

Labour in Brick Kilns: A Case Study in Chennai

This case study of the brick kiln sector in Chennai shows that workers are in a “mild” situation of debt bondage, have to work for long hours, and very often put their children to work as well. However, they are paid wages that are very close to the rates fixed by the government and the system of advance payment is endorsed by both workers and kiln owners and the former see it as a means to social mobility. Only the coming together of employers, unions, NGOs, public authorities and job brokers can help break the debt bondage.

GUÉRIN ISABELLE, BHUKUTH AUGENDRA, PARTHASARTHY, VENKATASUBRAMANIAN G

Several recent studies have already been carried out on the brickmaking sector and on the phenomenon of bondage, based on surveys conducted in Haryana [Gupta 2003] and in Pakistan (2004). This paper is an attempt to explain debt bondage in the brick kiln sector through a global framework of analysis, and through a specific case study, the Chennai area. Debt bondage appears to be the fruit of numerous factors coming both from the supply (employers' constraints and motivations) and from the demand (workers' constraints and motivations).

The first section briefly describes the methodology of the study, conducted by an Indo-French research team of the French Institute of Pondicherry, and funded by the International Labour Organisation. Section II gives the main results of the quantitative analysis. Based on qualitative analysis, the two following sections suggest an interpretation: Section III lists explanatory factors connected to the supply-side and Section IV lists explanatory factors connected to the demand side. Section V focuses on the system of advance payment and the role of job brokers ('maistries'). The advance system is appreciated by the employers as well as by the workers and is implemented by job brokers who therefore play a key role in the whole production process (Section VI). The conclusion sums up the main findings and gives some operational guidelines for action.

I Methodology

The objective of the study was to identify the whole range of factors which might explain debt bondage, both from the employers' standpoint and from the workers' point of view. In that perspective, various qualitative and quantitative methods have been used to collect empirical data from November 2003 to November 2004.

Whether a matter of employers, job brokers or workers, the themes studied and the nature of the information sought necessarily require a qualitative approach. This is the only method enabling of an analysis of the overlapping of multiple factors. The technique of "life stories" is particularly appropriate for elucidating the processes and the interconnections between different spheres (in particular, the "economic" and the "social"). Contrary to other methods of investigation, the narrative aspect is the sole means to perceive the dynamic dimension of personal processes and histories. In this type of approach, there is no sense in claiming a statistical representativeness; one rather attempts

to grasp the diversity and contingency. The constitution of the sample can only be progressive. As regards the workers and their families, some 20 life stories were compiled. This type of interview is accomplished over several occasions, the aim being to follow the person in his/her financial transactions. Two or three interviews of one or two hours took place with each person. As far as the job brokers are concerned, 10 life stories were compiled, whereby the following questions were singled out: their role in the entire production process (in-depth analysis of the relations established with the employers as well as with the workers) and also at the village; the manner in which they managed the system of advance payment and how they perceived the indebtedness of the workers; their social mobility. We also met 10 employers on several occasions. In view of their limited availability, the main part of the interviews pertained to the functioning of the production units.

Discussion groups were organised with the brick kiln employers¹ and were concerned with the following questions: main constraints in the sector, mode of labour management, advantages and drawbacks of the system of advance payment, relations with the state authorities and NGOs, possible measures to combat bondage. Several discussion groups with the workers were organised on the theme of employment (local job opportunities, advantages and drawbacks of different forms of employment), informal financial practices (advantages and drawbacks of the different possible options).

The aforementioned data were complemented with semi-official interviews (73) in order to quantify certain specific points, in particular concerning strictly economic data (for example, the structure of family indebtedness; financial analysis of the production units (investment, working capital, mode of financing, etc).

In the pursuit of objectivity, cross-questioning and cross-checking are indispensable. The surveys were as far as possible coupled with observation. Observation has been done at the production site, when this was possible (but it proved to be difficult to remain more than a few hours at the brick kiln) so as to appraise the living and working conditions. Observation has also been done in the villages from which the migrant workers came, particular attention being given to the relations between workers and brokers, the objective of which was to assess the type of relations (dependence/domination/cooperation). A study analysing the configuration of the local labour market as well as its interconnections with the financial market, was also made. Finally, a minimal quantitative analysis has been done, limited to the amounts of remuneration and advance. It concerned

a sample of around 250 workers. The interviewees were chosen through their labour recruiter: cross-referencing the two sources (recruiter/worker) was seen to be the only way to obtain reliable data.

II A 'Mild' Form of Bondage

Complexities of Mode of Remuneration and Challenges of Quantification

The system of remuneration works as follows. Everything is calculated on the basis of a set of workers (at least a pair, usually a husband and wife, but a set can include up to five or six adults, usually from the same family; on average, the set includes two to six people. During the off season, some regular advances are given.

During the season, an allowance is given weekly. The amount is supposed to fulfil the basic needs of the workers; however, it is usually based on the weekly production (Rs 40 per 1,000 bricks for the moulders). At the end of the season, and based on the whole production of the set for the entire season, the accounts are set: the balance can be nil: the workers will have to come back the next season – or positive: the workers come back with some savings.

To get a precise idea of the workers' remuneration is a real challenge, for different reasons. Usually, the workers are able to remember the amount of the advance and the amount of the balance at the end of the season. However, it is not always the case: the best way to get the exact figures consists in comparing the workers' figures with those of the broker (most of them keep detailed accounts). In addition, most of the workers don't know the exact amount of the piece rate, and even if they know it, it is difficult for them to calculate their income since most of them are illiterate. Once again, the only way is to have access to the brokers' accounts (and this is the method we have used). Once we know the figures for advance/balance/whole production, we also need to know the number of workers (including the children) involved in the set and the duration of their working period (the duration of the season varies from one brick kiln to the next and also varies within one brick kiln, even within one set of workers: some arrive later, others leave the brick kiln before the end of the season).

(i) Results of Empirical Investigations

Correct remunerations nevertheless presuppose difficult working conditions as well as child labour. So as to arrive at the most reliable evaluation of the remuneration of workers, we carried out surveys with the workers themselves in the presence of their broker. Two hundred and forty-six workers have been surveyed (Ulundurpettai area). Results are as follows:

- The amount of advance per set varies from Rs 3,500 to 20,000 (average Rs 9,400). Per worker, the amount varies from Rs 1,200 to 10,000 (average Rs 3,673).
- Total income for the season (around six months) varies from Rs 10,800 to 22,600 with an average of Rs 15,790.
- The individual, monthly wage ranges from Rs 560 to 2,716, with an average of Rs 1,012 (Rs 2,631 per set, which includes one to two families). By way of comparison, the poverty level is fixed at Rs 2,000 per month per family. To assess the

Figure 1: Advance Amount in the Brick Kiln Sector

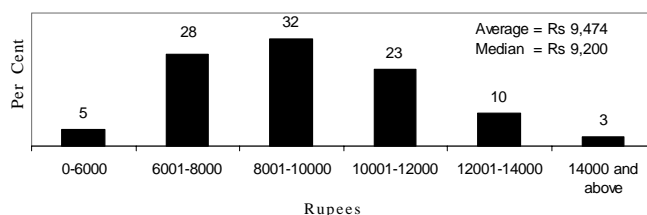


Figure 2: Income in the Brick Kilns: Global Income Per Set of Workers and Per Season

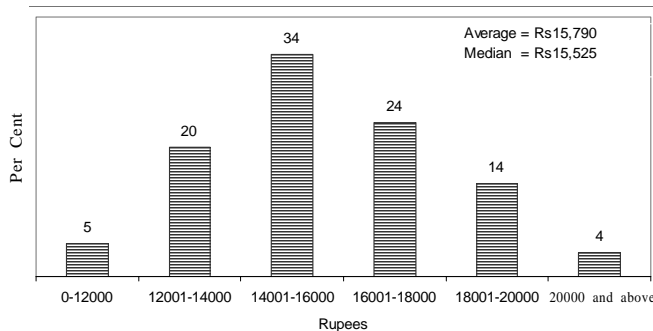
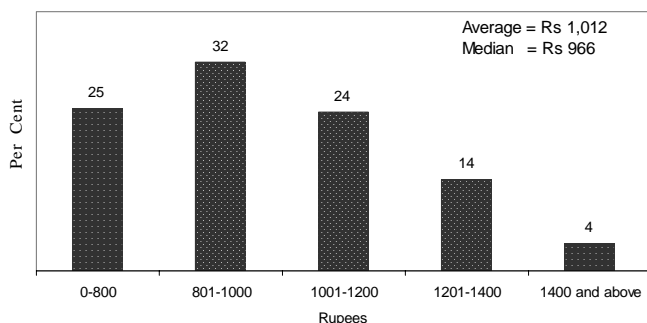


Figure 3: Income in the Brick Kilns Per Head and Per Month (Equivalent)

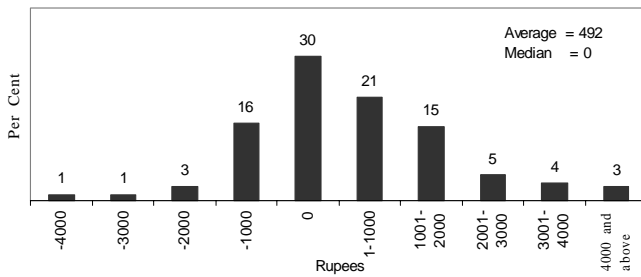


degree of monetary poverty of workers would require knowing the exact number of families concerned, as well as the total number of dependent persons, which presupposes further empirical investigations. We should also note that, for a large number of concerned families, income during the off season is very low.

– The piece rate remuneration is on average Rs 108 for 1,000 bricks (for the moulders), which is above the minimum amount fixed by the government (Rs 101.50 for 1,000 bricks, in August 2004). However, there are strong differences from one worker to the next (from Rs 79 to 130). Two hypotheses: differences from one brickyard to the next, difference from one worker to the next depending on the quality of the relation with the broker or the manager.

– At the end of the season, the average balance is Rs 492. For 21 per cent of the workers, the balance is negative. On the average, 21 per cent of the workers are still indebted at the end of the season, for 30 per cent of them the balance is nil (the work just compensates the advance) while 49 per cent manage to save some money. The advance represents 60 per cent of the total amount of the yearly remuneration, the weekly allowance given during the season represents 37 per cent

Figure 4: Income in the Brick Kilns – Balance at the End of the Season



and the balance given at the end of the season represents only 3 per cent.

Whatever the situation, working conditions are very hard. Working hours are very long, 12 to 16 hours per day, and partly at night in hard conditions (especially because of the heat). Health-care facilities are also rather bad (even if some brick kiln owners provide a few). There are no toilets and nutrition is also considered of poor quality by the workers. Child labour is rather frequent. According to our observations, most of the workers bring their children (because nobody can take care of them at home) and 75 per cent of them work.² The parents are very clear on that point: it is a way to get more advance and to produce more (a child can start working when h/she is five-six years old. The workers opine that the productivity of children at 15 years is equivalent to that of an adult, and that from eight to 15 years it is equivalent to half that of an adult. According to our observations, a child makes it possible to obtain on average Rs 1,000 additional advance.

(ii) Diversity of Profiles: Accumulation versus Survival

The quantitative data show a limited dispersion, that is, a relative homogeneity of levels of production and remuneration. The few differences observed were a result of the following factors. First of all, the amount of the initial advance and of the eventual advances during the season (in particular, for typical expenditures for alcohol and tobacco). Another difference comes from the workers' productivity, which itself depends on (1) working conditions, in particular the supply of work (if work is halted for a certain period because of rain or a strike), (2) the workers' skills, (3) their motivation to work hard, (4) the presence of children, (5) unforeseen events that make it necessary for one or several members of the family to stop work before the end of the season; permanent indebtedness generally begins subsequent to a large expenditure (illness, death, marriage) and, finally (6) the quality of relations established with the job broker, the supervisor and perhaps the employer, as these appear to have a certain influence on the amount of the remuneration.

Apart from the amounts of remuneration, the practice of the advance (investment versus survival/repayment of debts) is above all instructive and indicates a strong heterogeneity of situations. The analysis of 73 qualitative interviews gives the following results (considering the weakness of the sample, these data cannot be viewed as representative, but they nevertheless have the merit of demonstrating the diversity of the cases):³

- 20.5 per cent of the workers use the advance mainly for expenses involved in daily survival,
- 24.7 per cent for settling former debts,

- 23.3 per cent for financing ceremonies: marriage, funerals, other ceremonies (e.g. puberty),
- 2.7 per cent for paying school costs,
- 9.6 per cent for paying medical expenses,
- 6.8 per cent for house maintenance,
- 9.6 per cent for investment (land purchase, wells, raw materials for agriculture),
- 2.7 per cent for savings (through purchase of jewellery).

A qualitative analysis concerning family histories and the evolution of their socio-economic status over the last two decades largely confirms this diversity. Schematically, one can distinguish two broad categories. The first one concerns families for whom migration to the brickyards is the only option: one or several events (illness, death, failed agricultural investment) diminish their productive capacities while leading to a situation of chronic over-indebtedness; they systematically migrate with the entire family. In the second category, migration to the brickyards is one option among others: families take recourse to it in an irregular manner, according to their financial needs and/or local job opportunities, which vary every year according to climatic conditions. The number of family members involved also varies according to the needs of the moment. It should be noted that some families have succeeded in saving and have achieved a certain social advancement through their job in the brickyard and through the system of advances.

According to rough estimates, 60 to 70 per cent of the labour force comes from the low castes (mainly paraiyars) and this proportion probably reaches 90 per cent in the case of moulders.⁴ Social advancement might be thought to be more frequent among the upper castes (for example, vanniars) who are generally better provided with land. Nevertheless, the case studies carried out also show situations of social advancement among the paraiyars.

III

How to Explain Bondage?

Characteristics of the Mode of Production

We focus here on chambers (permanent structures that use kilns, in opposition to 'kalavalas' (temporary structures, where the bricks are fired by stacking them one on the other in the form of a pyramid). The production process is based on three characteristics. First, it is a sector of very low capital-intensity. The brickyards rely on an entirely artisan mode of production with a very low capital-intensity. The only production tools, provided by the workers themselves, are the moulds (steel for bricks of first quality, wood for second-quality bricks). The other investments are: bullock carts used to move the raw material, and then the bricks, within the production unit. Here again, the workers are generally the owners of their equipment, or rent it from a third party; one or more lorries used for marketing; an initial annual investment for the advances paid to the workers; and finally a permanent working capital for the purchase of sand and of wood. As a consequence, the mode of production is highly labour-intensive: the cost of labour represents 45 to 60 per cent of the total annual cost.

The second characteristic of the production process concerns the cycle process, which is continuous and cyclic. The production process functions continuously and does not tolerate any halt: once the moulders have begun their moulding work and the kilns have been started, the halting of the process represents a heavy

financial loss. The moulders must produce enough to feed the kilns and, conversely, the firemen must maintain their functioning. Moreover, the brickyards stop their activity during the rainy season (mid-December to July-August). These three elements – intensive need of labour, continuous and cyclic production process – suppose a seasonal and “disciplined” labour force and to a large extent explain the recourse to the advance system.

Management of Labour Force

(a) *Pyramidal Structure*

The organisation of production rests on a pyramidal structure, with four main functions: owners, managers, brokers and workers. The existence of several middlemen and the absence of direct relations between employer and worker make the system of remuneration all the more opaque and disperse responsibilities.⁵

The workers do not know the owners and have very seldom, and in some cases, never seen them. Some owners visit the brickyards only once or twice each season. We have here a very strong specificity of the work relation: the absence of a direct relation between employer and employee. Almost all brick kilns owners belong to the Naidu caste, a caste of large landowners from Andhra Pradesh. Most of them are involved in several economic activities.

The manager occupies a central role. He manages the accounting of the brickyards, overlooks the paying of workers, makes advances (through the brokers), supervises the production and intervenes at the slightest incident. He also attends to recruiting the brokers. In distinction to the owner, he is permanently on the site of the enterprise and, moreover, is generally likened to the owner by the workers. Most of the supervisors are close relatives of the owner, or at least from the same caste.

The job brokers have several roles. They recruit the workers and pay the advances (the major part of which is given to them

by the owner or the supervisor) and decide the amount. They are responsible for the repayment of the advance. (The owners are not very clear on this point, for they regularly complain that they are duped by the workers and that they lose money. The brokers have quite another point of view.) They serve as mediators between the management (supervisor/owner) and the workers, which implies resolving conflicts, voicing the demands of the workers to the supervisors (requesting new advances, improving the housing conditions) as well as communicating to the workers the reproaches of the supervisor and protecting the workers from accusations.

The bargaining power of the brokers depends in large part on the number of workers under them. They are recruited above all for their docility and are thus not very motivated to shoulder the demands of the workers; nevertheless, in view of the strong competition among maistries, they must at least satisfy a minimum of the workers’ demands. The brokers are also partially responsible for the productivity of the workers through the system of their remuneration. They are remunerated in two ways: on the one hand, according to the number of workers they recruit (they receive a fixed commission per group of workers, in general Rs 1,000); on the other hand, according to the workers’ productivity (through a fixed amount taken from the production, in the order of Rs 1,000/Rs 1,00,000 bricks produced). The brokers thus play a decisive incentive role, both in developing the loyalty of the labour force and in productivity.

(b) *Absence of Collective Action*

Workers from the same village are not sent to the same production site in order to avoid any risk of unification and organisation. We have encountered no case of a union or any other form of collective action with the aim of defending the rights of the workers.⁶ The workers are unanimous on this point: this responsibility belongs to the maistry – a “good” maistry is,

Table: Division of Tasks in the Brick Kiln Sector

Type of Worker	Function	Know-how	Mode of Remuneration
Moulders work as a family, at least one pair Men, women, children	Mixing of clay with sand and water, in very precise proportions, complied with using wooden measures. Moulding Smoothing and inscription with the employer’s insignia by children. Aligning so as to dry 12-16 hrs per day, with regular breaks, and in part at night	Presupposes a minimum know-how, but which is easily learned	Piecework: Between Rs 100 and 130/1,000 bricks Amount depends on the employer but also on the quality (moulds of wood or steel)
Loaders (‘adu chulai’)/ unloaders (‘piri chulai’) men and women	Transport of bricks from one place of production to another; usually 12 bricks (carried on the head) per trip 12-16 hrs per day, without break	No know-how, but extremely hard work	Piecework: Rs 350/1,50,000 bricks
Bullock cart drivers men	Transport of bricks from one place of production to another, using bullock carts	Presupposes an initial capital (bullock cart)	Piecework: Rs 350/1,50,000 bricks
Firemen (‘para’) men	Firing of bricks in the kilns and supervision of the intensity of the fire. Twice for 6 hrs, in part at night (the firemen take turns)	Requires a very specific know-how and constant attention (to avoid that the bricks burn, that they fire too quickly and thus that they would be brittle, etc.)	Weekly wage Rs 300 to 400/week
Labour recruiters (maistries) men	Recruit the labour force, manage the advance system and are responsible for the behaviour of their workers	Often the same caste as the workers whom they recruit Presupposes a relation of trust with the owner or the supervisor	Commission per worker (Rs 1,000 per “pair”) and per volume of production (Rs 1,000/1,00,000 bricks produced)
Supervisors/managers (‘kanakkupillai’) men	Supervise the entire production process: the quality of work done, the supplying of raw materials, the accounting of bricks and the payment of the workers	Often related to the owner	NA

moreover, evaluated in part as regards this issue. A considerable number of workers are aware of the existence of a minimum wage fixed by the government, but they very rarely know the actual amount.

(c) Strict Division of Tasks

The table recapitulates the main occupations and their characteristics.

(d) Piecework System of Payment

Most of the workers are paid on a piecework basis. Both workers and employers prefer this system. For the employers, it is quite obviously a means to ensure the productivity of the workers and to shift part of the risks of the activity (in particular, risks in connection with the climatic conditions). Most of the workers also prefer this system, which enables them to choose the rhythm of production (in Madurai, where the climatic risks are more pronounced, the workers prefer payment on a daily basis, which is practised in some brickyards).

Main Constraints in the Sector

(a) Difficulties in the Supply of Raw Materials

This problem concerns sand in particular. Over the past few years, the extraction of sand has been regulated (for environmental reasons) and requires a specific permit. This permit is not only costly (from Rs 20,000 to 35,000 per year, plus perhaps a few bribes) but also very difficult to obtain. In some areas, the owners are encouraged by the government to make use of fly ash as a substitute for coal (for reasons of pollution), but the owners consider that the final quality of the product is lower. To convince the government to relax the regulation concerning the extraction of sand and that fly ash not be used as a substitute are presently the two main demands of brick kiln owners.

(b) Dependence on Climatic Conditions

Not only must the chambers stop their activity during the rainy season, but it also happens that it rains during the dry period, which considerably slows production. In 2004, when it rained copiously during the dry season in the month of May, the employers estimate a production loss of 30 per cent (however partly compensated by higher selling prices).

(c) Constraints of Increasingly Strong Competition

Selling prices depend on a limited number of buyers who thus have the power to fix the prices, sometimes through an advance system. There is also strong competition: according to the employers, following a strong growth of the building sector, supply considerably increased over the last 10 years (with a growing number of brick kiln), to such an extent that today the sector would experience a crisis of overproduction. Again, according to employers' estimates, the profitability of the sector was from 10 to 25 per cent in the 1990s, and would today regularly be below 10 per cent. Some employers assured us that they consistently lose money.

(d) Heavy Indebtedness

A considerable number of employers are heavily indebted (most of the time in the informal sector). While the working capital is from Rs 1.5 to 2 million/year, the employers estimate that they are permanently indebted up to Rs 5,00,000 or 1 million (which represents 25 to 50 per cent of the working capital), and thus pay a sizeable amount of monthly interests (Rs 15,000 to 50,000).

IV Demand Factors

Interlinkage between Credit and the Labour Markets

Most of the migrants come from dry regions, where income-generating activities are very limited. During the off season (August-December), a large number of migrants become permanently indebted in order to survive. To pledge their labour is often the only option, above all to obtain a large sum. Either the access to credit is very limited, or the conditions of access are such (very high interest, repayment of capital at one time) that they become over-indebted, in the sense that they are not able to repay. It often happens that the amount of the advance supplied by the brick kiln would be used to repay initial debts: the advance plays in some way a role as "debt consolidation". According to the data mentioned above and gathered from 73 workers, 23.3 per cent of the workers use the advance to repay old debts.

Social and Ritual Expenses

Nearly one quarter of the workers use the advance on ceremonies (23.3 per cent) like marriage, funerals, puberty ceremonies, etc.

Highly-Segmented Local Labour Market

The segmentation of the labour market is a widely recognised fact in India⁷ and this segmentation can be qualified in two ways. At the level of the production units – in the case of the brick kiln, which employ primarily migrant labour, each type of labour comes from different geographic areas and communities. At the level of village of origin, this segmentation is again found, closely linked to caste membership. How is this segmentation to be explained? Social and cultural factors are a first explanation, notably the caste system that in essence rests on a hyper-specialisation of tasks that is still very evident today. Strictly economic factors also enter into account: on the part of the employers, the recourse to non-local labour that has been driven to migrate because of poverty is a means of ensuring a labour force that is not costly and disciplined, for the distance prevents them from leaving the place of work. In this instance, the local workers demand clearly better working conditions, in particular daily wages, the amount of which is generally 20 to 30 per cent higher than the piecework rate received by the migrants. The labour segmentation also comes from the existence of migration channels: the existence of these channels to a large part conditions the choice of the migrants, whether as regards the destination, the type of work or the length of the migration. Each community (community designates here not only a specific caste, but a caste

coming from a given geographic area) has its own “circuits” and is unaware of the others. Information circulates most often through the grapevine. Gradually, very segmented channels are constructed, bringing about nearly irreversible effects.⁸

V

Advance System: A Vicious Circle

Employers’ Motivations

For the brick kiln owners, providing an advance is a way to ensure a regular and disciplined labour force for a limited period of time. They are very clear on that point, “without advance, we cannot work”. The characteristics of the production process (a continuous and cyclic process, highly intensive in terms of labour force) explain in large part the need for this advance system.

In addition, the advance system is also a way to reduce the wages: the advance helps to attract poor migrants, who therefore accept work at a cheaper wage than local workers (20 to 30 per cent less). It is extremely difficult to know what interest the brick kiln owners and the maistries charge as compensation for the advance. Both of course assert that it is a service rendered to the workers and that, for them, it is a matter of an “investment”. In practice, not only are the wages less than for the local workers (who, for their part, function without advances), but it also seems that there is a systematic deduction on the production, either a lump sum weekly (500 bricks), or a fixed proportion of the production (50 bricks for 1,000 bricks). According to the employers, this deduction is only intended to compensate for damaged bricks, whereas the workers are convinced that it is really a form of concealed interest.

Workers’ Motivations

None of the workers would accept working without an advance. Moreover, in case of labour scarcity, the bargaining power of the workers is rather on the advance than on the piece-rate (and most of the time they don’t even know the amount of the piece-rate).

The workers say that the system of advance payment gives cause for mutual trust (which does not exclude a climate of generalised suspicion, to which we shall return later): trust from the employer who is thus ensured (at least in theory) of loyalty, trust from the worker, who is assured of work for 6 or 7 months. Other than this guarantee of work, various factors explain the fact that the workers would not only be applicants in this advance system, but still more try to obtain the maximum amount. First, they need some cash during the off season. Obviously, this is the main reason. Since they are migrants, moneylenders are rather reluctant to lend to the workers. In the same way, it becomes more and more difficult for them to find daily work (farmers prefer to recruit those who stay permanently in the village). During the off-season, almost all the workers borrow money for various reasons from the local moneylenders, landowners, shopkeepers, different vendors and relatives. All these people insist that the workers settle the loan before they leave the village for work. This forces the workers to take the maximum possible advance to settle their debt. Migration also encourages the workers to raise their standard of living. Once they begin to migrate, they increase their expenditure pattern. As with all urban migration

(whatever the working conditions), migration to the brickyard serves as an image of social mobility, while at the same time representing an opportunity to expose the workers to the world of consumption.

Second, the fear of not being paid at the end of the season explains why workers try to get the maximum amount of advance. They might not be paid, either because the season ends suddenly (due to rain, lack of raw materials, conflicts within the brick kiln, etc), or because the piece-rate might decrease if the brick rate fell. For a few years, they have known that the profitability of the sector is not as good as before; therefore, the fear of not being paid is all the more pronounced.

Third, there is also the fear of being cheated. Most of the workers are unaware of the piecework rate – numerous rumours circulate among them on this subject and no one is in agreement; most of them also do not know the exact quantity that they produce. The workers know that the advance comes from the owner and think that if they do not use the total amount, it is the maistry who will thereby profit. The maistries, moreover, frequently distribute an amount of advance less than that which is given to them by the employers; this is their ruse to ensure more labour. The fact that there is no direct relation with the owners and that the accounts are rarely shown to the workers exacerbates the climate of suspicion.

Fourth, most of the workers know very well that the officially “free” advance in fact includes hidden costs. These hidden costs are the same whatever the amount of the advance happens to be: it is thus logical to attempt to obtain the maximum amount.

And finally, the climate of mutual suspicion is also a factor. When there is scarcity of labour – which happens at times in some places and in certain periods – the workers succeed in obtaining an advance from several maistries: this freedom of choice makes it possible for them to get maximum amount of advance. Conversely, the maistries as well as the owners complain that they are regularly duped by the workers. According to the owners, between 10 and 30 per cent of the workers do not honour their “contract” (despite an advance they leave the brickyard in the middle of the season). It is nevertheless difficult to evaluate the losses because a section of them will return the following year to repay their debt. According to the owners, even if this type of fraud has always existed, the fact that debt bondage would be publicly recognised exacerbates the phenomenon; the workers have henceforth an argument in their favour and can threaten to bring action.

Key Role of the Maistries

As we saw above, the maistries form the pivot of the system. Before becoming maistries, they were simple workers. The “bigger” maistries are able to manage 40 groups of workers (which would be nearly 100 persons), often with the assistance of ‘kiz-maistries’ (assistant brokers). During the off-season, their main role consists in regularly providing advances to workers at all times, which implies being able to identify the needs, or indeed to anticipate them. The competition among the maistries is very strong and the best way to be competitive consists in offering the maximum advance.

Most of the maistries are from the same caste as their workers, but there are nevertheless exceptions. Some paraiyar maistries

deliberately choose vanniars (higher caste), arguing that a vanniar would never bring disgrace upon himself by not respecting his debts to a creditor from a lower caste (even if experience would obviously prove the contrary). Some vanniar workers deliberately choose paraiyar maistries, whom they consider to be less demanding and more flexible. Conversely, some paraiyars choose vanniar maistries, arguing that they are able to provide an advance at anytime.

Most of the big maistries occupy a central position in the local community and often have other responsibilities (middlemen with the administration, resolution of conflicts, etc.)

The job of maistry can be relatively lucrative, although the incomes would not be very high. The largest maistries manage 40 groups of workers, which would be equivalent to a total production of approximately 600,00,000 bricks; their gross remuneration would thus be some Rs 46,000, from which the commission of the kiz-maistries must be deducted, as well as the interests they themselves pay on a part of the advances granted and various fees (in particular transport, because they are constantly moving between the village of origin and the production site; telephone, because they are in regular contact with the employers; and, for some, health expenses on the production site). An analysis of the incomes of a few maistries gives an approximate net result of Rs 20,000 to 30,000 per season (the average income for a pair of moulders is around Rs 15,000).

On the other hand, what is certain is that the job of maistry is extremely risky. We have encountered numerous cases of over-indebtedness subsequent to a failed recruitment (the workers do not come, or they disappear in the middle of the season). Some maistries have therefore been condemned to work several years as moulders with their entire family in order to repay their debts.

VI

Conclusion and Recommendations

Almost all brick kiln workers can be considered as being in a situation of bondage insofar as they are indebted to their employer and constrained to work for this same employer until the debt has been paid off. On the other hand, the remunerations are above the poverty minimum and near the minimum wage fixed by the government in the brick-making sector; nevertheless, this supposes long work days as well as child labour. Should there be bondage, it is a "mild" form of bondage insofar as the workers have a relative freedom of movement (in particular, to temporarily leave the brick kiln in the course of the season). In some cases, the system of advances contributes to the social advancement of the families.

What lessons can be learnt for action? Because of the multiplicity of explanatory factors, only a global approach can pretend to eradicate the problem progressively, involving public authorities, employers, job brokers, NGOs and finally international organisations like the ILO.

(1) To bring together public authorities, NGOs and trade unions: Apart from the Bonded Labour Act (1976), various other legislative measures are also not implemented. Among them are Prohibition of Child Labour in Hazardous Industries Act (1970); Employment Provident Fund and Miscellaneous Provisions Act (1971), Factory Act (1948), which regulates working hours and provides compensation for overtime, Inter-State Migrant Workmen Act (1979), which provides for specific measures (housing,

medical coverage, etc) when more than 50 per cent of a company's labour is of migrant origin.

Regarding the public authorities, three principal factors – closely linked – explain the lack of respect for this legislation: – Inadequacy of the services supposed to ensure respect for the law (insufficiency of personnel, quick turnover: the few civil servants likely to be sensitive to the question do not remain long enough to really tackle the problem and to set up a strategy worthy of the name);

– Incomprehensibility and complexity of the legislation, which discourages any action on the part of the employers;

– An obvious lack of real political will, reinforced by the local and regional power of the employers. Not only do the majority of them come from dominant castes, but they also have strong connections with political leaders (and some have political responsibilities themselves) and with the official authorities.

None of the trade unions are really interested in the problem and they have not managed to represent the interests and rights of the enslaved workers. Finally, concerning NGOs, many of them are supposed – at least officially – to address the problem of bondage. In practice, very few of them are able to adopt a global approach, combining liberation and rehabilitation.

Should one then conclude that it would be useless to involve these three categories? Obviously not. On the one hand, only their involvement can guarantee the eradication of the long-term phenomenon. In addition, some interventions carried out here and there show that it is possible to set up initiatives to fight against bondage. As far as NGOs are concerned, we can point to the very active and seemingly effective role of Socco Trust in Tamil Nadu, or of Actionaid in Orissa. As for the public authorities, let us quote for example the dialogue and conciliation process initiated by the ILO concerning the brick kilns and the rice mills in the Chennai area and the positive measures which result from these (schools in the brick kilns, implementation of an alternative advance system, etc).

(2) To fight against poverty and vulnerability in the native villages: Poverty, vulnerability and social and ritual expenses (especially marriage) explain to a large extent the "choice" of the workers in favour of a bondage relationship. It is then necessary to help the people to develop income-generating activities, for example through microcredit services, but also business development services (training, marketing, etc). In India, a large number of the current microcredit programmes fail because of lack of non-financial services. Also, in view of the very limited character of the local markets, one has to keep in mind that the possibilities are necessarily limited. It is also necessary to help people to manage risks better by providing innovative savings services (taking account of the constraints of the target population) and by helping people to plan better for their large expenditures (especially marriage), via adapted savings products (for example contractual saving, meant for a particular project) coupled with financial education. The prime objective of this financial education should consist of convincing the people of the need to save a priori (and not a posteriori, recalling that for many, the advance system represents a form of saving). All of these services must obviously take into account the fact that the target populations are essentially migrants, which explains why they do not have access to the services of standard microfinance.

Many public programmes intended to improve the living conditions of the workers in the sectors where bondage exists, are

little known. For example, in Tamil Nadu, the welfare board for manual workers includes various measures (identity cards, food ration cards, etc) to which the brick kiln workers could be entitled. In the same way, the public programme “Education for all” might be able to allow the employers, linked with an NGO, to set up schools on the production sites (some brick kilns are already headed in this direction).

Since the advance system is requested by the employers as well as the workers, it seems impossible to remove it. However, it is possible to:


– Test the feasibility to transfer the advance system to a third organisation (bank or NGO), which supposes as a prerequisite a strong dialogue with the employers and possibly the brokers, in order to think of a way in which the “virtues” of the advance system can be replaced;

– To ensure the transparency of the work “contract”; this supposes a written contract involving witnesses, and indicating the remuneration, the advance and the mode of repayment, and the mutual obligations of each party.

– To convince the employers/middlemen, but also the workers, to fix an amount which the workers are able to repay in one season without involving the whole family, in particular the children.

(3) *Social empowerment and collective action*: The simple fact of expunging debt (by cancelling those declared illegal or by substituting loans through the action of public authorities and/or NGOs) cannot by itself eradicate the cause of the debt. Non-financial services, especially in terms of social empowerment, so are not accessory elements, but are essential to create conditions for a change of status which can eliminate the personal, social relationship which constitutes the bonded labour status. To allow people to acquire self-confidence, to inform them of their rights and to be able to negotiate, individually and collectively, is a precondition which cannot be ignored. In the same way, encouraging and helping the workers to organise themselves to claim for their rights appear to be crucial.

(4) *To associate the employers*: The role of the employers is obviously central. We have seen the importance of factors related to the production process (a continuous and cyclic production processes, requiring a disciplined labour force; very strong competition which requires cost-cutting, etc). To convince the employers is easier said than done: on the one hand they often have great economic, social and political power; in addition, they are seldom in direct contact with the workers.

To threaten the employers via the legislative argument is probably doomed to failure. A more realistic option consists of gradually convincing them that they have a lot to gain by ensuring decent wages, even to eliminate the advance system (which costs them more, perhaps, than what they gain, but unfortunately it is very difficult to evaluate this point with precision). Some employers, more “progressive” than the others, can be selected on a voluntary basis and used as an example. 

Email: isabelle.guerin48@wanadoo.fr

Notes

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1 These discussion groups have been organised with the support of the International Labour Organisation (PEBLISA project, based in Chennai) which has funded the study.

- 2 By “child”, we mean below 12 years. Over 12, they are considered workers.
- 3 Another study recently conducted in the area of Delhi among 51 workers shows that 45 per cent of them used the advance to settle old debts [Gupta 2003: 3282].
- 4 The surveys conducted by Gupta (2003) in Haryana show that SC and OBC constitute 74 per cent of the labour force.
- 5 On this point, see also Gupta (2003).
- 6 Gupta (2003), in his surveys conducted in Haryana, mentions the existence of workers’ unions, but without real action. The only attempts to make demands or to negotiate come from the brokers.
- 7 See, for example, Bardhan and Rudra (1986), Breman (1986), Drèze and Mukherjee (1987), Harriss (1992) and Kapadia (1995).
- 8 See on this point Landy (1994), Marius-Gnanou (1993, 2004a, 2004b), Racine (ed) (1994).

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