

Forced Migration of Labourers to Brick Kilns in Uttar Pradesh

An Exploratory Analysis

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Seasonal employment in the rural economy at a wage rate below subsistence level forces underprivileged labourers to migrate for survival. Brick kilns in India are a major destination for migrant labourers, who are tied to them for the production season after accepting advance wages from agents. Based on the livelihood conditions of the migrant labourers and their indebtedness, this paper points out these migrations have to be seen as forced. The labourers remain in inter-kiln circulation, but are prevented from moving on because of their limited skills and social networks. They return home to repay a never-ending debt and again receive advance wages for the next season—renewing a cycle of debt and migration for survival.

Internal migration is the unrestricted movement of people from one region to another within the geographic boundary of a country. It is seen to be interstate and intra-state. The directions of these movements show rural–urban migrations in search of job opportunities. In time, migration is both short term and long term. In space, migration occurs over the short and long distance. What we capture is revealed migration. There may be concealed migration as well (Prabhakara 1986: 5).

Labourers sell labour power in a segmented labour market. Underprivileged labourers, who are subordinate in the labour market, often migrate to survive without foreseeing or calculating the consequences. The local rural economy cannot retain them throughout the year. They often move to be engaged in short-term multiple jobs to support the primary income earned at the root, sometimes even in hazardous jobs involuntarily, and sometimes in illegal practices unknowingly.

One of the major destinations for internal migration in India is brick kilns, which start production operations every October and continue up to the pre-monsoon season the next year. Underprivileged labourers get tied to brick kilns as soon as they accept advance wage from their agents. The kilns ensure employment for migrant labourers for around seven months. Work and accommodation at the kilns for the production season is perceived by migrants as preferable to unemployment and underemployment at the root. The labourers get tied to a particular kiln for a production season, and then get circulated inter-kiln, including the possibility of coming back to the first kiln again.

Brick manufacturing has remained a traditional, labour-intensive, land-based and small-scale industry in India, with its products sold in the home market. Its labourers are drawn from the country's economically underdeveloped regions with settled households in perpetual poverty. The purpose of this paper is to examine, based on primary data, if the migration of labourers to brick kilns is forced in nature. For this, we need to examine the livelihood conditions of the labourers at the root and their working conditions at the destination, including the circumstances that persuade them to migrate. We also need clarity on why and how, if at all, the migration is forced, and if so, why they migrate to brick kilns each year.

The rest of the paper is structured as follows. In Section 1, we discuss the nature of internal migration in India. Section 2

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REVIEW OF RURAL AFFAIRS

presents the sample and methodology of the study. In Section 3, we look at the livelihood conditions of the migrant labourers at the root, and its consequences by indebtedness. Section 4 presents a conceptual framework by debt-advance wage-migration cycle. In Section 5, we examine if the migration of labourers to brick kilns was forced in nature. Finally, in Section 6, we offer concluding comments.

1 Internal Migration in India: Nature

Most of the migration in India is rural to rural because of high female migration. Total rural-directed migration is much higher than urban-directed migration at the all-India level and in Uttar Pradesh (UP). However, male urban-directed migration is much higher than female urban-directed migration at the all-India level and in UP (Table 1).

Table 1: Distribution of Internal Migration by Types (Percentage)

Migration Streams	Uttar Pradesh			India		
	Male	Female	Total	Male	Female	Total
Rural to rural	26.0	76.5	71.1	27.2	70.0	61.7
Urban to rural	10.4	4.1	4.7	8.9	4.9	5.7
Rural-directed (total)	36.4	80.6	75.8	36.1	74.9	67.4
Rural to urban	37.2	10.8	13.6	39.0	14.8	19.5
Urban to urban	26.4	8.6	10.5	24.8	10.3	13.1
Urban-directed (total)	63.6	19.4	24.1	63.8	25.1	32.6
All	100.0	100.0	100.0	100.0	100.0	100.0

Source: National Sample Survey 64th Round (July 2007–June 2008), Report No 533, June 2010.

In India, interstate migration accounts for about 2.0% of the country's total population that varies across states. A small state like Delhi ranks first by percentage of in-migrants in settled population in India. Developed states such as Maharashtra and Punjab are well above the national average by in-migration, while backward states such as UP and Bihar are much below it. Urban-directed migration is basically limited to large, particularly metropolitan, cities. Overall, migration to urban areas accounted for 6.6% of India's urban population in 1991 (Census of India 2001).

Uttar Pradesh as a Space for In-Migration

UP has 7.3% of India's geographical area and 16.49% of its population. Agricultural workers (cultivators and agricultural labourers) were 65.6% of the total workforce in UP in 2001, which was a decadal monotonic decline from 75.3% in 1981. The decline in the percentage working as cultivators is more than the percentage working as agricultural labourers. Agriculture continues to absorb a decreasing percentage of the rising population in the working age in UP.

Migration being continuous and repetitive with an unlimited supply of labour waiting to be absorbed in any job anywhere, UP provides a space for the labourers at the bottom of the segmented labour market. Parallel to distress outmigration from UP to advanced states such as Delhi and Maharashtra, distress in-migration to UP occurs from the poorer adjoining states. The temporary vacuum in the labour market in income-poor UP is crowded-in by "more poor" jobseekers from adjoining Bihar and Jharkhand. Labour in circulation thus creates its own space depending on the information networks in the

labour market. These types of movement and engagement in the labour market show temporality and seasonality. There is, in fact, a concentration of outmigrants from the poorest regions in India—Bihar, Jharkhand and Western Odisha—among internal migrants (de Haan 2012: 229–30). There is enough evidence to show that labourers from poor districts in Bihar migrate to brick kilns in UP. However, their movements are not confined to UP only (Deshingkar et al 2006: 18). Prima facie, the economy of UP does not show any pull factors strong enough to draw labourers from outside the state. However, the push factors in the more poor states such as Bihar may be strong enough to show in-migration not only to economically advanced states, but also to UP. UP, situated in the Hindi heartland and with a similar culture and language, is a natural destination for temporary in-migration.

2 Sample and Methodology of the Study

After selecting UP as the destination for labourers, we conducted the study in two phases—phase one covering the destination, and phase two covering the root.

Phase One: Selection of Districts, Brick Kilns and Migrant Labourers:

We prepared a list of the districts in UP bordering Nepal and randomly selected two—Siddharthnagar and Shrawasti. Of the 343 brick kilns in the selected districts, 338 were in operation. We covered 608 migrant labourers and 32 owners or managers/*munshis* of brick kilns in the two districts. From each selected brick kiln, we randomly selected and interviewed 15 migrant labourers and one owner or manager/*munshi* (Table 2).

Table 2: Number of Labourers and Owners Selected from Brick Kilns

Selected Districts	Number of Brick Kilns Covered	Total and Sample Labourers			Number of Owners/Manager/Munshis Interviewed
		Total	Sample	As % of Total	
Siddharthnagar	15	2,450	305	12.4	15
Shrawasti	17	1,740	303	17.4	17
Total	32	4,190	608	14.5	32

The sample loss of migrants has been compensated within the sample brick kilns selected for the study.

Source: Field survey, 2013.

Phase Two: Selection of Root States and Highest Migration-Prone Zone:

Based on the information collected in the first phase, we identified migration-prone zones by states and selected two root states—Bihar and Jharkhand—from where most of the labourers migrated to the selected brick kilns (Table 3).

Table 3: Coverage of States and Labourers in First Phase and States Selected for Root Study

States	Coverage of Labourers in First Phase		States Selected For Root Study
	Number	Percentage	
Bihar	225	37.0	Bihar
Jharkhand	89	14.6	Jharkhand
Chhattisgarh	67	11.0	
Odisha	15	2.5	
Uttar Pradesh	208	34.2	
Nepal	4	0.7	
Total	608	100.0	

Brick kilns in UP being the destination, it is not studied as a root state.

Source: Field survey, 2013.

We selected the highest migration-prone zones from Bihar and Jharkhand. The first zone consisted of Nalanda, Nawada and Gaya districts, comprising 75 villages and 203 migrants, from Bihar. The second consisted of Ranchi, Gumla and Latehar districts, comprising 36 villages and 83 migrants from Jharkhand. We randomly selected five villages from each identified zone in each state where the highest number of sample brick kiln labourers resided (Table 4).

Table 4: Highest Migration-Prone Zone and Sample for Root Study by States

States	Zone	Migration-Prone Zone			Sample for Root Study		
		Districts under Zone	Villages in District	Labourers Migrated from District	Number of Villages	Col 6 as % of Col 4	Names of Selected Villages
1	2	3	4	5	6	7	8
Bihar	I	Nalanda	28	87	2	7.1	Utra,
		Nawada	30	68	1	3.3	Darwara,
		Gaya	17	48	2	11.8	Dularpura,
		Subtotal	75	203	5	6.7	Adhrma, Jethian
Jharkhand	II	Ranchi	13	23	1	7.7	Choriya,
		Gumla	20	52	3	15.0	Totambi,
		Latehar	3	8	1	33.3	Helta,
		Subtotal	36	83	5	13.9	Borang, Nareshgarh
Grand total		111	286	10	11.1	(10)	

Source: Field survey, 2013.

3 Livelihood Conditions at Root Locations

Of the total migrant brick kiln labourers, 96.9% migrated from rural areas. Among them, intra-state migrants were 34.2%. The family size of these sample labourers was 5.76% on an average, and 74.6% of them were illiterate. Of the literate, 57.5% had been to primary school. We now present the livelihood conditions of the migrating labourers by selected economic indicators.

(i) Occupations of Labourers: The occupational distribution of migrant labourers at the root showed mainly non-agricultural labour, cultivation and agricultural labour. Assuming agriculture consists of cultivation and agricultural wage labour, the labour employment pattern at the root was approximately 60:40 in favour of agriculture against non-agriculture. The root being rural, non-agricultural labour meant nothing more than being temporarily engaged in land-linked occupations. The occupations in the rural economy showed seasonal employment for around four months per year (Table 5).

Table 5: Occupations of Labourers at Root by Region

Occupations	Bihar	Jharkhand	Chhattisgarh	Odisha	UP	Nepal	Total
Cultivation	14.7	47.8	43.9	84.6	26.9	100.0	29.1
Agricultural labour	40.9	27.2	33.3	7.7	11.5	0.0	27.0
Non-agricultural labour	40.9	20.7	18.2	0.0	54.8	0.0	39.0
Other activities*	3.5	4.3	4.6	7.7	6.8	0.0	4.9
Total labourers	225	92	66	13	208	4	608
	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

* Includes private service, iron smith, cook, cobbler, potter, mason, carpet weaver, tailor, driver, rickshaw puller and so on.

Source: Field survey, 2013.

(ii) Income of Labourers: No labourer earned more than Rs 5,000 per month. Of the labourers, 93.9% earned below Rs 4,000 per month in the rural economy that was similar by states and by occupations (Tables 6 and 7).

Table 6: Income of Labourers Per Month at Root by Region

Income Groups (Rs p.m)	Bihar	Jharkhand	Chhattisgarh	Odisha	Uttar Pradesh	Nepal	Total
No income	0.4	0.0	0.0	0.0	0.0	0.0	0.2
Up to 1,000	15.6	15.2	10.6	15.4	22.1	25.0	17.3
1,001 to 4,000	77.3	75.0	80.3	84.6	74.5	75.0	76.5
4,001 to 5,000	6.7	9.8	9.1	0.0	3.4	0.0	6.1
Total labourers	225	92	66	13	208	4	608
	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

Source: Field survey, 2013.

Table 7: Income of Labourers Per Month at Root by Occupations

Occupations	No Income	Up to 1,000	1,001 to 4,000	4,001 to 5,000	Total Labourers
Cultivation	0.0	25.4	72.9	1.7	29.11
Agricultural labour	0.6	9.8	81.7	7.9	26.97
Non-agricultural labour	0.0	16.5	75.9	7.6	38.98
Other activities*	0.0	17.9	71.7	10.7	4.60
Total labourers	0.2	17.3	76.5	6.1	608 (100.0)

* Includes private service, iron smith, cook, cobbler, potter, mason, carpet weaver, tailor, driver, rickshaw puller and so on.

Source: Field survey, 2013.

(iii) Housing Conditions of Labourers: Of the sample labourers, 53.6% owned *kutcha* houses, 32.9% huts, 6.9% semi-pucca houses, and 15.5% pucca houses, with interstate variations (Table 8).

Table 8: Types of Houses Owned by Brick Kiln Labourers at Root

Types	Bihar	Jharkhand	Chhattisgarh	Odisha	UP	Nepal	Total
Pucca	20.0	9.8	7.6	23.1	15.4	0.0	15.5
Semi-pucca	4.0	14.1	12.1	7.7	5.3	0.0	6.9
Kutcha/clay	56.4	77.2	66.7	61.5	36.5	0.0	53.6
Hut/leaves and grass house	28.9	8.7	13.6	30.8	52.9	100.0	32.9
Total labourers	225	92	66	13	208	4	608
	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

The percentage exceeds 100.0 because some households own more than one type of house.

Source: Field survey, 2013.

Only 2.0% of the migrating labourers had private toilets, 19.9% had electricity connections, and 33.9% had provision for drinking water in their houses, with variations by states.

(iv) Landownership of Labourers: Of the labourers, 52.3% were landless at the root. Of the landowners, 78.6% had marginal landholdings of less than one hectare per household. No migrating labourer was a large landowner (Table 9).

Table 9: Landownership of Brick Kiln Labourers at Root

Category	Size of Land* (Hectares)	State	Bihar	Jharkhand	Chhattisgarh	Odisha	UP	Nepal	Total
Marginal	Below 1.0	No	66	51	16	8	83	4	228
		%	93.0	68.9	41.0	66.7	92.2	100.0	78.6
Small	1.0 to 2.0	No	2	12	17	2	6	0	39
		%	2.8	16.2	43.6	16.7	6.7	0.0	13.4
Semi-medium	2.0 to 4.0	No	2	5	4	1	1	0	13
		%	2.8	6.8	10.3	8.3	1.1	0.0	4.5
Medium	4.0 to 10.0	No	1	6	2	1	0	0	10
		%	1.4	8.1	5.1	8.3	0.0	0.0	3.4
Total landowners		No	71	74	39	12	90	4	290
		%	31.6	80.4	59.1	92.3	43.3	100.0	47.7
Landless		No	154	18	27	1	118	0	318
		%	68.4	19.6	40.9	7.7	56.7	0.0	52.3
Total labourers		225	92	66	13	208	4	608	

Source: * Government of India, Ministry of Agriculture (2014: 2); Field survey, 2013.

REVIEW OF RURAL AFFAIRS

(v) **Productive Assets and Livestock Owned by Labourers:** Of the migrant labourers, 97.4% had no income-generating non-land productive assets such as tractors, threshers or pump sets at the root. Very few households of the migrating labourers owned productive livestock.

(vi) **Common-Pool Resources for Labourers:** Of the households of labourers, 21.9% had access to common-pool resources (CPR) at the root. Collecting from the CPRs was cost free for the households. They used CPRs to produce cooking materials, housing materials, herbal remedies and medicines, tooth brushes, bidis and so on, some of which were for consumption and some for selling.

4 Debt-Advance Wage-Migration Cycle

Given the livelihood conditions of the migrant labourers by ownership of productive assets such as land and livestock, occupations, estimated income and CPRs that satisfy some of their private needs, including housing, we try to get an idea why they borrow to survive, fail to repay the loan, take advance wages to migrate, and come back with income earned at the destination to try to repay the outstanding debt. We try to find out if the conditions and circumstances in which labourers migrate show elements of forced migration.

From our primary data, either the labourers were in debt or had to take advance wages each year, or both, not necessarily from the same kiln agent, to migrate to brick kilns in the production season over years. Inherited skill and social networks confined their migration to brick kilns.

Table 10: Indebtedness of Labourers by Duration at Root

Indebtedness		Total Labourers
Indebted (percentage)	Indebted	18.9
	Total	608 (100.0)
Indebted by years	Past 1 year	17.4
	1–3 years	49.6
	3–10 years	24.3
	More than 10 years	8.7
	Total borrowers	115 (100.0)

We bracketed duration of indebtedness—very short duration: less than one year; short duration: one to three years; medium duration: three to 10 years; long duration: more than 10 years.

Source: Field survey, 2013.

Indebtedness: Of the migrant labourers, 18.9% were indebted before pre-migration for varying periods. Of all the borrowers, 47.8% borrowed more than Rs 10,000. Even though the rate of interest charged by landlords–lenders (up to a maximum of 120% per annum) limited their capacity to borrow, as measured by a borrowing–income ratio, the labourers had to borrow amounts they would fail to repay. Of those who borrowed, 82.4% borrowed to meet basic needs, mainly food, which did not create any capacity to repay. As a consequence, 48.7% of the borrowers could not repay the

Table 11: Range of Borrowing by Brick Kiln Labourers

Borrowing (Rs)	Total Borrowers (%)
Up to 5,000	31.3
5,001 to 10,000	20.9
10,001 to 20,000	23.5
20,001 to 40,000	16.5
More than 40,000	7.8
Total borrowers	115 (100.0)

Source: Field survey, 2013.

loan. Loan repayment by borrowers varied inversely with higher loan brackets (Tables 10, 11, 12).

Advance Wage

The advance wage paid to the labourers at the root by kiln agents tied them to kilns for a production season.

The advance wage filled a vacuum in the rural formal credit system. The system of paying advance wages has been repeated over years, making it a continuous process.

Of the migrant labourers, 16.45% did not take any advance wage and most of them were intra-state migrants. Of those who took the advance wage, 97.45% took less than Rs 50,000, and 89.56% took less than Rs 30,000, with interstate variations (Table 13).

Table 13: Advance Wage Taken by Labourers at Root

Advance Wage (Rs)	Bihar	Jharkhand	Chhattisgarh	Odisha	UP	Nepal	Total
Up to 10,000	16.9	47.9	13.6	0.0	37.1	75.0	28.1
10,001 to 20,000	46.2	15.2	53.0	53.9	15.3	0.0	31.5
20,001 to 30,000	21.3	4.3	16.7	30.8	12.0	0.0	15.1
30,001 to 50,000	9.8	1.1	12.1	7.7	3.8	0.0	6.6
More than 50,000	1.8	2.2	1.5	7.7	1.9	25.0	2.1
No advance taken	4.0	29.3	3.0	0.0	29.8	0.0	16.4
Total	225 (100.0)	92 (100.0)	66 (100.0)	13 (100.0)	208 (100.0)	4 (100.0)	608 (100.0)

Source: Field survey, 2013.

Working Hours and Wages in Brick Kilns: The average number of working hours per day for all the migrant labourers was 10.1, with a range 8.5 to 10.8. All the labourers got wage rates well above the minimum for skilled brick kiln labourers in UP, as announced by the state government on 1 April 2014. However, the wage in the kilns was at a piece rate for most of the labourers, while the wage rate announced by the government was at a time rate. A piece rate and the capacity to work ran parallel in kilns—the time actually spent on work reflected their physical capacity each day, though working times were flexible. The mean wage rate for all migrant labourers over all sample kilns was Rs 12,926 per month (Table 14).

Table 12: Loan Repayment by Labourers at Root

Loan Repaid (Rs)	Total Borrowers (%)
Up to 5,000	22.6
5,001 to 10,000	13.9
10,001 to 20,000	9.5
20,001 to 40,000	3.5
More than 40,000	1.7
Not repaid	48.7
Total borrowers	115 (100.0)

Source: Field survey, 2013.

Table 14: Wages of Labourers Per Month at Brick Kilns by Types of Labour

Types of Labourers	Number of Labourers	Mean Wages Per Month (Rs)
Nikasi	48 (7.89)	6,677.00
Nikasi of fly ash	2 (0.33)	13,125.00
Dhulai	17 (2.79)	7,059.00
Bojhawa	4 (0.66)	18,281.00
Koila dhulai	2 (0.33)	13,125.00
Brick moulding	519 (85.36)	13,814.00
Firer	16 (2.63)	7,703.00
Total	608 (100.00)	12,926.00

Source: Field survey, 2013.

Inter-Kiln Circulation: Of the migrant labourers, 86% were in inter-kiln circulation, that is, 14.0% of them came back to the same kiln as they were in the previous year to work as wage labour to adjust a previous advance wage.

The economic determinants of why the migrant labourers were in inter-kiln circulation over the years included,

- Wage rate by piece and time;
- Inter-kiln wage differential;

- Advance wage by time; and
 - Work environment in the kiln.
- The non-economic determinants included,
- Social network;
 - Credibility of the contractor based on past practice;
 - Location of the kiln;
 - Feedback from other kiln labourers;
 - Homogeneity of labourers by caste, community, and village;
 - Sociocultural relations with kiln owner;
 - Technology; and
 - Physical quality of clay.

5 Working Conditions of Kiln Labourers

Migration of underprivileged labourers to brick kilns in India is basically their inclusion in the labour market under adverse conditions. Indebtedness for job-insecure underprivileged labourers in the rural economy implies labour bondage, unlike the indebtedness, if any, of privileged job-secure labourers at the top of the labour market. While landlessness reflected the irrelevance of having draught animals, a marginal landholding did not alter the scenario much for the cultivators—it was rain-fed mono-cropping to sustain households for four months in a normal year in the rural economy.

The moment labourers accepted the advance wage, they became tied to a kiln to work in the offered division of labour. The working conditions of the labourers included accepting wages at piece and time rates, staying on for the production season, adjusting the advance wage, and not leaving the kiln midway without permission. At brick kilns, makeshift, low-cost, one-room, no-toilet houses were built for use only by the labourers and were provided free of cost to them. I-shaped or L-shaped, this arrangement of dwellings on the perimeter of kilns could be called “labour barracks,” quite like the “ranges,” or long wooden barracks next to mills, that housed exported indentured labourers in British colonies (Richardson 1975: 211).

The migrant labourers were allowed accommodation for their families, with minimum necessary livelihood support such as drinking water, wood for use as fuel, kerosene for lighting lanterns, and emergency lights and torches free of cost. They were also given wage-adjustable money for buying goods to meet basic needs and for health check-ups. The travel cost by the mode of transport decided by the kiln owner was paid by him or her.

The inter-kiln circulation is not really a choice-determined one. For instance, a migrant labourer may be reluctant to go to a previous kiln because he did not readily understand how the owner’s wage adjustment worked, and could grab the chance to get an advance wage from an agent of a different kiln. The outstanding debt at the root remained intact, and the labourer felt forced to migrate each year for debt repayment on a recurring basis. So the freedom of inter-kiln circulation was deceptive. The frequency of movement of the labourers between the root and the destination was restricted during the production season (Table 15).

Table 15: Freedom of Movement of Labourers during Production Season

Conditions	Labourers (percentage)
Not allowed to leave the kiln	20.1
Leave only after advance wage is adjusted	38.0
Leave allowed after completion of assigned work	10.7
Not to leave under any conditions and circumstances	31.4
Total labourers	608 (100.0)

All types of leave subject to consent of the kiln owner.

Source: Field survey, 2013.

The reasons why the labourers sought leave to go to the root were related to family compulsions such as ailments, deaths, emergencies, marriages and festivals/rituals. Leave could be sanctioned informally on the basis of employer–employee relations. Going to the root in the production season was in no way linked with cultivation.

Forced Labour and Bonded Labour: Forced labour is both a legal term and an economic phenomenon (ILO 2001: 9). Forced labour is compulsory or involuntary labour under the threat of imposing a penalty. Whether or not a penalty is actually imposed, the threat of it is enough to leave the labourers in perennial poverty, rendering their services “involuntary” in nature (ILO 2005: 6). The word “force” includes not only physical or legal force, but also economic circumstances that compel labourers to sell their labour at a remuneration less than the minimum wage.

Bonded labour refers to a worker who renders services under bondage for indebtedness through a loan or an advance. In case of debt bondage, the labourer (or his dependents or heirs) is tied to a particular creditor for the period the loan is repaid (NCEUS 2008: 105). Following the UN Supplementary Convention on the Abolition of Slavery (1956), bonded labour refers to a long-term relationship between the employee and the employer that is cemented through a loan, by custom or by force, which denies the employee freedom to choose his or her employer, to enter into a fresh contract with the same employer, or to negotiate the terms and conditions of his or her contract (ILO 2001: 11). In many of the activities in the unorganised sector, including brick kilns in India, the written contract being absent, its violation does not carry any operational meaning. Nor does an illiterate labourer understand any such contract. Of the two major states with outmigration, the rate of illiteracy of the sample from Bihar was 85.5% and Jharkhand 72.5%.

In keeping with the 20-Point Programme announced by the Government of India in 1975, the Bonded Labour System (Abolition) Act, 1976 declared all bonded labourers free from bondage, with simultaneous liquidation of their debt. The bonded labour system has been illegal in India since 1976.

Following the act, “bonded labour” means a labourer who incurs, or has, or is presumed to have incurred, a bonded debt—it means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that he would render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor. If it represents the relationship between a creditor and a debtor wherein the

REVIEW OF RURAL AFFAIRS

debtor undertakes to mortgage his services or the services of any of his family members to the creditor for a specified or unspecified period with or without wages accompanied by denial of choice of alternative avenues of employment, or denial of freedom of movement, then the person would normally be covered under the definition of bonded labour. The Uttar Pradesh Prohibition of Bonded Labour Act, 1975 defines bonded labour as any work or service that is extracted from any person or his dependents under the threat of any penalty, or in repayment of principal or interest or both of any loan or advance or in discharge of any other contract or like obligation.

Are Brick Kiln Labourers Bonded?

Brick kilns operate for around seven months a year. Tying labourers to brick kilns of the contractor's choice is embedded in the system of labour recruitment based on the payment of an advance wage that supposedly generates the survival-cum-repayment capacity of labourers at the root. The brick kilns are seemingly open, but actually heavily guarded with restrictions imposed on the movements of migrant labourers and entry of strangers.

Kiln owners sought the help of contractors to reserve and retain skilled labourers by paying the advance wage much before the beginning of the production season. The indebted labourers readily accepted the apparently interest-free advance wage offered at their root. Off-season non-migration meant starvation for them. The root-rural economy engaged them only for one mono-cropping monsoon season at a wage rate below subsistence. There was no economic space of multi-cropping that could retain them at the root. Migration under distress to occupy economic space elsewhere was the consequence for debtors. The advance wage filled a gap in the rural informal credit market, drawing already indebted labourers to migrate to brick kilns. The labourers repay the first debt partially from the advance wage at the root. They adjust the advance wage by selling their labour in the brick kiln; a part of the wages earned is saved to repay debt at the root. This is forced migration—migration for survival and repaying debt. An underprivileged labourer “learns by doing”—if he enters a brick kiln as a labourer, he remains in that division of labour. Even if there were alternative job options in the national economy, he is no position to switch because he does not have the necessary skill. The labourer's first advance wage-determined, choice-neutral entry to a brick kiln becomes a compulsion for him to continue in kilns—he has to repay a loan, and migrates each year to them.

We did not find any conflict between the landlord—lender at the root and the bricklord at the destination—migrant labourers were the pedestal for both. In UP, the upper landowning castes failed to become an independent economic class, or “survived as a parasitic class on the older nexus of forced commerce and legally disguised landlordism” (Bhaduri 1985: 316). Absence of conflict between the landlord and the bricklord was also because of their collusive control. Mono-cropping by the landlord did not readily become multi-cropping to retain the labourers locally for surplus extraction, thus

showing no agriculture bondage. The indebted labourers were allowed to migrate on the basis of an advance wage received at the root and a high wage inflow at the destination.

The following is what we observed.

- The migrant labourers were in debt at the root. Borrowing money from landlords—lenders to meet survival needs led to indebtedness at the root leading to migration.
- The labourers stayed for seven months in kilns, after which they came back to the root. So they were not bonded by time. Many of them also sought leave on a “no work, no pay” basis to go to the root for family reasons.
- Advance wages made the migrant labourers kiln-tied.
- The labourers did not borrow money from the owner/munshi of the kiln. So, it was not kiln-bondage.
- The labourers were free to come back to the same kiln or they could change the kiln, as in the sample. So the labourers were not tied to particular kilns.

The labourers could not break out of the debt-advance wage-migration cycle because (i) the emerging future or unknown employer or unknown location was perceived to be more oppressive than the present one, which they accepted as a given; (ii) they accepted “present as best” since they at least experienced it; (iii) they adjusted themselves to the present low-quality living rather than trying for a hypothetical high-quality living; and (iv) they went for risk-return minimisation.

The conditions that tied the labourers to the brick kilns included,

- Not having productive assets for use, mortgage or sale forced labourers to accept advance wages at the root.
- The advance wage was interest free and adjusted against their wage entitlement post-production season.
- Brick kilns provided employment to the labourers for seven months, thus ensuring their survival for the same period.
- Brick kilns attracted the labourers by providing family housing and basic needs.
- Brick kiln managers and contractors had sociocultural links with the rural—local agent or facilitator drawing in labourers for the kilns.
- The social network between contractors and labourers ensured intergenerational migration to brick kilns.

None of the kiln agents we interviewed were registered under the Inter-State Migrant Workmen Act, 1979. The labourers in the kilns did not say they had been forced to work by their employer. Piece-rate wages was perceived as work freedom in the kiln—such was the absence of awareness about their rights.

Labour Laws and Brick Kiln Labourers

The rights-based approach to freedom of movement needs a legal framework for the protection of the people. The Planning Commission mooted implementing laws for migrant workers (Planning Commission 2007). Other than the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) act, 1979, we found no act that pledged to “protect and safeguard” the interests of brick kiln labourers (NCL 2002: 33). Brick kilns operate on past practices, independent of all acts. The Contract Labour (Regulation and Abolition) Act, 1970 does

not encompass brick kiln labourers, as these labourers are not contractual. The group of ministers (GoM) considering amendments to the 1970 Act identified 10 activities that bypassed brick kilns (Planning Commission nd: 11–12, 19). A tripartite committee constituted by the central government on 1 May 1984 to examine the possibility of a single legislation for the brick kiln industry did not formulate any such act (GoI 1984).

A legal system is meaningful for those who can address it in time. The migrant labourers not being kiln-bonded, the ground for applying laws are not the kilns. The seasonal employment of the labourers in the rural economy shows their living below the level of subsistence forced them to migrate to brick kilns because it was facilitated by advance wage. Advance wages had the capacity to tie the labourers for a production season to a particular kiln. The labourers could get rotated over kilns. In the root-rural economy, 18.9% of the labourers had outstanding debts, who along with others depended each year on advance wages at the root. In our sample, 83.55% of the labourers, which covered almost all the migrant labourers from outside UP, took advance wages to migrate to kilns in the state each year. The apparently debt-free labourers in the root-rural economy also could not do without the advance wage, in continuity. The landlords as rent seekers in the root-rural economy in collusion with brick lords relied on a debt-cum-advance wage-led migration of labourers.

Misuse of Law by the State

The brick lords faced various legal hassles and hurdles. With risky investments up to Rs 1 crore as fixed cost to set up a kiln in 2012, in addition to around Rs 20 lakh required as variable cost to draw labourers, the brick lords relied on bribing officials (informal conversations with kiln owners, 2013).

The problems emerged because of multiple non-implementable, non-targeted and non-uniform laws (Ministry of Labour and Employment 2011). Government departments used the laws related to mining, the environment and intimidating false complaints to extract money as bribes from brick kiln owners. The administration suspected that the kilns produced more bricks than they reported and forced kiln managers to pay *savidha sulk* (advantage money or bribes) (informal conversation with a kiln manager, May 2013). Many of the kiln owners were under the impression that they were violating laws which they were not aware of. Laws became the instruments for top-down corruption rather than for the smooth functioning of the kilns. The brick lords safeguarded their interests by bribing the public administration and compensating for it through extraction of the surplus value produced by the labourers.

6 Concluding Comments

The debt-advance wage-migration cycle involves collusion between rent-seeking the landlord-lenders who provide loans to migrant labourers at the root-rural economy and brick lords who provide advance wages to the same labourers. While the advance wage could be adjusted per production season in the kiln, excepting 14% of them, the outstanding debt in the rural economy remained unpaid. The eagerness to take advance

wages every year from whoever comes first from the kilns shows that the migrating labourers need survival support in the rural economy. A part of the brick lord-provided advance wage instantaneously went to repay the rural outstanding debt, thanks to the strong information network shared by the landlord and the brick lord.

The system functions as follows.

- A patron-client relation in the rural economy was reinforced by a concealed collusion between the landlord-lender and the brick lord—a collusion oiling the administration. The migrating labourers as clients were trapped in this triangle.
- The landlord-lender allowed freedom to their clients-labourers, mostly landless and marginal landholders with few assets, to migrate to sell their labour at the destination and come back to repay the debt at the root.
- The asset-poor labourers at the root before migration borrowed for survival without understanding the credit market and spent the money borrowed on basic needs.
- The brick lord came to the rescue of the debt-bonded labourers and paid them advance wages. The indebted labourers readily took it, getting tied to the brick kiln.
- The purpose of the landlord and the brick lord was the same—to extract the value from wage labour; the landlord as an earner of rent and the brick lord as an earner of profit.
- The parallel phenomena showed a truncation of the total wage entitlement after the production season because the brick lords had to pay a commission to the labour contractor, and bribe the public administration.
- The labourers remained indebted at the root. Repeated migration each year essentially generated surpluses to feed landlords and brick lords.

The following outlines the way migrant labourers remained debt trapped at the root.

- (1) The principal loan that caged the labourers was never allowed to be repaid by the landlord-lender.
- (2) The landlord-lender was interested only in getting the interest each year, which showed rent-seeking.
- (3) The local economy remained rain-fed and mono-cropping.
- (4) The landlord-lender could afford to live a parasitic rural life based on earning a recurring rent.
- (5) The positive rental income of the landlords did not get invested in land, implying it only perpetuated the parasitic living of the landlords.
- (6) Assets such as marginal landholding or a kutch house were not mortgaged or grabbed by the landlord-lender, lending a deceptive freedom to the labourer to temporarily migrate to come back and repay a never-ending debt.

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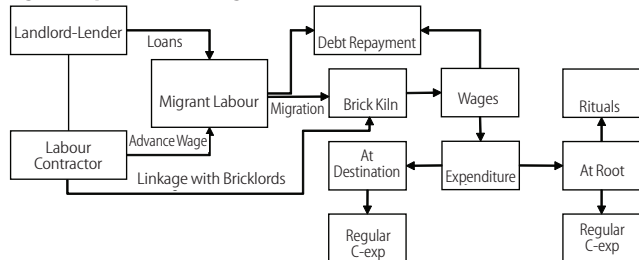
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REVIEW OF RURAL AFFAIRS

Figure 1: Spider Web for Migrant Labourers of Brick Kilns



(7) The wage paid to the migrant labourers in kilns at a piece rate when transformed into a time rate (they did maximum capacity work) became higher than the minimum wage rate declared by the state government, and the labourers continued their repetitive migration to the kilns.

(8) A positive wage differential helped the labourers repay a part of the outstanding debt.

These imply the following.

- The migrant labourers were not kiln-bonded, even through the advance wage system. The advance wage made them kiln-tied through migration.
- The migrant labourers were trapped at the root by never-ending debt. Their marginal landholding and liveable house only ensured that they came back each year to the root-rural economy (Figure 1).

Since the problem was debt-bondage at the root, state action is urgent where it can make a dent on landlordism-cum-lending. Of course, it has to lead an agrarian transformation at the root as well.

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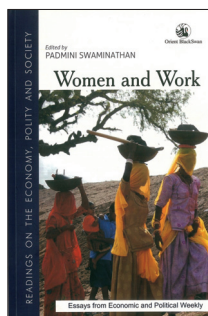
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Women and Work

Edited by

PADMINI SWAMINATHAN



The notion of 'work and employment' for women is complex. In India, fewer women participate in employment compared to men. While economic factors determine men's participation in employment, women's participation depends on diverse reasons and is often rooted in a complex interplay of economic, cultural, social and personal factors.

The introduction talks of the oppression faced by wage-earning women due to patriarchal norms and capitalist relations of production, while demonstrating how policies and programmes based on national income accounts and labour force surveys seriously disadvantage women.

This volume analyses the concept of 'work', the economic contribution of women, and the consequences of gendering of work, while focusing on women engaged in varied work in different parts of India, living and working in dismal conditions, and earning paltry incomes.

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