substances such as carbon monoxide (CO), sulphur dioxide (SO<sub>2</sub>), fluoride compounds, and nitrogen oxides (NO<sub>x</sub>) are classified as "chemical," hazards. Exposure to heat and injuries are classified as "physical" hazards. Work related musculoskeletal disorders and body malfunctioning arising from transporting heavy brick loads, work related postures, repetitive movements, hours of work and rest fall under the category of "physiological" hazards. The study highlights that children as young as eight years old suffer physiological disorders as they are involved in transporting and loading and unloading of bricks with repetitive movements. The findings from Nepal would apply to the brick industry pan India. For example, a cross-sectional study was conducted on 112 child brickfield workers and 120 control subjects to assess the health hazards among child labourers in brick kilns of Bhadrakali in Hooghly district of West Bengal.<sup>116</sup> It reveals that 97% of child brick workers reported lower back pain, 88% reported pain in the shoulder region, 82% identified discomfort in their hands, 76% reported wrist pain, 73% reported pain in the neck region, 71% in ankles, 69% in knees, 54% in the feet, 26% in the upper back and 19% in elbows. Comparative figures for the 120 children in the control group, comprised of individuals working as domestic helpers are - 43% (pain in the lower back region), 27% (shoulder region), 21% (hands), 19% (wrists), 21% (neck region), 71% in ankles, 13% (knees), 16% (feet), 8% (upper back) and 8% (elbows). The study also shows significant differences in the heart rate and systolic BP of the two groups of children, after they stopped work.<sup>117</sup> Work-related injuries among child

112 Skinder, B. (2014). *Brick kilns: Cause of Atmospheric Pollution*. Journal of Pollution Effects and Control, 2 (2). Available at: <https://www.longdom.org/open-access/brick-kilns-cause-of-atmospheric-pollution-2375-4397.1000112.pdf> [Last Accessed on 27 Feb, 2022].

113 Ibid (n 3).

114 UNICEF. (2021). *The Climate Crisis is a Child Rights Crisis: Introducing the Children's Climate Risk Index*. Available at: <https://files.eric.ed.gov/fulltext/ED614506.pdf> [Last Accessed on 11 February, 2022].

115 Thygeson, SM et al. (2016). *Occupational and Environmental Health Hazards in the Brick Manufacturing Industry in Kathmandu Valley, Nepal*. Occupational Medicine & Health Affairs, 04(05). Available at: <https://www.omicsonline.org/open-access/occupational-and-environmental-health-hazards-in-the-brick-manufacturingindustry-in-kathmandu-valley-nepal-2329-6879-1000248.pdf> [Last Accessed on 13 February, 2022].

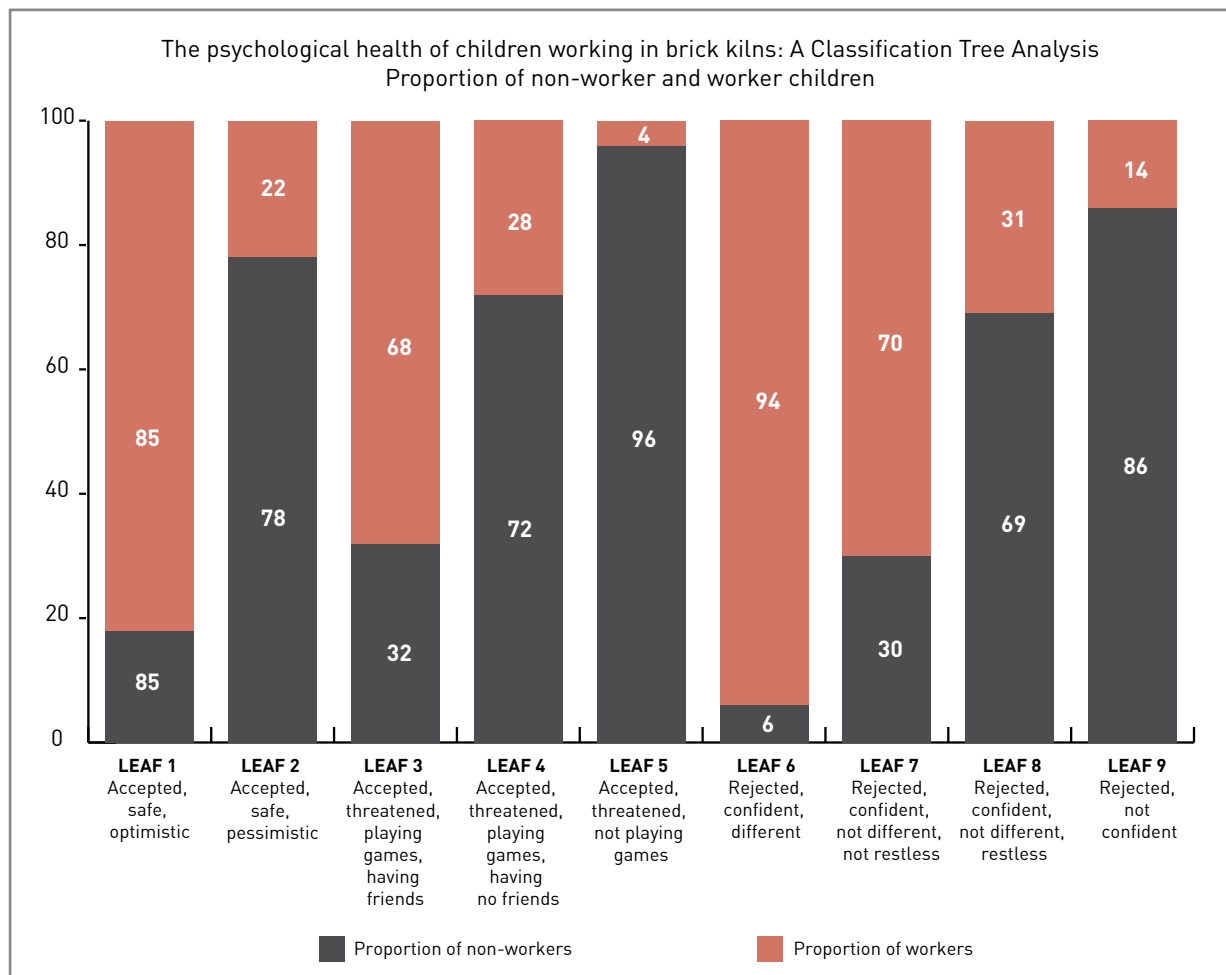
116 Das, B. (2019). *Health hazards and risks for musculoskeletal problems among child labourers in the brickfield sector of West Bengal, India*. International Health, 11(4), pp 250-257. Available at: <https://academic.oup.com/inthealth/article/11/4/250/5133580> [Last Accessed on 04 February, 2022].

117 Ibid (n 116).

labourers in the kilns could include common injuries such as cuts, wounds, and punctures as well as more serious injuries such as burns, fractures or sprains, loss of body parts, contusions, bruises, hemorrhoids and abrasions.<sup>118</sup>

## (v) Mental Health

The psychological well-being of children in brick kilns is one of the less-studied components of their health. Seasonal migration to new and different locations, alien environments in the destination areas, social and physical isolation from the local community in the destination areas, extremely taxing work conditions and stressful living conditions have a deep impact on children’s mental well-being. These challenges have a greater impact on young children who are learning to socially engage and adapt to their environments. It is not easy if that environment keeps changing too frequently. On the contrary, such instability can lead to serious adjustment and adaptation issues that can impact children for the rest of their life, causing disruptions in their social relationships and erratic behaviour patterns. The International Labour Organization (ILO) conducted a study to examine the impact of work on psychosocial health of children working in brick kilns. The analysis found that children who worked in brick kilns were considerably disadvantaged compared to the non-working children from the nearby villages. Brick kiln children represented the majority of the children who did not feel accepted by others (i.e. felt rejected), did not feel safe (i.e. felt threatened), did not feel confident, were tired and had little hope for the future.<sup>119</sup> Some among them did not even play games or sports and felt very isolated (not having friends to support them).



Source: ILO [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_672539.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_672539.pdf)

118 Das, R. (2015). *Causes and Consequences of Child Workers in the Brick Fields of Khejuru CD blocks in Purba Medinipur District, West Bengal*. International Journal of Humanities & Social Sciences, 4 (2), pp 28-42. Available at: [http://www.ijhssi.org/papers/v4\(2\)/Version-3/F0423028042.pdf](http://www.ijhssi.org/papers/v4(2)/Version-3/F0423028042.pdf) [Last Accessed on 04 February, 2022].

119 International Labour Organization. (2018). *The psychological health of children working in brick kilns: A Classification Tree Analysis*. Available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_672539.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_672539.pdf) [Last Accessed on 02 February, 2022].

The findings of the study show that lack of integration into the local community and an extended period of time away from a familiar environment can have a negative impact on children's psychological development and mental health.

## (vi) Child Health Care and Management for Children in the Brick Kilns

In India, maternal and child health care services are provided through the Reproductive, Maternal, New-born, Child, Adolescent Health and Nutrition (RMNCAH+N) component of the National Health Mission (NHM) and the Integrated Child Development Services (ICDS). In order to eliminate disparities in maternal and child health outcomes, these programmes offer free services to all, particularly the most disadvantaged members of the society. The Integrated Child Development Services (ICDS) was launched in 1975 with the intent to reduce childhood malnutrition in children aged 0-6 years. The programme is run through Anganwadi Centres (AWC), each administered by Anganwadi Workers (AWW), who are entrusted with providing six services: supplemental nutrition, pre-school education, vaccines, nutrition and health education, health check-ups, and referral.<sup>120</sup> On the health-related responsibilities, AWWs interact with ASHAs and ANMs and serve a population of 1000 residents. As envisaged under the ICDS scheme, in remote rural areas, tribal, hilly and other difficult areas, Mini Anganwadis with one AWW must be set up for a population of 150-300 children. Where a settlement has at least 40 children under 6 years of age but no Anganwadi Centre, it can be created on demand.<sup>121</sup>

The Village Health Sanitation and Nutrition Committee (VHSNC) is the institutional mechanism set up at the village level under the National Rural Health Mission (NRHM) to ensure convergence between the maternal and child health programmes as well as the ICDS nutrition services. Field research undertaken by HAQ, CLRA and CEC in both the source and destination areas of brick workers in Ajmer and Bhilwara districts of Rajasthan as well as Surir in Mathura district of Uttar Pradesh, suggests that the VHSNCs only exist on paper and are by and large dysfunctional. In Baloda Bazar district of Chhattisgarh, interactions were held with 10 VHSNC members in 5 villages, including ASHA workers, members of *gram sabha* (general assembly of all people of the village), sarpanch and helpers. None of these official functionaries had complete or even working knowledge about the objectives, roles, responsibilities and procedures of the committee. The only work that has been undertaken by VHSNCs so far are sanitation drives. No records of Committees meetings were available across the source and destination areas. Many members of VHSNCs do not even know that they are part of such a mechanism. Teams from CLRA and CEC working at 10 kilns each in Ajmer, Bhilwara and Surir have been trying to hold meetings with the VHSNCs with little success.

Unfortunately, structures set up for programme delivery as well as convergence and monitoring ignore migrant children, particularly those who migrate seasonally to the kilns with their families. The exclusion exists in both source and destination areas. Interactions of the research team from HAQ and CLRA with AWWs at 6 Anganwadi centres in 5 villages of Baloda Bazar in Chhattisgarh from where workers migrate to the kilns in Ajmer, revealed that the AWWs pay little heed to children of such workers. A "ready to eat" nutritional diet is provided to registered pregnant women, lactating mothers and children up to 3 years. However, the children of seasonal migrant workers are excluded from such programmes they are registered in the Anganwadi only for 3-4 months. In the destination areas, as Bohne points out, the Anganwadi centres are inaccessible and brick kilns do not fall within the "catchment area" of an AWW, which primarily includes permanent population and not seasonal migrants.<sup>122</sup> A study published by Anti-Slavery International mentions that 73% of the 383 brick workers interviewed did not have access to any crèche or Anganwadi.<sup>123</sup> Clearly, neither the AWW nor the ASHA worker or ANM have reached out to the brick kilns. Children residing in the kilns are seldom identified and mapped for outreach. During interactions in the course of field research carried out by HAQ in Ajmer, Bhilwara and Surir, the service providers maintained that, unless they receive instructions from their supervisors, the mapping and servicing of pregnant/lactating women,

120 Ministry of Women and Child Development. *About ICDS*. Available at: <http://icds-wcd.nic.in/icds.aspx> [Last Accessed on 13 March, 2022].

121 Ibid (n 120).

122 Ibid (n 72).

123 Ibid (n 6).

children under 6 years and adolescent girls in the brick kilns will remain a challenge. In other words, children of migrant labour, particularly brick workers must be featured in policy agendas and district health and nutrition plans, if services are to reach them and their health and nutrition goals are to be met.

Creating records of childhood immunization, growth and children's nutritional status is important for continuity of care. Initiatives such as the 'Udaan Kendras'<sup>124</sup> in the Sri Ganganagar district of Rajasthan by Tata Trust and their subsequent convergence with the Health and Integrated Child Development Service (ICDS) departments are needed to address health, nutrition, early childhood care and development goals. Similarly, some brick owners in Ajmer and Bhilwara districts of Rajasthan and Surir in Mathura district of Uttar Pradesh have started opening up to organising health camps, setting up Child Health and Nutrition Centres and connecting pregnant/ lactating women to the health services and other interventions that are being carried out by CLRA and CEC respectively in these areas. Such good practices need scaling up, which is only possible with the kind of government support that was received by the Tata Trusts in Sri Ganganagar. These initiatives should not remain one time efforts. They establish models which can easily be replicated. The CHNCs run by CLRA and CEC can easily be converted into Mini Anganwadis, provided the respective state governments come forward.

Authorities should also provide adequate attention to the mental health and psychological well-being of children. The ILO study maintains that removing children from work alone will not suffice. Authorities must link young people to educational resources, opportunities for socialization and other psychosocial supports that can help improve their psychological well-being.<sup>125</sup> Day care will be ideal for children in the brick kilns, following a comprehensive need-based curriculum, including a curriculum aimed at mental well-being of children, regular health check-ups, growth monitoring and a nutrition plan. This will also bring respite to women brick workers while they are away at work.

## Education

Education forms the foundation of any society. It is responsible for society's economic, social, and political growth and development in general, and for the development of children in particular. Hence, school is necessary for a child's social, intellectual, emotional and psychological development. However, the children in the brick kilns are deprived of their fundamental right to education, as majority of them cannot attend primary or elementary school or have access to early childhood care, despite the government's mandatory obligation to ensure this. According to Anti-Slavery International, 77% of workers did not have access to primary education for their children between 5-14 years of age in the destination area.<sup>126</sup> Another study of 1700 children from 60 brick kilns in Bardhaman district of West Bengal found that all of them were out of school while the drop out rate among local children was 10%, and more than 85% of them had never been enrolled in school. A few who were once enrolled had dropped out to accompany their parents.<sup>127</sup> The same is the case with children of brick workers in the 30 kilns of Ajmer, Bhilwara and Surir, where primary research was carried out for this report. A parent from Bhawna Eint Udyog (Surir) shared that her son was enrolled in a school in Bihar, but dropped out when they moved to the kiln. This is a problem specific to children of seasonal migrants from different states as local workers from other districts of the same state find different ways to continue to send their children to school in both source and destination areas. For instance, the local workers of Uttar Pradesh in Radhey Eint Udyog (Surir) have bought land in Surir and settled there, which enables their children to continue with their education in the schools near the kilns. In BBC Ladpura Bhatta (Ajmer), even though the older children of workers from nearby districts move to the brick kilns with their parents for work, they continue to be enrolled in the schools in their respective villages and go back to school to appear for their exams.

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124 Tata Trusts. *Quality of Life Improves One Brick at a Time*. Annual Report 2019-2020. Available at: <https://www.tatatrusters.org/Upload/PDF/Tata-Trusts-Annual-Report-2019-20.pdf> [Last Accessed on 17 February, 2022].

125 Ibid (n 119).

126 Ibid (n 6).

127 Majumder, R and Mukherjee, D. (2011). *Paternal migration, child labour and education: a study in brickfield areas of West Bengal*. Munich Personal RePEc Archive (MPRA). Available at: <https://mpra.ub.uni-muenchen.de/40940/1/> [Last Accessed on 15 February, 2022].



Education of Children of Brick Workers Age-group and Destination wise data												
Districts	Currently Enrolled				Drop-out				Never Been to School			
	4 to 10 years	11 to 14 years	15 to 18 years	Total	4 to 10 years	11 to 14 years	15 to 18 years	Total	4 to 10 years	11 to 14 years	15 to 18 years	Total
Ajmer	177	119	37	333	40	40	65	145	201	41	24	266
Bhilwara	45	26	8	79	35	29	20	84	216	53	44	313
Surir	32	8	6	46	56	24	13	93	396	91	84	571
<b>Total</b>	<b>254</b>	<b>153</b>	<b>51</b>	<b>458</b>	<b>131</b>	<b>93</b>	<b>98</b>	<b>322</b>	<b>813</b>	<b>185</b>	<b>152</b>	<b>1150</b>

Analysis of combined data for Ajmer, Bhilwara and Surir, based on the survey carried out by CLRA and CEC in 30 kilns shows that school enrolment rates for children of brick workers are generally low in both source and destination areas. Only 24% children surveyed at the 30 kilns are currently enrolled in school or college as per their age. Another 17% have dropped out of school at different levels of education and 60% children have never been to school.

Destination Area	Currently enrolled	Drop-out children	Never been to school
Ajmer	45%	19%	36%
Bhilwara	17%	18%	66%
Surir	6%	13%	80%
<b>Total</b>	<b>24%</b>	<b>17%</b>	<b>60%</b>

The enrolment rate as well as percentage of children who have never been to a school is worse for children of workers in Surir and Bhilwara compared to Ajmer. These are mostly children of families that have come from Bihar, Jharkhand and Uttar Pradesh.

Source States	No. of children who have never been to School	Total children	Percentage of children
Bihar	681	803	85%
Uttar Pradesh	218	391	56%
Jharkhand	15	23	65%
Rajasthan	119	263	45%
Madhya Pradesh	9	21	43%
Maharashtra	2	2	100%
Chhattisgarh	106	282	38%
<b>Total</b>	<b>1150</b>	<b>1785</b>	<b>64%</b>

The number of children enrolled at different levels between source and destination areas tells the story of children of brick workers.

Currently Enrolled				
Age Group	Ajmer	Bhilwara	Surir	Combined (Ajmer, Bhilwara & Surir)
4 to 10 years	70%	18%	13%	21%
11 to 14 years	78%	17%	5%	35%
15 to 18 years	73%	16%	12%	17%
<b>Total</b>	<b>73%</b>	<b>17%</b>	<b>10%</b>	<b>24%</b>

Out of the total number of children at the kilns, 21% continue to be currently enrolled in the source areas even though they have migrated with their parents to the kilns and 3% are currently enrolled in the destination areas. Continuation of enrolment in the source areas after having migrated to the kilns implies discontinuation of education for children. But for the schools it is a bonus. Since children are not given a transfer certificate when they migrate, they continue to exist in the school records and the schools in the source areas are able to show a decent enrolment rate. Besides, the schools continue to receive mid-day meals and such other benefits in the name of children who are physically not present, but exist in the school enrolment records. What happens to that food can well be imagined.

Age Group	No. of children enrolled in destination area	No. of children enrolled in the source area	Total children of brick workers currently enrolled	Total no. of children who arrived at the kilns with their parents in October-November, 2021	% of children enrolled in destination areas out of total no. of children currently enrolled	% of children enrolled in source areas out of total no. of children currently enrolled	% of children enrolled in destination areas out of total children at the brick kilns	% of children enrolled in source areas out of total children at the brick kilns
4 to 10 years	39	215	254	1198	15%	85%	3%	18%
11 to 14 years	14	139	153	431	9%	91%	3%	32%
15 to 18 years	5	46	51	301	10%	90%	2%	15%
<b>Total</b>	<b>58</b>	<b>400</b>	<b>458</b>	<b>1930</b>	<b>13%</b>	<b>87%</b>	<b>3%</b>	<b>21%</b>

In Ajmer, Bhilwara and Surir no child is currently enrolled in the destination areas beyond class 8. Among those currently enrolled in the source areas, 9 are at the secondary level in classes 11 to 12 but are unable to continue with their education as they are accompanying their parents to work in Ajmer.

Education Level of Children of Brick Workers						
Age Group	Children ever been to school	Class 1 to 5	Class 6 to 8	Class 9 to 10	Class 11 to 12	Graduation
4 to 10 years	385	95%	5%	0%	0%	0%
11 to 14 years	246	39%	49%	12%	0%	0%
15 to 18 years	149	26%	42%	26%	6%	0%
<b>Total</b>	<b>780</b>	<b>64%</b>	<b>26%</b>	<b>9%</b>	<b>1%</b>	<b>0%</b>

Maximum children of brick workers surveyed, who have ever been to a school, have studied up to primary level (64%). The level of education declines as the age increases and more children drop out at elementary and secondary level.

Percentage of Drop-outs at Different Levels of Education out of Total No. of Children Ever Been to School			
Class 1 to 5	Class 6 to 8	Class 9 to 10	Class 11 to 12
40%	44%	49%	10%

Percentage of Drop-out to Total No. of Drop-outs in Different Age groups and at Different Levels of Education					
Age Group	Class 1 to 5	Class 6 to 8	Class 9 to 10	Class 11 to 12	Graduation
4 to 10 years	95%	4%	1%	0%	0%
11 to 14 years	48%	40%	12%	0%	0%
15 to 18 years	29%	49%	21%	1%	0%
<b>Total</b>	<b>61%</b>	<b>28%</b>	<b>10%</b>	<b>0%</b>	<b>0%</b>

Data analysis also shows that 61% children who drop out of school, do so at primary level itself. Another 28% drop-out at elementary level between class 6 to 8 and 10% drop out at secondary level, between class 9 to 10. Further, more boys drop out in all age groups compared to girls to engage in labour in the brick kilns.

Age Group	Drop-out Percentage		
	Male	Female	Total
4 to 10 years	11%	11%	11%
11 to 14 years	23%	20%	22%
15 to 18 years	38%	28%	33%
<b>Total</b>	<b>18%</b>	<b>16%</b>	<b>17%</b>

Age Group	Drop-out Percentage		
	Ajmer	Bhilwara	Surir
4 to 10 years	10%	12%	12%
11 to 14 years	20%	27%	20%
15 to 18 years	52%	28%	13%
<b>Total</b>	<b>19%</b>	<b>18%</b>	<b>13%</b>

The parents need extra helping hands and they have zero to no motivation for getting their children re-enrolled in schools or Anganwadi in a new place. There are other issues as well such as lack of documents, distance from residence to school, unsafe route to school, etc. For example, in Bharat Lohagal Bhatta (Ajmer) presence of a pond on the way to school prevents parents from sending their children to school. In RKB Somalpur Bhatta (Ajmer), the workers shared that their children don't want to go to school as it is a new place and they feel scared.

*“Bachche jana nahin chahte hain school mein; naya jagah hai toh darte hain.”*

*“Children don't want to go to school; it's a new place so they feel scared.”*

- Workers in RKB Somalpur Bhatta (Ajmer)

Once children drop out, they are unable to attend school in the destination area as well as on return back to their village after the work season is over. They are unable to attend schools in the destination areas as they arrive in the middle of the academic calendar, when admissions are closed and when they go back to their native village, owing to their extended absence from school, it is difficult for them to cope with the education level after a gap of many months.<sup>128</sup> Dearth of schools in adjacent areas combined with exclusion from social advantages such as free schooling, uniforms, and books owing to their migrant status act as further deterrents. In the study by Anti-Slavery International in brick kilns of Punjab, it was found that the average distance of schooling facilities from the kilns was 1.87 km in contrast to the mandated neighbourhood school within 1 km as per the Right to Free and Compulsory Education (RTE) Act, 2009.<sup>129</sup> Often brick workers migrate to states where they face a language barrier, which impacts children's motivation to pursue their education in the destination areas. Variations in the syllabus and the examination system followed in the source state and the destination is a further disadvantage.<sup>130</sup> These gaps cause children to fall into the same low-skill, low-wage trap as their parents, stifling their opportunities for socio-economic mobility and progress. Only through capability formation and education can the situation of these children improve in the long run. As a result, it is critical that these children are integrated into the education system wherever they are.

128 Shah, R. (2021). *Commentary: Seasonal Migration and Children's Education in India*. Social & Political Research Foundation. Available at: [https://sprf.in/wp-content/uploads/2021/07/SPRF-2021\\_Comm\\_Seasonal-Migration\\_Final.pdf](https://sprf.in/wp-content/uploads/2021/07/SPRF-2021_Comm_Seasonal-Migration_Final.pdf) [Last Accessed on 15 February, 2022].

129 Ibid (n 6).

130 Patra, R. (n.d.). *Out of School Children: the 'abhiyan' to bring them to school*. A collection of case studies of good practices adopted by States for different categories of out-of-school children under AIE component of Sarva Shiksha Abhiyan. Available at: <http://14.139.60.153/bitstream/123456789/357/1/Study-Out%20of%20School%20CHILDREN%20THE%20ABHIYAN%20TO%20BRING%20THEM%20TO%20SCHOOL.pdf> [Last Accessed on 15 February, 2022].

Interestingly, while the enrolment record of schools in the source areas are high, little attention is paid to attendance record. Sub-rule 2 of Rule 2B of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Rules, 2017 states, “Where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school the, the Principal or Head Master shall report such absence to the concerned nodal officer”.<sup>131</sup> Clearly, the rules are not being followed and neither are records of children who migrate seasonally being maintained at any level, be it the Department of Education or the Department of Labour in the states or the central government. Digital India is yet to find ways of documenting these children and creating their record to plan for keeping them connected to the education system. Interactions with workers from Surir, Ajmer and Bhilwara clearly brought out the problems children face in getting their “Transfer Certificate” from their school when they have to migrate, despite the sub-section (2) of section 5 of the Right to Free and Compulsory Education (RTE) Act, 2009 allowing a child to seek transfer from a school to any school within the state or outside and sub-section (3) of section 5 of the Act casting a duty on schools to issue a transfer certificate in such cases without delay, failing which they can be subjected to disciplinary action. When children migrate from the source state to the destination with their families, they never carry a transfer certificate from the school. The school management (in the source state) does not provide them a Transfer Certificate in order to show full enrolment in their school records and without a transfer certificate the children cannot enrol in a new school in the destination state. This implies hoarding of mid-day meals and other supplies that arrive in the name of children who are enrolled but need not be physically present when they migrate. It also implies denial of benefits in destination areas as they cannot get enrolled in schools. Lack of awareness among parents regarding the provisions of the law with respect to issuance of a transfer certificate by a school adds to their difficulty. A child with speech and hearing impairment from Uttar Pradesh has not been able to find admission in a school in Ajmer even after getting a letter from the school and the head (sarpanch) of their village. The CHNC coordinator from CLRA posted in Bharat Lohagal Bhatta (Ajmer) explained that this is because the child is from a different state.

*“Hamrey yahan school mein likha padhi karaye, pradhan se bhi likhwa ke le gaye, par bachcha ka admission nahi hua.”*

*“We got all the paper work done from the school in our village, got a letter from the village head also, but our child was not admitted here.”*

- a female worker from Uttar Pradesh who works in Bharat Lohagal Bhatta (Ajmer)

*“UP se hone ki wajah se inko Rajasthan mein koi suvidha nahi mil rahi.”*

*“They are not getting any facilities in Rajasthan as they belong to UP.”*

- CHNC Facilitator, Bharat Lohagal Bhatta (Ajmer)

Bridge school programmes may not work for such children to deal with the age-education gaps that may result due to long absence from school because they are back in their villages barely for four months and are ready to move out again. However, the residential and non-residential special training centres (RSTCs and NRSTCs) set up under the Samagra Shiksha Abhiyan (SSA), a centrally sponsored scheme to cater to children out of school or school drop outs can serve the purpose of providing education to the children of brick workers when they move to the work sites. It is very difficult to gauge how much is being spent by the central government on these special training centres as the budget for these centres is subsumed under the budget for Samagra Shiksha Abhiyan (SSA) and no break-up is provided. An official from the Education Department in Rajasthan informed HAQ’s research team that they have a budget of INR 500 per child per month for those in NRSTCs and INR 1000 per child per month for those in RSTCs. Surveys are undertaken to identify 3 to 18 year old children out of school in the month of July. That is the time when children of brick workers move back to their villages and arrive later in October-November after the festival of *Deepawali*. There are no exclusive or separate surveys conducted to identify children of seasonal migrant workers in the brick kilns.

<sup>131</sup> Ministry of Labour and Employment, Government of India. Child Labour (Prohibition and Regulation) Amendment Rules, 2017. Available at: <https://labour.gov.in/sites/default/files/The%20Child%20Labour%20%28Prohibition%20and%20Regulation%29%20Amendment%20Rules%2C%202017.pdf> [Last Accessed on 21 February, 2022].



So these children are often left out of the identification process and the benefits of NRSTCs. This is where the Department of Education expects NGOs to come forward and assist in bringing such children to their notice. Websites of various state governments suggest that they have operationalised these centres, though there is little information available on whether children of seasonal migrant workers are benefitting through such efforts. The NRSTC centres in Rajasthan offer courses for three months, six months and nine months, starting in July every year. According to an official from the Education Department and two School Principals who have run the NRSTCs and admitted children of brick kiln workers in Ajmer with the help of CLRA, even if the children are enrolled in these centres, they are unable to gain much since they arrive at a time when the course has already started and have to wait for about three months post arrival to get enrolled in the next batch. Some flexibility with respect to mid-batch enrolment might help these children though that is a policy decision to be taken by the state government.

Various models are available nationally that have tried to address such situations. Attention is drawn to Lok Jumbish Project in Rajasthan, DPEP in Andhra Pradesh and Maharashtra, Rajiv Gandhi Prathamik Shiksha Mission which offered seasonal residential facility for boarding, coaching and care of children who stay on in their villages and continue in schools while their parents migrate.<sup>132</sup> It is suggested that such seasonal boarding schools can also be opened in the destination areas, where children can stay on and continue their education even when their parents return to their village after seven to eight months of work.<sup>133</sup> Feasibility of such an option is yet to be explored as even in Ajmer, HAQ's research team found that both parents and NGOs preferred enrolment of their children in NRSTC instead of the RSTCs.

In 1995, Vidhayak Sansad, an NGO set up non-formal education programme for children of brick workers in Thane and Nashik districts of Maharashtra, known as the *Bhonga Shalas*. Given the situation of children of brick kiln workers, it may be worthwhile to consider such programmes, which can connect children to mainstream education system eventually as the Bhonga Shalas did. Children in Bhonga Shalas received primary education (I-IV std) at the brick kiln site in classrooms run in huts similar to their own, which were referred to as *Bhongas*. The syllabus was the same as in the mainstream schools, though teaching-learning methodology relied more on play-way methods. The teachers were youth from the same tribal community these children belonged to, who were trained and engaged gainfully through the programme for a small honorarium. At the end of the session, every child had to write an exam conducted by the *Zila Parishad* (district level local self-governance unit), which gave them certificates that they could use to continue their education after returning to their native villages.<sup>134</sup> A similar initiative was undertaken through a collaborative effort between SSA Orissa, SSA Andhra Pradesh and Action Aid India (an NGO) in the year 2004 to meet the educational needs of children migrating with their parents to the kilns through residential and non-residential bridge courses (RBCs and NRBCs).<sup>135</sup> Establishing cluster schools in migration sites, such as the schools for children of sugarcane cutters and brick kiln workers in Kolhapur district of Maharashtra is also worthwhile consideration, as the NGO running these schools had also arranged transport facility for those who needed it.<sup>136</sup> The mobile schools such as those found in the Kalna region in Purba Bardhaman district of West Bengal,<sup>137</sup> and in cities like Delhi,<sup>138</sup> Uttarakhand,<sup>139</sup> Bengaluru,<sup>140</sup> which operate under the SSA, are other good examples, showing that if the state governments are willing, reaching schools to children instead of waiting for children to reach schools can be adopted as a model for children of brick workers.

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132 Ibid (n 128).

133 Ibid (n 128).

134 Jayachandran, U. (2001). *Taking Schools to Children 'Bhonga Shalas'*. Economic and Political Weekly, 36(35). Available at: <https://www.epw.in/journal/2001/35/commentary/taking-schools-children.html> [Last Accessed on 21 February, 2022].

135 Ibid (n 130).

136 Times News Network. *NGO takes up RTE admission awareness drive in district*. February 01, 2016. Available at: <https://timesofindia.indiatimes.com/city/kolhapur/ngo-takes-up-rte-admission-awareness-drive-in-district/articleshow/50801220.cms> [Last Accessed on 15 February, 2022].

137 Ibid (n 127).

138 Brahmachari, D and Chauhan, S. (2015). *Reaching Out To the Unreached: A Study on Mobile Schools (Chalta Phirta Schools) Project under Sarva Shiksha Abhiyan*. IOSR Journal of Humanities and Social Science (IOSR-JHSS), 20(7):1, pp 101-105. Available at: <https://www.iosrjournals.org/iosr-jhss/papers/Vol20-issue7/Version-1/P02071101105.pdf> [Last Accessed on 15 February, 2022].

139 Butterflies. *Mobile Schools: If the children cannot come to school, let us take the school to them*. Available at: <https://butterfliesngo.org/programmes/mobile-schools/> [Last Accessed on 15 February, 2022].

140 Mandhyam, Nithya. *BBMP's mobile schools to resume from March 1*. The Times of India. February 09, 2022. Available at: <https://timesofindia.indiatimes.com/city/bengaluru/bbmps-mobile-schools-to-resume-from-march-1/articleshow/89453346.cms> [Last Accessed on 15 February, 2022].

# Child Labour

India is a home to the largest child labour population in the world. As per the 2011 census, the total number of child labourers in India aged 5 to 14 years is 10.1 million. According to a report by UNICEF and VV Giri National Labour Institute, “Seven states of the country, namely, Uttar Pradesh, Bihar, Rajasthan, Maharashtra, West Bengal, and Gujarat, with 62.8 per cent of child population, account for 64.7 per cent of total child workers.”<sup>141</sup> In terms of brick kilns, the 2017 report by Anti-Slavery International suggests that children comprise one-third of the overall population in brick kilns. 65% to 80% of those in the age group of 5 to 14 years and 100% in the age group of 14 to 18 years are working in the kilns.<sup>142</sup> These figures are based on sample surveys and can also be an underestimated statistic as child labourers are never registered by the brick kiln managers and even parents do not offer accurate reports. They see nothing wrong with children helping them in brick making. Instructions received from contractors, managers and kiln owners and the fear of legal consequences associated with child labour also inhibit reporting on the number of children working in the kilns. Most studies find that younger children are engaged in mixing the clay, flipping the bricks for drying, stacking the moulded bricks, as well as loading and unloading. Older children also carry out the task of moulding and transporting bricks from one location to another on wheel carts. Case studies documented by CEC also suggest initiation of children into the brick manufacturing industry at an age as early as three years. These infants help with the mixing of clay for moulding while adolescents aged 16-18 years can also be found doing *bharai* (filling the chimney with the raw moulded bricks and preparing it for firing) as well as *jalai* work (firing of bricks).<sup>143</sup> A study on causes and consequences of child labour in the brick kilns of Khejuri CD Blocks in Purba Medinipur district, West Bengal found that “53% of child workers engage with Pulling brick wheelbarrows, 48% with arranging bricks to dry, 44% with both loading bricks in/out of brick wheelbarrows and loading bricks onto truck, 42% with loading bricks in and out of kiln, 28% with operating a brick-making machine in the brick field, 22% with crushing and/or grinding clay and only 2% worker with firing kiln.”<sup>144</sup> Girls, especially those aged 10 years and above can also be found doing household chores and taking care of their younger siblings.<sup>145</sup>

*“Aise hi sahara dete hain bachche log taki zyada eint bann jaye.”*

*“This is how children help, so that more bricks can be made.”*

- a female worker from Bharat Eint Udyog (Surir).

The piece-rate wage system in the industry pushes the workers to engage more and more family members in brick making in order to meet higher targets and earn more wages. In fact, most workers in Surir, Ajmer and Bhilwara view their children as extra helping hands and do not see any harm in it. The saga of debt and advance taken by the head of the family in lieu of work only adds to the need to produce more bricks. As Anti-Slavery International puts it, such payment system incentivizes the worst forms of child labour.<sup>146</sup> Besides, the interconnectedness between child marriage and child labour is quite obvious at the kilns, as under-age married girls often accompany their husband to work at the kilns.

A study of 50 child respondents from four brick kilns in Moradabad shows that 66% children had never been to a school while 30% had dropped out at primary level. Another 4% had dropped out of school at upper primary level.<sup>147</sup> The brick kiln child labour study in Khejuri CD Blocks in Purba Medinipur<sup>148</sup> also highlights that about 81.4% of the child labourers did not go to school. 25% of them had never been to a school while

141 Samantroy, E *et al.* (n.d.) *State of Child Workers in India: Mapping Trends*. UNICEF and VV Giri National Labour Institute. Available at: <https://vvgnli.gov.in/sites/default/files/State%20of%20Child%20Workers%20in%20India-Mapping%20Trends.pdf> [Last Accessed on 17 February, 2022].

142 Ibid (n 6).

143 Gupta, R. and Menon, S. (2019). *Aspirations of Youth in Informal Sector*. Centre for Education and Communication (CEC). Available at: <http://mail.cec-india.org/libpdf/1578557814DWGB-AspirationsofYouth.pdf> [Last Accessed on 22 February, 2022].

144 Ibid (n 118).

145 Majumder, R. (2011). *Paternal migration, child labour and education: a study in brickfield areas of West Bengal*. Munich Personal RePEc Archive (MPRA). Available at: <https://mpra.ub.uni-muenchen.de/40940/> [Last Accessed on 22 February, 2022]

146 Ibid (n 6).

147 Mohd, Jafar. (2018). *Child Labour in Brick Kiln Industry: A Case Study of Moradabad*. International Journal of Research Culture Society, 2(3). Available at: <https://ijrcs.org/wp-content/uploads/201803081.pdf> [Last Accessed on 22 February, 2022].

148 Ibid (n 118).

others had dropped out. Children worked for 6 to 9 hours daily, depending on their task. 39% children were unhappy about the work they do and another 49.5% responded as being happy sometimes. 85% mentioned that they did not use any safety gears or equipment while working. 39% reported regular torture in the form of beatings, sexual harassment, being forced to hard tasks, etc., while 47% mentioned facing torture sometimes. 42% held the kiln manager responsible for the torture. Other culprits were kiln owners (13%), co-workers (25%), and outsiders (4%). Interestingly, the study shows that children receive wages for the work they do on a daily or monthly basis. This is contrary to what the HAQ research team observed in the brick kilns in Ajmer, Bhilwara (Rajasthan) and Surir (Mathura, Uttar Pradesh). In these sites, children do not figure in any official registers and form part of family unit rather than being counted as part of the individual labour force. An article quoting from a recent study by Save The Children titled, “Status of Child Labour and Legal Entitlements of Workers in Major Sectors in Rajasthan”, suggests that children make a contribution of 23% in the monthly earnings of an average household in the bricks kilns in Bhilwara, Rajasthan (INR 2,707 out of INR 11,628 earned in a month by an average household). The article also suggests that there are at least 4,000 child labourers working at the brick kilns in Bhilwara itself.<sup>149</sup>

Work that is physically, mentally or morally dangerous and harmful to children and/or interferes with their schooling and deprives children of their childhood and dignity is recognised by ILO as “child labour”.<sup>150</sup> Given the nature of work and employment in the brick kilns, child labour in brick kilns could well fall under the category of “slavery or practices similar to slavery”, “debt bondage”, “serfdom”, “forced or compulsory labour” or “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”, all of which is defined in the ILO Convention No. 182 as “Worst Forms of Child Labour”. Furthermore, by virtue of ILO Convention No. 138 on “Minimum Age” of employment, minors under the age of 15 years are barred from any employment. India has ratified both the Conventions.

The amended schedule to the Child and Adolescent (Prohibition and Regulation) Rules, 2017 expressly bans employment of adolescent labour aged 14 to 18 years in brick kilns.<sup>151</sup> With regards to children under the age of 14 years, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, as amended in 2016 prohibits employment of children under the age of 14 in any sector, without making a distinction between hazardous and non-hazardous occupations, though it allows such children to help in family based enterprises after school hours or during vacations. Even if child labour in the brick kilns was to be categorised as “help in a family based enterprise”, law enforcers cannot ignore that such “help” is not something that is rendered after school hours or during vacations. Many of these children are forced to forgo their schooling for a large period of time or drop out of school forever to extend this so called “help”. Despite the legal framework protecting children from economic exploitation, children continue to be engaged in some of the most hazardous tasks in the kilns. Child labourers are also exposed to dust, heat, injuries and other musculoskeletal disorders.

What is evident from most secondary literature is that children’s engagement in the hazardous work in brick kilns is not by choice but due to compelling circumstances. This is not where most children want to see their future. Unlike their peers who do not have to toil for survival, most child labourers find no time for recreation and leisure. This is true for those who work in the brick kilns too. For girls in the brick kilns, the opportunities to indulge in any recreational activities are anyways restricted due to the double burden they share with their mothers. They must manage the household as well as the unfamiliar and alien environment in the destination areas. Despite their hard labour, there is little recognition of the children’s contribution to brick manufacturing. They are only paid a fraction of what adult workers would get, are not supplied with any safety equipment and are deprived of their right to education and childhood.

Work or no work, for children of brick workers it is all about a childhood without opportunities to grow and develop to their full potential and a life filled with risks to health, safety and security.

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149 Sharma, Madhav. *10-12 hours of hard labour a day to earn Rs 100: Child labour thrives in the brick kilns of Rajasthan*. Gaon Connection. January 19, 2022. Available at: <https://en.gaonconnection.com/child-labour-brick-kilns-rajasthan-bihar-uttar-pradesh-debt-malnutrition-poverty-health-exploitation-india-bhilwara/> [Last Accessed on 22 February, 2022].

150 International Labour Organization (ILO). *What is Child Labour*. Available at: <https://www.ilo.org/ipecc/facts/lang-en/index.htm> [Last Accessed on 23 February, 2022].

151 Gazette of India. Ministry of Labour and Employment. Notification No. 2479. S.O. 2827(E). Available at: [https://labour.gov.in/sites/default/files/Notification\\_to\\_amend\\_the\\_Schedule0.pdf](https://labour.gov.in/sites/default/files/Notification_to_amend_the_Schedule0.pdf) [Last Accessed on 24 February, 2022].









**CHAPTER 5**

**Conclusion and  
Way Forward**



Like most research on the situation of brick workers, this report also highlights the vulnerabilities of seasonal migrant workers and their families in brick kilns. This chapter identifies areas for action that can help improve their condition, particularly their right to health, food, nutrition, education, adequate standard of living, protection, safety and security. Where possible, some good practices are also suggested as way forward. The ones highlighted in the report and reiterated in this chapter pertain to early childhood care and nutrition for children of brick workers, their education and freedom from economic exploitation. These practices can be replicated and taken to scale. The thrust of this report is to highlight the need for specific actions for brick kiln workers, which requires all stakeholders to converge and synergise. Governments must introduce incentives and disincentives for service providers expected to reach out to brick workers and their families as well as employers and contractors for the actions they need to take on their part.

To sum up, areas that require attention and some suggestive points of action are as follows:

## Laws and Regulations

1. Establish licensing systems and robust regulatory frameworks for the brick industry in order to improve working conditions and protect workers from economic/physical exploitation.
2. Legal regimes can also be used to limit the environmental impact of brick works. A comprehensive approach is needed which: encourages mechanization of certain processes to reduce air pollution, replaces extensive use of coal with other biomass fuel and promotes alternatives to clay such as fly ash or a mixture of compacted sand, clay, and straw or grass in order to curb the loss of fertile top soil used for clay. At the same time there is a need to ensure that the workers do not lose out on work because of the environmental legal regime that makes operation of brick kilns difficult.
3. Some of these regulations should include:
  - a. Contract requirements that would force landlords to provide workers with enforceable, written employment agreements.
  - b. Limitations on wage deduction that would prevent employers from charging workers for fuel and other essential items.
  - c. Action against the owners for withholding payment due at the end of the brick kiln season.
  - d. Procedural protections that would prevent brick owners from levying interest or other hidden charges on the advances they give to the brick workers.
  - e. Anti-discrimination laws that would stop employers from paying lower wages or charging extra fees to out-of-state workers, scheduled castes/tribes and women.
  - f. Housing requirements which instruct employers to provide workers with safe, weatherproof hutments as well as sufficient access to electricity, gender segregated bathrooms/toilets and clean drinking water.
  - g. Provisions which protect workers' right to freedom of movement and would guarantee their ability to leave brick kiln premises for all purposes, not just food shopping and medical care.
4. Wage systems should also be reformed:
  - a. Authorities should use the petition filed in the Gujarat High Court to encourage other state governments to fix and implement piece rate minimum wages for brick workers. The time rate wage scale causes brick kiln workers to be underpaid. The absence of a uniform minimum wage system can also lead to inequitable salary differentials between brick kilns in the same state.
  - b. The Punjab model of adjusting piece rate minimum wages to inflation should also be supported and encouraged.
5. Authorities should make it easier for workers to self-register with the Building and Other Construction Workers Welfare Board (BOCW Board) by reducing documentation and employment-proof requirements. Even if the kiln owners fail to submit a list of workers, self-registration can fill the gap.

6. Amendment to the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 on the lines of the Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969 may be considered. The Mathadi Act requires employers to be registered with the Board created under the Act and no worker can be employed without such registration. Workers' salaries have to be deposited with Board and the Board in turn sends payments to the workers. The Board charges the workers a 30% fee over the salary, which is used to provide them with social security benefits and welfare measures such as the provident fund, bonus, housing schemes, hospitals.
7. Many regulations such as the Inter-state Migrant Workmen Act include elaborate fees for moving workers, registration, etc. Such practices damage the financial wellbeing of migrant workers and must be banned.
8. Authorities should either expand the Inter-State Migrant Workmen Act or create new laws to protect intra-state migrants who move within the same State or Union Territory, from one district to another. Protections must also be extended to individuals who are forced to migrate due to distress.
9. Reform the Workmen's Compensation Act to make sure the law covers brick kiln workers, particularly women and children who accompany the head of the family to work in the kilns.

## Social Security/ Welfare Reforms

1. Social security systems and welfare schemes must also be reformed. The government must:
  - a. Establish new welfare systems to make sure migrant workers and their children have enhanced access to food security, health care, early childhood care services and education. More detailed recommendations have been included in the sections below.
  - b. Reform existing schemes such as the Integrated Child Development Scheme to make sure that welfare benefits are portable and can be accessed by migrant families once they leave their home state.
  - c. Make sure that schemes, such as the "One Nation, One Ration Card" initiative, meet the needs of migrant workers. Workers must be able to easily obtain ration cards and should not be unduly burdened by the registration process. Stringent documentation requirements and restrictive beneficiary rules should be removed as these systems will often prevent migrant families from accessing such programmes.
  - d. Create easily accessible alternatives to internet-based ration dispensing systems such as e-POS. Such systems rarely function in rural areas where internet access is limited or unreliable. Therefore, alternatives are necessary to ensure that workers can obtain benefits while technical/digital access issues are being resolved.
  - e. More efficient mechanisms must be established to resolve technical hurdles that come in the way of filing online applications for identity documents such as the Aadhar Card, linking Aadhar Cards to Ration Cards or completing e-Shram applications.
  - f. Ensure that any digital welfare schemes, such as the e-Shram portal, are easy to use.
2. Many schemes rely on Aadhar cards to dispense benefits. However, many families do not carry these documents to work sites and brick kilns. Therefore, the following reforms are recommended:
  - a. Ensure that local Anganwadis, Ration Offices and other facilities are provided with Aadhar kits so they can easily make Aadhar cards. Alternatively, they should be trained and duty bound to help in filling Aadhar applications online for families who seek benefits but do not have the document and the know-how to proceed with their application.
  - b. Instruct local authorities to accept photocopies of Aadhar cards duly signed and stamped by the head of the village to which a person belongs. Many migrant families do not carry their original documents to brick kilns as they are afraid of losing them.
3. Authorities should also implement awareness programmes to make sure migrant families know about

the various welfare and social security benefits available to them.

- a. Education about registration processes and documentation requirements is necessary.
  - b. Local panchayats should be involved in creating these education programmes and dispensing benefits.
4. Help desks or facilitation centres must be set up in both source and destination areas to assist migrant workers, especially with necessary registrations, documentation, filling of forms, submission collection of documents/forms, and raising queries at appropriate forums. Institutions of local self-governance and its representatives must be involved in running such facilitation centres and providing the necessary assistance.

## Monitoring and Implementation

1. Essential health and nutrition mapping and needs assessments must be carried out for brick workers and their families in all brick kilns every season. Plans for implementation and monitoring must evolve at the all levels of governance, starting with the village and moving on to the district, state and national level. The mapping, needs assessment and implementation plans must, at least, cover the following:
  - a. Number of brick kilns, registered and unregistered
  - b. Number of migrant workers in each brick kilns (by gender, age and disability)
  - c. Pregnant and lactating women in the brick kilns
  - d. Children of brick workers in the 0 - 6 years age group
  - e. Adolescent girls in the brick kilns
  - f. Number of men, women and children in the brick kilns suffering from respiratory and skin infections
  - g. Existing water sources, functional toilets and bathrooms in the brick kilns
  - h. Provisioning for water storage for daily use of workers and their families
  - i. Water logging and drainage system in the kilns
  - j. Electricity supply in both, the workplace and worker's residential areas
  - k. Number of workers and their family members having Aadhar card
  - l. Number of brick workers having ration card
  - m. Number of brick workers, men and women, registered on e-Shram portal
  - n. Number of brick workers, men and women, having a labour card
  - o. Number of brick workers having health insurance
  - p. Brick kilns served by Anganwadi Workers and ASHA
  - q. Number of brick workers registered with the BOCW Board
2. Authorities must add dispute resolution systems to existing laws such as the Unorganised Sector Workers Social Security Act.
3. Stringent enforcement/prosecution systems should be established to identify and punish employers who violate these regulations.
4. Information about inspections carried out, violations found, prosecutions and convictions under all labour laws must be shared in the public domain. These details must be present on the web portal of the state governments and the state labour departments.
5. Advocates should work with state officials, police and local panchayats to make sure that migrant workers have access to government protection while they are working in brick kilns.
6. Workers should be able to complain to local panchayats about any rights violations they experience during their work.



7. Civil Society Groups and government authorities should collaborate and conduct studies identifying the exact number of migrant workers employed at each brick kiln. Such studies would prevent employers from under-reporting the number of workers on their sites in order to deny employees the government benefits they deserve.

## Women

1. Authorities should employ the following measures to ensure the financial well-being of women in brick kilns:
  - a. Reform the payroll systems so women, not just male heads, are registered on muster rolls and given wages. These reforms would prevent women who migrate and work with their husbands from having to do invisible labour. Payroll registration and formal salaries would also allow female workers to fall under the purview of employment regulations and receive legal protections.
  - b. Anti-discrimination laws and awareness programmes should be employed to make sure that female workers are given equal salaries to their male counterparts.
  - c. Employers should be encouraged to provide kharchi or sustenance allowance to female heads of households. Such practices can be incentivized. Women workers must be able to collect these wages against their own name, not the name of their husband. Such practices would promote women workers' financial empowerment and enhance their bargaining power within the household. They would also increase the family's well-being as women are more likely to save the earnings than spend on alcohol or gambling.
  - d. Encourage employers to deposit women's remuneration in their separate accounts. Such reforms would promote financial independence and also provide women with the records needed to access employment related benefits.
  - e. Regulate contractors and give them incentives that motivate them to negotiate with brick kiln owners and supervisors for separate wages for women workers.
  - f. Encourage banks to reach out to migrant women workers and assist them in opening bank account in their name. This will help them receive their wages in their account and also encourage savings.
2. Employers should also be encouraged to reform working practices in the brick kilns and establish systems that would promote women's empowerment.
  - a. Female workers should be assigned more skilled tasks in the brick kilns. Such changes would disrupt gender hierarchies/stereotypes in the industry and also allow women to earn more wages.
3. Authorities, kiln owners, trade unions and civil society organisations should take necessary measures to help women escape the double burden of managing work responsibilities, household tasks and child care. Such initiatives would improve women's health by limiting exhaustion and also give them time for rest and leisure.
  - a. Anganwadis, creches and meal programmes should be made available in brick kilns in order to relieve women, especially pregnant women, of some of their cooking and child rearing responsibilities.
  - b. Civil society organisations need to engage with men on gender justice and encourage male workers to take on more responsibilities in the home.
  - c. Trade unions should also engage with issues pertaining to gender equality at work and home.
4. Employers should be encouraged to provide women with adequate breaks for lunch, dinner and other meals. Many women experience nutritional deprivation due to their inability to eat peacefully.
5. Special services should be provided to pregnant women:
  - a. Authorities should ensure that pregnant women and lactating mothers have immediate access to medical facilities, health workers, Anganwadis and other nutritional centers.

- b. Migrant workers should be able to access high quality ante-natal and pre-natal health care services in the brick kilns. Pregnant women should receive regular ante-natal checkups, immunizations and IFA tablets. All patients should be treated by trained personnel instead of having to rely on quacks for medical care.
  - c. Authorities and civil society groups should work together to help migrant workers access MCP/Mamta cards wherever they are located and encourage women to utilise these benefits.
  - d. ASHA and Anganwadi Workers should frequently visit brick kilns to vaccinate pregnant women and children, help workers access MCP/Mamta cards and provide nutritious meals.
6. Menstrual care products such as sanitary napkins should be made readily available to all women and adolescent girls. Free or subsidized distribution of sanitary pads to women and girls in brick kilns must form part of the tasks assigned to ASHA.
  7. Employers should also be mindful of any health impairments experienced by women during their menstrual cycle and adjust work responsibilities accordingly.
  8. Steps must be taken to ensure the safety of women working in brick kilns.
    - a. Authorities and civil society groups should work together to provide women workers' with resources to tackle male domination in their households and address/prevent domestic abuse.
    - b. Law enforcement should monitor the safety of female workers and address cases of sexual/physical harassment as well as abuse.
    - c. Kiln owners must ensure electricity supply in both work and residential areas of workers at all times, especially in the night to ensure safety and security of women and children.
    - d. District administrations must ensure that every brick kiln has a policy to prevent sexual harassment of women at workplace. All brick kilns must set up an Internal Committee to deal with complaints under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SHW Act).
    - e. District administrations should also set up functional local committees under Section 6 of the SHW Act to deal with complaints of sexual harassment in the workplace. These committees can be used when workers are filing complaints against their employers, or where an internal committee has not been set up in their workplace. District administrations should also spread awareness about the SHW Act among the employers and the workers.

## Children

1. The Integrated Child Development Services (ICDS) scheme must reach children in the brick kilns. The norms for Anganwadis and Mini Anganwadis should be revised to expand outreach to children in the kilns. Existing Anganwadis and creches must be instructed to service migrant children in their areas. Geographical jurisdiction of Anganwadis must therefore be expanded to include brick kilns even if they are located on the outskirts of villages or towns.
2. Transport facilities should be arranged for a group of brick kilns in the vicinity of an Anganwadi so that brick workers feel encouraged to send their children to the nearest Anganwadi. Such services will reduce children's exposure to heat/dust and provide safe space for their growth and development. Expanding the convenience of Anganwadis will also allow parents to concentrate on their work while their children are being looked after.
3. Alternatively, the central and state governments should provide for establishment of Health and Nutrition Centres in each brick kiln. New norms for such centres should be specifically included in the ICDS scheme. Such centres could be set up through NGOs with support from the government as well as corporates, under their corporate social responsibility mandate. 'Udaan Kendras' in Sri Ganganagar district of Rajasthan set up by Tata Trusts or the CHNCs set up by CLRA and CEC in 30 kilns in Ajmer, Bhilwara and Surir, are good models for replication. Their convergence with the Health and Integrated Child Development Service (ICDS) department could help achieve the health, nutrition, early childhood

care and development goals. Authorities must ensure that the centres, Mini Anganwadis or Anganwadis servicing children in the brick kilns are adequately staffed with appropriate number of trained health and nutrition facilitators and educators.

4. Recreational opportunities that facilitate children's socio-emotional development and limit feelings of loneliness/isolation should become an integral part of any initiative taken to address early childhood care and development needs of children in brick kilns.
5. Authorities should also focus on enhancing the nutritional status of children living in brick kilns, many of whom are extremely underweight.
  - a. Parents must be educated on how to secure their child's nutrition and health.
  - b. Breast feeding mothers should be informed of the importance of regular feeding practices. Employers must be encouraged to create comfortable areas for breastfeeding and provide rest breaks for mothers who need to complete this task.
  - c. Supplemental feeding programmes must be made available to children of seasonal migrant workers.
  - d. As described above, authorities should ensure the portability of welfare programmes such as the Integrated Child Development Scheme. Families who obtain rations and access Anganwadis in their home district should be able to do so in their destination site.
  - e. Government bodies and civil society groups should study the nutritional status of children whose parents are working in brick kilns. Current studies exploring the nutritional security of children of migrant workers do not cover families who do seasonal work.
6. Steps must also be taken to protect children living in brick kilns from pollutants and occupational hazards:
  - a. Authorities and civil society groups should highlight the impact that environmental pollution in brick kilns has on the children working in this facility. Such advocacy initiatives should encourage employers to adopt more sustainable brick kiln technology that does not involve burning large amounts of coal.
  - b. Employers should also be made aware of the chemical and physical hazards that children living in brick work facilities are exposed to.
  - c. Children must be prevented from doing strenuous tasks such as transporting bricks and should not have access to dangerous chemicals.
7. States and Union Territories should be encouraged to follow Punjab's example and adopt legislation to prohibit the employment of children below the age of 14 in brick kilns. The education entitlements and cash assistance schemes found in this policy should also be adopted by other States and Union Territories.

## Health

1. Formulation of District Health Plans with specific action plans for health of seasonal migrant workers, women and children in the brick kilns is the key to address health and sanitation issues affecting brick workers and their families.
2. Authorities should make it easier for workers to access the services of their nearest Primary Health Centre (PHC). Provision of free ambulance services in case of emergencies and holding regular health camps in the kilns by doctors in the PHC, are some measures that could help achieve this goal. Many workers are currently forced to rely on private doctors who may lack adequate training and charge exorbitant fees.
3. Migrant workers should be made aware of the medical services and entitlements available under Janani Suraksha Yojana and other schemes. Mechanisms must be devised to ensure that women are not deprived of the cash incentives under Janani Suraksha Yojana (JSY) in any state due to their migrant status.

4. Civil society groups and local officials should also launch health awareness/ education campaigns for employers and brick kilns workers.
  - a. Awareness drives should be carried out to make the workers understand how to take care of their hygiene and protect against infectious diseases.
  - b. Pregnant women should be instructed on self-care during pregnancy. They must be informed of the risks associated with the nature of their work and how strenuous tasks could affect their health, pregnancy and unborn child.
  - c. Adolescent girls should be taught about menstrual hygiene and reproductive health.
  - d. Employers should be instructed on how certain labour practices could cause illness and musculoskeletal disorders among workers, especially pregnant women. They should be encouraged to implement load management and rest systems that would protect the health and longevity of their workers.
5. A team of dedicated health and sanitation workers should be allotted to serve the brick kilns.
6. Authorities must ensure that the Village Health Sanitation and Nutrition Committees (VHSNC) are functional and fulfilling their responsibilities vis-à-vis issues concerning administration of maternal/ child health services, sanitation and convergence with ICDS nutrition services at the village level. Authorities should also ensure that the VHSNCs cover brick kilns in all their activities.
  - a. Many of the VHSNCs only exist on paper and are by in large dysfunctional, lacking knowledge on their own responsibilities goals and objectives. These committees also ignore the needs of migrant children/ women who work in brick kilns.
  - b. Monitoring and accountability systems should be established to improve the efficacy of such committees while making sure that all families, including migrant workers, are protected by these bodies.
7. The district health plans must necessarily include monitoring of health nutrition and sanitation services reached to brick kiln workers and their families. The Village Health Sanitation and Nutrition Committees can be tasked to render assistance for this. There should be regular monitoring of the following:
  - a. Anaemia among women of all age groups
  - b. Distribution of Iron and Folic Acid Tablets
  - c. Immunization and vaccination
  - d. Growth monitoring of 0-6 year old children and identification of malnourishment among children
  - e. Distribution of sanitary pads
  - f. Impact of menstrual hygiene and reproductive health
  - g. Potable drinking water supply
  - h. Separate toilets and bathrooms for men and women with running water and electricity for migrant workers, particularly women and children in the brick kilns
  - i. Cleaning of water tanks and ponds in the brick kilns
  - j. Checking of water pipelines
  - k. Garbage disposal arrangements in the kilns
  - l. Drainage system in the kilns
  - m. Fumigation drives
8. Efforts should also be made to combat nutritional deprivation in brick kilns.
  - a. Civil society groups and local authorities should collaborate to host food festivals (bhoj melas) that would educate workers on healthy food practices.
  - b. Workers should be given the knowledge and resources needed to set up kitchen gardens that would



- allow them to access locally grown, fresh food.
- c. Workers should also be given health budgeting sessions that would help them make food and nutrition a priority in their household. These programmes have been useful in the past.
9. Special Attention should be given to workers experiencing physical or mental disabilities. Civil society groups should help these persons access disability certificates which could make them eligible for benefits under relevant schemes of the central and state governments.
  10. Employers should be encouraged to adopt clean brick manufacturing practices that protect workers and the general population from the ill-effects of pollution.
  11. Steps must be taken by employers, civil society groups and concerned authorities to protect workers living in brick kilns from pollutants and occupational hazards.
    - a. Authorities and civil society groups should highlight the impact that environmental pollution in brick kilns has on the workers, especially child labourers.
    - b. Employers should also be made aware of any chemical/ physical hazards and preventive measures that can be taken.
    - c. Employers should be encouraged to provide necessary equipment and gears such as gloves, eye glasses, gas masks and safety helmets that can protect workers from certain occupational health hazards.
    - d. Children must be prevented from doing strenuous and dangerous tasks. Employers should also take steps to limit their exposure to dangerous substances and materials.
  12. Employers should be encouraged to adopt more sustainable brick kiln technology that does not involve burning large amounts of coal.
  13. A shift from clay bricks to bricks made of fly ash and other materials should be promoted to reduce degradation of the top soil and loss of agricultural yield. Use of both incentives and disincentives may be required to encourage such shifts.

## Education

1. It should be mandatory for schools to maintain monthly record of absence of children from school and share it with the concerned district and state administration.
2. Children of seasonal migrants must be allowed to choose where they wish to continue their education and should be able to access transfer certificates if they opt to move out.
3. While monitoring the implementation of the Right to Free and Compulsory Education Act, the National and State Commissions for Protection of Child Rights must monitor the access to education for children of seasonal migrant workers and suggest measures to ensure that such youth stay connected to the education system.
4. The NRSTCs and RSTCs are good examples for ensuring continuation of education for children of seasonal migrant labourers. These services must be supported with adequate funds as well as flexibility in norms for admission, in order to allow children to join centres when they arrive at kilns.
5. A distinct budget for the NRSTCs and RSTCs must be reflected in the budget documents of both central and state governments.
6. Other good practices such as mobile schools and *bhonga shalas* may also be replicated by the central and state governments.
7. Free-of-cost transport should be provided to school going children who live in the brick kilns. This will encourage parents to enroll their children in neighbourhood schools in the destination areas.
8. Lack of documents such as birth certificates and transfer certificates should not prevent the children of brick workers from being admitted to schools in their destination areas. Schools should be empowered to seek transfer certificates from the child's previous school, if the parents are unable to provide one.
9. Data entries on digital platforms maintained for school education records should be revised to include a

category of children who migrate seasonally. This will encourage schools to maintain distinct records of such children instead of forging their enrolment and attendance information. Such data can further be used to build a linkage in the education system between source and destination areas. It can also help children easily receive admission into their previous schools, when their family returns to the source village.

## Encouraging Collectivisation of Brick Workers

1. Civil society groups and policy makers should encourage brick kiln workers' collectives and trade unions in source and destination areas. They should launch campaigns, education initiatives and grassroots advocacy missions.
2. Regulators should also impose measures to prevent union-busting and stop employers from disincentivizing collectivisation processes.
3. Migrant workers should be admitted to trade unions and workers' collectives located in their destination areas.
4. Brick Workers' Collectives and Trade Unions should also launch know-your-rights campaigns to inform migrant workers about minimum wages and other labour rights available in the destination areas. These groups should also work towards safe migration.

## Long Term Structural Reforms

The financial exploitation faced by brick kiln workers cannot be erased without establishing strong cash assistance programmes, free healthcare services, educational support and social security schemes directed specifically at brick kiln workers. Such initiatives will limit workers' reliance on advances and protect them from entering debt cycles to manage family emergencies.

Portability of all social sector schemes is key to addressing concerns of seasonal migrant workers and their families. This will require certain reforms in the management of schemes.

Use of technology is important to enhance outreach of services and programmes and ensure convergence of services at the lowest level of governance.



HAQ: Centre for Child Rights is a human rights organisation that focuses on all rights for all children, recognising them as citizens of today and adults of tomorrow.

Founded in 1998 and registered under the Societies Registration Act, in June 1999, HAQ envisions an inclusive society where all children grow up in an environment that rests on the principles of non-discrimination and equality and where the human rights of all children are recognised, protected and realised.

With this vision, the organisation strives to mainstream child rights and children's concerns in all development planning and action through knowledge creation, evidence-based advocacy and communication, direct support for children in distress, collaboration and partnership.

HAQ's strength lies in its capacity to straddle micro and macro issues impacting children, undertake research and documentation, bring hands-on experience into policy advocacy nationally as well as internationally, and strengthen governance for children by holding the duty bearers accountable. For HAQ, ensuring accountability is not only about monitoring performance but also about strengthening the existing systems through building the capacity of key stakeholders to generate a timely and effective response and empowering rights holders (children).

HAQ believes that in reaching out to children in distress, civil society organisations should not replace the government and allow the abdication of state responsibility. Instead, the role of NGOs like HAQ should be to provide technical assistance and/or set up model interventions for the government to replicate and sustain.

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