

Inquiry Report on
Child Labor in brick kilns
in Tehsil Sri Madhpour, District Sikar, Rjasthan



Report of the Inquiry Committee Set Up by
National Commission for Protection of Child Rights

Government of India

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A two member team of NCPCR visited Sikar district to investigate incidence of child labor in brick kilns of Sri Madhopur area in Sikar district from 26th April to 28th April. The team comprised of Sudhir Katiyar from DRMU and DR Rathee from NCPCR. The team visited eight randomly chosen brick kilns during 26-27th April. It also held discussions with a range of stakeholders including District officials from Labor and Education Department, brick kiln owners, and representative of workers' union.

This report is divided into two main sections. The first section provides a summary of main findings that emerge. The second section carries minutes of meetings held, observations made by the team during its visit to brick kilns, and photographs taken during the visits. The supplementary information is given in Annexure 1 List of brick kilns and Annexure 2 List of out of school children in Sikar.

Section 1: Main findings

Overview

1. There are 50 brick kilns in Sri Madhopur area of Sikar district. The list of kiln provided by the Labor Department is enclosed.
2. The NCPCR team visited eight kilns on 26th and 27th of April. The kilns visited were Anjani Bricks, Jakhar Bricks, Kisan Bricks, Jakhar Bricks, Shyam Bricks, Paras bricks, Reetu Bricks, and Rajasthan Bricks.
3. Each kiln has 30 to 50 workers families resident on the brick kiln itself in makeshift accommodation provided by the owner.
4. The workers may be divided into a number of categories depending upon the work they do – pathariya (brick makers), bharai, nikasi (brick carriers), jalai (firemen), toori transport, driver, and supervisor.
5. In terms of numbers, patahariya workers are predominant and constitute about 2/3rd of the total labor force.
6. In terms of origin, most of the workers are from within the same district – from a radius of 2 to 30 kms. However there is a small proportion of migrant workers from other districts of Rajasthan – chiefly – Nagaur and also inter state migrant workers from UP and Bihar.
7. Of the above categories, jalaiya workers from UP come without their families. Rest all workers – whether local or from outside the district - come with their families.

Enrolment of children in schools

1. Significant number of children of school going age not going to school are present at brick kilns.
2. Some families, who have support in terms of relatives and parents who stay back - leave behind the children of school going age in their native villages. Others bring them to the kilns. Generally this ratio is high for workers who live nearby.
3. Smaller children till 8 years of age generally accompany their parents to the kilns.
4. Some children of school going age go to the school from brick kilns also. However their number is small. Generally only those workers who are from a nearby village in a 2-5 km radius can send

their children to school as they will continue to study in the same school. This option is not available to workers who have come from other districts or whose villages are at some distance from the brick kiln.

Mode of recruitment of workers

1. Most workers are recruited against advances. Initially some workers did say that they have not taken any advance. However most workers said that they take advance up to Rs. 30-40,000/-. In fact it seemed that one reason for coming to the brick kilns was indebtedness – workers who had got indebted for various reasons took advance from brick kilns to settle their debt (case studies).
2. Most local workers have entered into contract with the owner directly. There is no middle man.
3. Workers from outside district have come through a contractor who may also accompany the workers to brick kilns and himself work.

Wages and work conditions

1. The going wage rate for the season is Rs. 285 per 1000 bricks that has been settled after negotiations between the kiln owners and workers' union.
2. The workers normally start working after taking an advance. They get a fortnightly advance for living expenses. This has some proportion to the number of bricks made during the period. It was generally reported to be Rs. 1500 to Rs. 2000.
3. The final settlement is done at the end of the work season in late May, June.
4. There are chances that the worker may end up with a negative balance at the end of the season.
5. Pathariya workers normally work round the clock taking a break in the night from 8 PM to 3 AM and a break in the afternoon from 1 to 3 PM. The round the clock cycle of work forces pathariya workers to live on the premise itself.
6. Patahariya workers, working in groups of three, are able to make up to 2000 bricks in a day. However average daily production works out to 1000 bricks.
7. The Minimum Wage for brick making in Rajasthan is Rs. 135 for an eight hour day. Workers seem to be getting the minimum wage of Rs. 135 per day if we calculated per day earning for days worked. However the workers put in at least 12 hours of work per day. So the workers do not get minimum wage if we calculate hourly wage rates.

Incidence of child labor

1. There is no direct engagement of children directly by the kiln owners.
2. However children of school going age are present in significant numbers at the kilns with their parents. Only very few of these are going to school. These children do help their parents in work as can be seen through various photographs given after the observation table.
3. There is also incidence of children enrolled in nearby schools helping their parents with work during the holidays or in their spare time.

Recommendations

1. The Education Department/ SSA needs to undertake a child tracking survey at the brick kilns in the month of December when all the workers have started working. At present the Child Tracking Survey is done in July when there is no worker at the brick kilns.
2. It needs to plan for alternative educational facilities like RBCs, NRBCs, Special Training Program depending upon number of out of school children in the kilns and their requirement. There will also arise the need to link these children with the schools in their home village.
3. The SSA should also explore opening of migratory hostels in villages where there is a concentration of brick kiln workers around Sri Madhopur area.
4. ICDS should begin *anaganwadi* services at the brick kilns in view of the presence of large number of children below 6 years of age.
5. There is a need to undertake a time motion study to determine the average number of bricks made by pathariya workers in an eight hour day. The prevalent wages need to be co related to the per day minimum wage rate declared by the state. This is very critical as under a piece rate system, the workers is compelled to produce maximum number of bricks and is even willing to deploy his own children to maximize income. The pressure to produce more is also increased by the fact of indebtedness and also the fact that the living expenses given by the kiln owner has a relationship with the periodic output of bricks.

Section Two

Minutes of meeting at Collectorate Sikar on 26th April

The team started its visit with a meeting with District Collector Sikar Sri Dharmendra Bhatanagar. Key district officials SP Sikar Sri Giriraj Lal Meena, Additional District Magistrate Sri Vasudeo Sharma, District Education Officer (Elementary) and DPC SSA Sri Jagdish Chandra Khandelwal, ADPC SSA Sri Ashok Kumar Pareek, Deputy Labor Commissioner Sri Pradeep Kumar Jha, Labor Inspector Sri Bansidhar were also present at this meeting. The Collector enquired about the original complaint that was not part of the letter from Commission. The original complaint was available in files of Labor Department and a copy of the same was made available to him.

There was a general discussion on child labor in brick kilns. The ADM seemed familiar with the situation in brick kilns. He said that while children are not engaged as laborers, they contribute as part of the family. There was also a discussion on the phenomenon of bonded laborers in brick kilns.

Minutes of meeting with Subhash Nehra, representative of brick kiln workers union, CITU, at Sri Madhopur on 27th April: Sri Subhash Nehra heads a union of brick kiln workers. The Union has entered into an agreement with employers. The commission team met him to get his perspective on the incidence of child labor. He was of the firm opinion that education of brick kiln workers is affected when their parents shift to brick kilns and start working. While some parents do manage to get their children educated even in these adverse circumstances, the majority of the children ultimately become drop outs. He also said that children are not engaged as workers but do contribute to family labor when present with their parents. He said that almost 15% of the workers are from outside district and some are from UP and Bihar also.

Observation Table

<i>Sl</i>	<i>Owner address and name of kiln</i>	<i>Observations</i>	<i>Incidence of child labor and access to schooling</i>
1	Anjani Bricks Udyogg ABC Bricks Sultan Maaji Sahebki Dhaani Stand Palsana Rod, Khandela	1. A group of four girls 10-16 years old sitting. Told that they are all enrolled in school and have come to the during vacations 2. Only bharai/nikasi workers present at site, pathariya workers at some distance 3. All local workers from around 10-15 kms Employer claimed employing 20 pathariyas	On the spot there was no child labor, but the team did not visit patahariya workers.
2	Jakhad bricks JCB Anil Kumar	1. Group of children and adolescents playing cricket, said that they have come on vacation and are enrolled in school	No incidence of child labor observed

		<ol style="list-style-type: none"> 2. Interviewed one pathariya worker who said that he was from a local village, said that his older children have been left behind in his home village and are enrolled in school. 3. The employer informed the team that two children are going to a private school in Palasana, 10 kms away and paying a fee of Rs. 200 pm 4. According to employer, all 40 pathariya workers are local 	
3	<p>Kisan Bricks KBU Ganesh Ram Jabu (9414398851)</p>	<p>30 pathariya</p> <ol style="list-style-type: none"> 1. Met a pathariya worker from Nagaur district tehsil Jaya. His two children were working with father – one girl Baya aged 14 years, one son named Mangaliya aged 12. Both are not enrolled in school here. 2. Met Bhikha Ram r/o Advad village, Jayal, Dist Nagaur who has come with family including four children. These include two children of school going age Pinka (8 years) and Phooda (9 Years). When enquired about their enrolment, the owner intervened to say that children are going to school. However this is doubtful. 3. A group of five migrant families from Nagaur district come to transport toori to kiln in their carts also work as patahariyas in spare time. Have come with families with children of school going age who are not enrolled in school. 4. A child Saroj aged six years found working with grandparents – collecting bricks in cart, carrying these and stacking them. Grandparents said that the girl has come for a visit from the village nearby. 	<p>Child labor directly observed in two instances and assumed in one.</p>
4	<p>Jakhar Bricks Om Prakas Jakhad 9530165210 Gokul ka Bas Sri Madhopur</p>	<ol style="list-style-type: none"> 1. 30 pathariyas, all local workers 2. Interviewed one, Tulsu Ram Verma, with three children all grown up and all studying in school. His two daughters were present with him at the work site. They are enrolled in class X and XI. Son is studying in a school in Ajmer. 	<p>No child labor observed</p>
5	<p>Shyam Bricks Udyog SBU Shravan Chaudhry</p>	<ol style="list-style-type: none"> 1. Mukesh (12 years) working with his father Prakash r/o Chhajna village 2 kms away. Father told that he is enrolled in class VI and has come to kiln as it was a holiday 	<p>Observed one instance of child labor (but the child is enrolled in</p>

		<p>today. Advance Rs. 36,000</p> <ol style="list-style-type: none"> 2. Saroj, a single mother, is working as a bharai worker with four daughters of whom two are of school going age but are not enrolled in school – Buble aged 8 years and elder sister Sonu who was not observed. 3. Observed a group of children stacking bricks to prepare a sleeping platform. 	<p>school) Children of school going age not enrolled in school</p>
6	Paras bricks, Khandela Mod	<ol style="list-style-type: none"> 1. Undertook a rapid traverse, did not see any children working amongst 8 pathariya workers observed. 	No child labor observed
7	RBM Reetu Bricks	<ol style="list-style-type: none"> 1. Ramdev Bhat from Ranoli village 30 kms away, his child Pooran aged 12 years, was with him. Pooran was enrolled in Ranoli village in Poddar School but not going to school now since coming to brick kiln 2. Chhotu Ram has come with his wife and a small child. Taken an advance of Rs. 35,000. 	Children at work site
8	RBI Rajasthan Bricks Mahendra Aggrawal	<ol style="list-style-type: none"> 1. Has about 20 pathariysa of whom 10 are from Nagaur district 2. Seemu s/o Chunna Ram Chowkidar aged 12 years from Rani village in Kuchaman in Nagaur district, met him at his hut, drop out from class III three years back. Has an elder brother Shankar and an elder sister Draupdi . None is currently going to school. 3. Tikam Ram had taken an advance of Rs. 30,000 to work in brick kilns along with his two brothers and a bhabhi who has come to cook food. 4. Learnt about four more children in the group of workers from Nagaur who are of school going age and not going to school. Saroj 9 years d/o Khemaram and Kishan 	Did not observe child labor but came across a group of children of school going age who are not enrolled in school.

Photographs



Mangaliya aged 12 years working with his father at Kisan bricks 26.4.11



**Girl child stacking bricks, phot at Kisan bricks date
26.4.11**



Girl child aged six years carrying bricks at Kisan bricks



Mukesh studies in class VI but also helps out his father during holidays



**Pooran with his father Ramdev Bhat at RBM bricks
27.4.11**



Seemu who is from Nagaur district with his uncle in front of his hut at Rajasthan Bricks