

Migrant Worker

Violation of Right to Food of Brick Kiln Workers in U. P., India

Housing sector in India is among the fastest growing sector because of the increasing pace of urbanization and enabling policy framework for market institution. As per the available information nearly 40% of the total population of the country is living below poverty line and struggling for the survival and existence. Another crucial factor is that around 80% of the total workforces are engaged in unorganized sector with constant threat of exploitation.

Housing and allied activities are among the largest employment providers in the unorganized sector after the agriculture and Brick Kiln is one of them. In spite of the fact that Brick Kiln is one of the hazardous industries especially for the children thousands of the families along with their children are engaged in it for survival.

Large numbers of the Brick Kilns are situated in the State of Uttar Pradesh [U. P.] and the number is increasing day by day. The sector is one among the major employment provider for local and migrant families. The State can be considered as one of the most favorable destination for labour forces of poor and tribe communities of the neighbouring states like Chattisgarh, Madhya Pradesh and Bihar.

The worst part of the working of these Brick Kilns is the rapidly detouring working conditions for the engaged work force and increasing exploitation of the migrant families. The families of the poor schedule caste and tribe families every year migrating from their native places in Chattisgarh, M. P., Jharkhand and Bihar in search of gainful employment opportunities for the survival and a considerable portion of these migrant families employed in the Brick Kilns of the State and suffered with huge exploitation every time.

Normally the workers especially migrants workers have to work for 12-16 hours on the Brick Kilns but they never get the minimum prescribed wages even they can not arrange the sufficient food for their children and families. The most inhuman part of the process is the involvement of the small kids in the manufacturing of the bricks. These small children are compelled to work in these hazardous situations for the survival of the family and unfortunately the most common facilities like shelter, health, education, social security etc. are also not available for them.

Most of the working families on the brick kilns are seasonal migrants of the Chittasgarh, Madhya Pradesh, Jharkhand and Bihar and belonging to Tribe, Schedule Caste and other backward communities. They are employed on the brick kilns for nearly 8-9 months [normally from October to June]. These families have to work 12-16 hours daily and in turn they will get only Rs. 200/- to 300/- weekly in the name of ration or subsistence.

The conditions of the migrant workers can be assessed with the help of the two case studies* on the working conditions at Brick kilns.

Two Brick Kilns in the name of Ashutosh and Vishal are situated around 30 KM from the state capital on Lucknow - Mehmudabad Road in the Nindura Block of Barabanki District. 24 migrant families [132 members] from different villages of Chittasgarh are working on

these brick kilns. All these families are seasonal migrants and they work on the brick kilns from the month October to June and in the rainy season all they use to go back to their native places.

The observation and discussion with them indicating that in spite of the fact that all the members [males, females and children above the age 6-7 years] are contributing in the process of the brick manufacturing as they are working on the contract basis and payments are made to them on the basis of number of bricks they are producing, their total family income is in the tune of Rs. 200-300 per week or ranging between Rs. 800/- to 1200/- per month on the basis of the size of the family and all they have to work hard from 12 - 16 hours daily.

All these families migrated from their native states as either they did not have any land or employment opportunity there and almost no labour work is available in the rural areas, they hardly get any gainful employment opportunity on their native places. They have to migrate for the survival of their families and get the work for almost 8-9 months on the brick kilns as these are not functional in the rains.

Being the migrants families in the state neither they can get ration cards nor they can get other benefits provided by the state. They want their children to teach but the opportunity is not available for them. They are working for the survival of the family but it seems bit difficult as they even can not earn in the tune of prescribed minimum wages. In case of any sever disease they are supposed to go back as health facilities are not available for them. As these families are migrating here and there in search of survival opportunities, most of the times their citizenship seems challenged as they do not get any identity or ration card and it deny their entitlement to access the government welfare schemes.

There several constitutional provisions and regulations for the protection of fundamental rights and workers right but the working force are continuously exploited and struggling for the survival. In Indian constitutional and legal framework following act are enacted time to time but they are not benefiting the deprived communities.

Following are the constitutional provisions in India for the protection of the fundamental rights, which are regularly being violated in case of migrant workers:

1. Right to life with dignity - Article 21 of Constitution
2. Fundamental Right to Education - 93rd amendment of Constitution
3. The state shall, in particular, direct its policy towards securing -
that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by the economic necessity to enter avocation unsuited to their age or strength. [Article 39 (e) - Directive principles of State policy].

that children are given opportunity and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. [Article 39 (f) - Directive principles of State policy].

Other than the constitutional provisions there are several acts and regulations enacted by the Government of India but all those are seems violated are not being implemented properly. Some of these Acts are:

1. Minimum Wages Act.
2. Shop and Establishment Act
3. Interstate Migrant Workmen Working Condition Act.
4. Factories Act.
5. Contract Act.
6. Child Labour Prohibition Act.

There are large number of migrant workers are working on the Brick Kilns in the State of U. P and compelled to live in indecent conditions without basic minimum facilities and entitlements. There is a urgent need to address the issue so the rights of thousands of migrant workers and their children can be protected.

Charter of Demand

1. Provision of Ration Cards or Mobile Ration Cards for the migrant families so the poor families can have access to the government welfare schemes.
2. Proper implementation of the constitutional provisions and acts to ensure the entitlements and rights of the migrant families.
3. Establishment of a State level Regulatory Body for the timely enforcement of the existing acts and well being of the migrant workers.
4. Provision of shelter with minimum basic facilities, health and education facilities at the workplace or near to work place.

[*Case studies by Azra Khan, FIAN – UP and Compiled by Sanjay K Rai]