

Report III

Report- III, on Visit to Patna District to know about Bonded labour and Child labour In Brick Kilns by Dr Vinod Aggarwal Special Rapporteur on 20th to 24th November, 2018.

1. The national human rights commission specially asked me to look into the problems of the brick kiln workers and bonded labours in Bihar, On earlier visits it came to my information that the Brick kilns generally start after the rains.
2. It was informed by the Deputy Labour Commissioner(DLC) and the Labour Superintendent, that the brick kiln which close by 15th of June and work again starts in October once the rains are over. But in actual practice they start after the Chatt Parv. Also in many regions like Barh, Mokama even there the brick kiln haven't started. Only Patna city area, few brick kilns had started working. Therefore the proforma for brick kiln can be filled in visits to those kilns in Patna city area only. Once the month of December comes, when brick kiln would be again active and people would be working, in them, than only full visit can happen.
3. In Patna district, it came to my information that more than 250 license holders of brick kiln units in the district. About 40-45 workers are engaged in one of the brick kiln on average. At present few kilns have started and initial work of cleaning is being done and work on making the bricks has begin, which were getting dried before they would be put in the kiln for heating up. The labor department personal at Patna informed that there was no child laborer identified at the brick kilns in the last 2-3 years.
4. While visiting the district, many brick kilns in Patna were visited but found very few where work was in progress. There I met the workers. The CBM Bricks and Minar bricks in Didargunj area was visited. As this district is in the housing hub of the state, and state capital, there was no case of payment of under wages. The questionnaire format in 25 pages is enclosed as annexure -a and b to report III.

5. a. But one fact was realized the houses in which brick kiln workers live are not even 6 feet high in Minar Bricks and in the case of CBM an incomplete brick work room 10*10 are there about 7.5 feet height and without ventilation. There were no windows in these tenements.

b. There was arrangement of community toilets and bathrooms. There is no separate arrangement for bathing of women laborers. There was arrangement of electric connections in the so called huts.

c. The water available for drinking is from a boring, but water is not tested for minerals or other impurities or whether water is good enough for drinking or not.

d. Despite of a MOU between the 5-6 adjoining states of providing ration alternatively by the concerned state even the implementation NFSA even in the districts of same state is not being implemented and it seems the brick kiln workers purchase the food material at the market price or go to their home place to see their children and other family members and bring their ration from there.

e. But it was informed that the brick kiln workers are registered with construction workers welfare board and were given various benefits like Prime Minister Jeewan Jyoti Yojana and Group Insurance Policy is given.

f. No impact of Ayushman Bharat was seen on the brick trade . No registration of workers is being done by any government agency for giving benefit under the scheme.

6. The brick kiln owners were given directions to maintain wages register, muster roll, wage slips, copies of registers, inter-state migrant workmen act. On the day of visit no children aged between 14-18 were seen on the site.

Recommendations

1. The residential facility should be reasonable and provided by the brick kiln owner to the workers who are coming from more than 20 km away as at times the labor has to work in the evening hours. The huts should be of the design and height of Indira Awas, along with gas and electric connection to have a minimum living standard norm, for which State Government through labor or mines department issue instructions.

2. The water provided is from hand pumps or deep boring, but is not being tasted by any authorities. The water made available should be tested every 15th day and report should be seen by the labor authorities. Water should be at least treated with chlorine to make it microbial safe. If a filter or RO water for drinking that would be ideal.

3. With Swachh Bharat program, the brick kiln sites can have better toilets. The home sites should also have clean toilets block for maintenance of cleanliness at the work places.

4. There is an element of advance to some of the workers but it is not in all cases. The wages are paid more than the minimum wages but system of calculation in some cases is based on number of brick prepared from the mud. But there did not seem to be any element of coercion.

5. The vigilance committee has been constituted but the meeting has been held but minutes not shown. It would be of importance that the meeting of vigilance committee be held regularly but that should not increase the cost of bricks. Already a situation has been seen that some brick kiln owners are not able to locate the labor to work at the kiln.

6. For license renewal the brick kiln need to have a new chimney of higher height and different design which also adding up the cost of bricks. But pollution clearance is a must and required. It is to be seen whether before renewal

whether new chimney is being seen or license is given without seeing the new chimney.

7. Although there is a MOU has been signed between 5 adjoining state for providing migrant labor the ration under NFSA but at site it seemed that the labor of other districts were also not getting the Ration. It seems that some action at the level of district supply and labor office coordination is required.

8. There are always 15-20 brick kilns at one site which can have about 500-750 workers in near vicinity. It would be desirable that prepared food shops at reasonable cost could be encouraged in each of the locations to give clean and cheap food to the brick kiln workers.

9. The nearby ICDS and primary schools are need to be given direction to admit the small children brought by the brick kiln workers coming from far off distances.

10. To start with benefit of Aayushman Bharat should flow to the brick kiln workers.



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Special Rapporteur