Report IV, Visit of Dr Vinod Aggarwal, Special Rapporteur, Central Zone, NHRC to Brick kilns in Raipur district, of Chhattisgarh on 30th March, 19.

In Raipur district, of Chhattisgarh, a meeting was held by me with District labour and Mining officers and their team of officers on 29th March. It came to my information that earlier, there were about 200 license holders of brick kiln units in the district. But most of the licensees are leaving this work and now less than 50 units are being run. Few of the brick kilns are running without proper license. The matter may be considered by the Mines and labour departments along with the District Collector about the issue of brick kilns running without proper certification, but a proper answer has to come from the District.

About 50-55 workers are engaged in one brick kiln on average. The Mines department personal at Raipur informed that there was no child labour identified at the brick kiln in the last 2-3 years. The brick kilns of M/S Tarkeshwar Chakradhari village Bahesar and, Shri Subhash Bhavnani were visited in the Raipur rural area. The report in the questionnaire format is enclosed. As the kilns now are working at full steam, about 60-70 labours and Munshi (clerks) were found.

It was seen the houses in which brick kiln workers are expected to live, are 7 feet high and there were no windows in these tenements. There were very few toilets or community bathrooms. There is no separate arrangement of women labourers. There seemed to be arrangement of illegal electric connections in the so called huts. The water available for drinking is from a hand pump, but water is not tested for minerals or other impurities or whether water is good enough for drinking or not. The visit report to brick kilns in Raipur district is enclosed as annexure-1. '

The labour go to their native place about 50-150 km once a month to bring their ration 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 get it from their

shop which may be 50-150 km away. Majority of the workers are belonging to SC, ST or OBC. The vigilance committee is not formed and meetings are not taking place.

The firemen are working for about 12 hours and the head fireman doesn't have a spare man and works 24 hours but has breaks in between. The labourers who make the bricks generally make 400 rupees and if 2 family member (husband –wife) team is there they make 600-700 rupees per day.

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. The visit report to brick kilns in Raipur are enclosed as annexure-1. But it was informed that the brick kiln workers were not registered with construction workers welfare board and were not given various benefits like Prime Minister Jeewan Jyoti Yojana and Group Insurance Policy is given. Although it was said children less than 6 years are being sent to Aanganwari but it was not a fact. The elder children were supposed to be sent to the schools but that was also not happening in all cases.

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. Few of the old workers were given lesser or lighter work and paid wages of 150 Rs only. There were other workers who were also not able to get enough as per the minimum wage act. 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 20-30 km away as at times the labour 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 labour 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 labour 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. Despite of Swatch Bharat program, and the brick kiln sites are almost devoid of toilets. The work 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 generally 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. There were some labourers who were paid much lesser than the minimum wages.
- 5. Vigilance committee has been constituted in Raipur district, but the meeting has not been held till now. It would be of importance that the meeting of vigilance committee be held regularly. Already a situation has been seen that some brick kiln owners are not able to locate the labour to work at the kiln.
- 6. Although there is a system of opening shops which provide one time meal in 10 rupees but there seemed no visible signs of opening such outlets in the vicinity. As there are many brick kiln at one site, which may have about 400-500

workers in near around kilns. It would be desirable that prepared food shops could be operated in each of the locations to give clean and cheap food to the brick kiln workers.

- 7. 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.
- 8. The firemen working at the site it seems work for 12 hours but the proprietors mention that they work for only 6 hours. The labourers are not underpaid as they are coming repeatedly at the same brick kiln but exploitation is not totally over.
- 9. All the Brick kilns didn't have full documents especially in Raipur district to run the brick kilns but were allowed to run. This matter need to investigated by the labour and mines department of the state government.

Dr Vinod Aggarwal. Special Rapporteur

1. Annexure-1, Proforma of NHRC filled from Raipur district brick kilns ρ - 57-69.

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The team is directed to follow the following points while undertaking the spot

- The brick-kiln operator obtained a licence to run the brick-kiln from Competent Authority or not? If obtained, the details thereof If not, why it has been allowed to operate amount licence.
- 2. many laborarers belong to S.C./S.T./O.B.C.? and whether the provisions of SC/ST Act are followed.
- 3 Total number of labourers, male, female, child with age.
- 4 Amount of Wages paid to them monthly/fortnightly. Is it in conformity with the notified minimum wages?
- Forward the legible copies of wages register, muster roll, wage slips, copies of Pegisters required to be maintained under various labour legislations (Payment of Wages Act; Contract Labour (Regulation & Abolition) Act, Inter-State Migrant Workman (Regulation of Employment & Conditions of Service) Act.
- 6 Whether the labourers were employed directly or through en agent obtained a licence under the law or not?
- Whether the recruiting agents obtained a licence under the Inter-State eligrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979, whether the Principal employer obtained a Registration Certificate under the Act of Act and whether the brick-kiln operator paid benefits under the aforesaid Act and the manes of actives with the manes of actives with the designations.
- Whether the brick-kiln owner has followed all the provisions contained in the harman was well as the way was a contained in the way was a contained was a co
- 9. Whether Vigilance Committee as mandated under the provisions of the Sonce table.

 System (Abolitions) Act, 1976, was constituted or notification, the reasons thereof trunctioning, since when? You may give all the details of the Committee constitutes according to law.
- 10. Whether the members of the Vigilance Committee belonging to SC & Stractions the team or not? If not, the reasons of the same to be conveyed.
- 11. In view of the averments made in the complaint and in absence of documents require to be maintained and in absence of benefit to be extended as mandated by all years duty bound to raise the presumption. Your attention is drawn to the judgement the Hon'ble Supreme Court in cases i.e. a) Bandhua Mukthi Material developed the Hon'ble Supreme Court in cases i.e. a) Bandhua Mukthi Material developed 16 12.1983 in Writ Petition No.2135. b) People's Union for Democratic Charles (1982) 3 SCC at 259. c) Sanjit Roy Vis State of Pajastran Gears Union of India (1982) 3 SCC at 259. c) Sanjit Roy Vis State of Pajastran Gears

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Source: 2/6/2006-PRP&P

Ouestignnaire for the NHRC Investigation team on the surprise visit to bonded labour prone states:

- 1. What's your name? What Is your age?
- 2. What is your father's name?
- 3. Where do you come from (complete address)?
- 4. Did you come here on your own or were brought by somebody?
- 5. If you were bought by somebody, his complete name and address and under what terms and conditions/
- 6. Is there a formal or informal/oral agreement or understanding between the recruiting agent and your goodself?
- 7. If formal and reduced to black and white, do you have a copy? Whether the same was read over and explained in the language understood by him?
- 8. What are the hours of work at the worksite? Is there any spread over i.e. one hour rest after 9 hours or work?
- 9 (a) what are the wages payable to you and what are the wages being actually
 - (b) Is any overtime wage paid to you for work in excess of 9 hours of Work a day
- 10. Was there an element of advance when you were recruited? What is the amount paid to you towards such advance?
- 11. How do you propose to pay back the amount advanced to you? is it being adjusted with the wages being payable to you? If so, it being explained to you at the time of adjustment?
- 12. Are you aware of Minimum Wages Fixed by the State Govt? Are you satisfied that the adjustment is fair?
- 13. How many adults and children below 14 and above 18 are brought there with him? Whether they are working or not? If working, whether they are paid wages as fixed by the Govt. or not?
- 14. If there are children, are they subject to work? If subjected to work what about their education?
- 15. How long do you propose to work at this worksite? Can you leave this employer and go to another employer if you are not feeling happy or comfortable? Have you informally mentioned this to the employer or to the recruiting agent and if so, what is their reaction?

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Questionnaire format for the visit to brick kiln

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~	are followed SC- 2 GT- 21 OBC - 97 minor - 1 10/41/121
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4	What is their name and age > 24-1) of story
5	What is their father's name?a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a-a
6	Complete addresses of the labourer 2/2/2/2/4/76
7	Are you aware of Minimum Wages Fixed by the State Govt ? Are you satisfied that the edjustment is fair? Y
8	Amount of wages paid to them - monthly/forthightly is it in conformity with the notified
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9	What are the wages payable to you and what are the wages being actually paid to you?
10	Is any overtime wage paid to you for work in excess of 9 hours of work a day and 48 hours a week? #49.55
11	Was there an element of advance when you were recruited? What is the amount paid to you towards;
	such advance?
12	How do you propose to pay back the amount advanced to you? Is it being adjusted with the wages being
	payable to you? If so, it being explained to you at the time of adjustment?
13	Forward the legible copies of wages register, muster roll, wage slips, copies of Registers
	required to be maintained under various labour legislations (Payment of Wages Act Contract
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Questionnaire format for the visit to brick kiln

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1	The brick-kiln operator obtained a licence to run the brick-kiln from Competent Authority or
	not? If obtained, the details thereof. If not, why it has been allowed to operate and forward
	the name/s of persons with designation permitting to operate without licence.
2	How many labourers belong to S.C./S.T./O.B.C.? and whether the provisions of SC/ST Act
	are followed. SC-0 ST-LO OBC-111
3	Total number of labourers, male, female, child with age. 19 29 F-25 Child -1
4	What is their name and age > 21-11-11-11-11-11-11-11-11-11-11-11-11-1
5.	What is their father's name?
6	Complete addresses of the labourer 22 20 200
<u>7</u> :	Are you aware of Minimum Wages Fixed by the State Govt.? Are you satisfied that the adjustment is fair?
8	Amount of wages paid to them monthly/forthightly. Is it in conformity with the notified minimum wages?
9	What are the wages payable to you and what are the wages being actually paid to you? = 600 Jd
10	Is any overtime wage paid to you lot work in excess of 9 hours of work a day and 48 hours a week?
11	Was there an element of advance when you were recruited? What is the amount paid to you towards
	such advance?
1.2	How do you propose to pay back the amount advanced to you? Is it being adjusted with the wages being
	payable to you? if so, it being explained to you at the time of adjustment?
13	Forward the legible copies of wages register, muster roll, wage slips, copies of Registers
	required to be maintained under various labour legislations (Payment of Wages Ad. Contract
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