

CHILD LABOUR IN THE BRICK KILN INDUSTRY -A SOCIOECONOMIC & LEGISLATIVE PERSPECTIVE

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Abstract: In terms of agriculture or other production methods, the seasonal migrant workers at the brick kilns come from underdeveloped regions. The majority of them are small-scale, landless peasants from lower socioeconomic classes who lack sufficient sources of income. Due to their fragility, they accumulate debt, which forces them to seek employment elsewhere. They look for work during the brick-making season when the kiln owners send contractors to find workers and engage them with some advance pay to guarantee a certain number of workers for their kilns. The offer appeals to the workers, who are already weak and impoverished and have no other employment, so they commit to the upcoming brick-making season. To fetch more income, they migrate with their family and children. Children who are minors are also engaged in brick-making process in large numbers. To hide child labour contractors do not register their names in the employee register and payment is also not given to them as equals to men while they perform every strenuous work in the kiln. Due to these tasks, they lag in education as well as physical and mental development. There is no social security for workers as well as children who are involved in working in such kilns. There are various laws and constitutional remedies to prevent child labour but its executions are still in limbo.

Keywords: child labour, caste, migration, social security, poverty, Debt, Education

INTRODUCTION

Many migratory or seasonal workers, as well as some of the most vulnerable and impoverished segments of society, rely on the brickmaking business for their livelihoods. It also has a significant concentration of grassroots and semi-urban inhabitants. One to one and a half per cent of the nation's GDP comes from this business, which employs over two million people, mostly in the unorganized sector. The lack of social security among the workers makes this industry risky. In the informal manufacturing sector, workers' working conditions, information availability, and response to work-related issues are significantly poorer. According to data provided by the Department of Labor and Human Resources, each brick kiln is thought to employ between thirty and thirty-five families on average, with a family size of seven (at least three of whom are children). Accordingly, an average of 210 individuals are covered by each brick kiln, or 210 persons for every ten brick kilns. The brick industry in India has not advanced. Bricks are still made the old-fashioned way, by hand, and then burned in traditional kilns. The scarcity of competent labour is associated with India's brick industry. For the most part, the brick business is dependent on migrant workers. The Jamadar makes sure that the workers produce as much as they can because a significant portion of their compensation comes from commissions based on the amount of labour they complete. For this reason, the jamadar ensures that no employees remain at home instead of reporting to work. Jamadar forces all of the workers' family members to work, and even the younger, somewhat older youngsters under the age of fourteen are encouraged to labour. The employer and the jamadar defend the

children's labour by arguing that they should assist their parents rather than just sit around doing nothing. The parents also find it handy since they visit the kilns to make enough money to pay off their debt and to earn additional cash to take home. Children's assistance enables them to produce more, something that would not be feasible without the assistance of adults. The average household size, the child-adult ratio, the total number of adult members in a family who can earn a living, and other factors must all be examined to determine the root causes of child labour. However, because they work alongside their parents and are not included on the employee's register, these working children are invisible.

Brick kiln and child labour in the study area

Brick kilns, run by local contractors or owners, are used to make bricks in the district's rural areas. In rural locations, brick kilns are primarily used for the production and baking of bricks. Women and children work in brick kilns in these locations as well, which leads to several issues. In the Chitrakoot District, child labourers are being hired arbitrarily to work in brick kilns. In addition, juvenile labourers are being used arbitrarily in local brick kilns in some rural parts of the district. Children are hired to do tasks like hauling bricks, creating stones, chopping soil with shovels, and manufacturing bricks at brick kilns. In the region, hundreds of children between the ages of five and fourteen are engaged in some form of labour. These children and their families put in 10 to 12 hours of nonstop work. Work by children is illegal. The Indian government has also created a law to prevent this. However, in this case, the owners or operators of brick kilns willfully violate the law by forcing youngsters to perform a variety of tasks at the locations.

Literature of Review:

According to Basu (2003), there have been numerous discussions throughout the years regarding the reasons behind children's employment, and it is evident that two main schools of thought have emerged. Proponents of the first school contend that poverty is a significant contributing factor to the prevalence of child labour and that preventing children from working worsens their circumstances.

According to Weiner (1991) and Mishra (2000), the second school of thought contends that child labour results from a lack of compulsory education and that basic education is the only way to address the issue.

According to Rogers and Swinnerton (2002) When parents send their kids to the workforce, where there are two types of businesses—exploitative and non-exploitative—they encounter the issue of asymmetric knowledge they have no idea which of them is being exploitative. Therefore, if parents are unlucky enough, they can wind up sending their kids to a company that takes advantage of them. Children are unable to leave the exploitative market once they are there. Some businesses do not all adopt exploitative practices as a result of parents dealing with the issue of asymmetric information. As a result, putting children on the job market is like playing a lottery, where there are only two possible outcomes: winning or losing. Because there are non-exploitative businesses, parents choose to send their children into the workforce despite the possibility of losing money. Furthermore, compared to the exploitative market, the non-exploitative market is greater. Parents will send their children to the labour market in an

uncertain atmosphere as long as the value of employment outweighs the value of not working. Poverty is what compels them to do this.

Dessy and Pallage (2005) argued that Parents do not deal with the issue of asymmetric knowledge, as demonstrated by but they consciously select exploitative companies due to their greater earnings than non-exploitative ones. These two categories of businesses make up the labour market. They contend that because the worst kind of child labour offers more alluring incentives, such as larger wages, parents in extreme poverty choose to pick it. Children therefore help to increase household income. In actuality, parents pick these companies as long as the increased pay makes up for the hardship of engaging in these activities. Children can benefit from child labour if and only if it increases their human capital, according to Dessy and Pallage (2005). As a result, there are two categories of businesses: "bad firms" and "good firms." The evil companies use risky technology that is harmful to children. Good companies use learning-by-doing technologies to improve children's human capital. The human capital of the parents ultimately determines which of these two types of businesses is chosen. Therefore, if the children engaged in these activities can balance employment and education, child labour may be advantageous. When incomes are high, parents cut back on their kids' job hours so they can go to school simultaneously.

According to Aggarwal (2004), other factors besides schooling contribute to child labour. Later, it was generally acknowledged that there is no one cause of child labour, but rather that a variety of variables work together to negatively impact some families and perpetuate child labour in society. In addition to poverty and illiteracy, researchers have found that the following factors also contribute to child labour: migration, unemployment, strong social prejudices, an unappealing educational system, large families, traditional family occupation, insufficient social security measures, ineffective law enforcement, low government spending on education and poverty alleviation, and low adult worker wages.

In addition to supply-driven factors, Ghosh Singh, Raj, and Sekar (2002) found that other factors sustain the demand for child labour. Employing children, especially those who are part of the family, is more advantageous for the employers since it allows the family to earn far more than a single adult worker could have made on their own and conceals the poor salaries paid to the adult workers.

Meena Jagdish (2018) In her investigation of the main issues and remedies surrounding child labour on a global scale, concluded that child labour is a global issue that has persisted in different forms since antiquity. During the 19th century, child labour increased in prevalence. India and its neighbours, Bangladesh, Nepal, Pakistan, and Sri Lanka, account for almost half of the world's child labourers. The world's largest concentration of child labourers is found in India alone. The physical, mental, and intellectual development of a sizable future labour force is hampered, and their involvement in the advancement of society and the nation is diminished, as a result of these youngsters being denied their fundamental rights through child labour. Therefore, for society and the country to benefit, we must demonstrate our spirit by teaching such children. For human progress and improvement, children and child labour must remain at the forefront.

Rana Masud and Das (2014) conducted a study on a specific brick field in the Char Bhadrassan Faridour district of Dhaka to determine the causes and effects of child labour in the brick industry. He maintained that child labour is a significant socioeconomic issue in every nation. The challenges faced by child labourers in brick kilns are numerous. Numerous illnesses, such as eye deformities, bodily pain, skin conditions, cold fever, and respiratory disorders, must be endured by child labourers. These kids don't grow up in an atmosphere that supports their intellectual, mental, and physical growth. These kids have a heavier workload. These kids work for meager pay producing clay, lugging clay, constructing bricks, etc. For these tasks, no protective gear of any type is supplied. Consequently, child labour is how the future workforce's working power is lost. As a result, it should be strictly forbidden for kids to engage in such risky activities, and parents and kids should both be informed of their rights. These should also involve public representatives and a variety of social organizations.

In her research study, Verma Kalpana (2022) examined the financial issues faced by unskilled women employed in the Hardwar district's brick kiln industries; the state of these workers is appalling. In addition, women do not receive regular jobs or adequate pay. Women workers can earn between Rs 3,000 and Rs 5,000 per month at most. Women who work in kilns fulfil the responsibilities of both the home and the workplace, disregarding their cleanliness and health.

Objective of The Study:

The objectives of the current research study are as follows:

- To investigate the present circumstances surrounding juvenile labourers employed in brick kilns within the research region.
- To analyze the socioeconomic circumstances of the families of children employed as labourers in brick kilns within the research region.
- To investigate how children's earnings affect the family's overall income and lifestyle.
- To look into how the study area's legal provisions and constitutional remedies are being implemented.

Research Methodology:

Both primary and secondary data served as the foundation for this investigation. The Census, NSSO, several newspapers, books and publications, national and international research papers, and magazine articles have all provided secondary data. Gathering primary data: The research region is based on primary data collected from children and their families who work as child labourers in brick kilns in Chitrakoot districts. Five hundred respondents were chosen from the research area for this.

Limitations of The Study

The goal of the current study was to investigate the educational, social, and economic circumstances of child labourers employed in Chitrakoot districts' brick kilns. There is a dearth of literature regarding the brick kiln industry and working labourers in these industries. However, several other restrictions must be taken into account when examining the goal of the research project. Thus, the researcher has restricted his study to 500 child labourers and their families who work at several brick kilns in the Chitrakoot District.

Interpretations and analysis of data**Table 1: Age of Entry of the Children in the Work**

Age	Frequency	per cent
5-8	36	7.2
9-12	187	37.4
13-14	277	55.4
Total	500	100

Source: Primary Data

Interpretation:

Children start working at a very young age because it is a part of their family's labour. According to a study, kids start working as early as age five. Approximately 7.2% of youngsters begin working between the ages of 5 and 8. While it is evident that many children have started the workforce at the age of 9–12, accounting for 37.4% of the total data, the majority of the children (55.4%) working in the kiln are between the ages of 13 and 14.

Table 2: Working Hours of the Children

Hours	Frequency	Per cent
2-4	36	7.2
5-7	138	27.7
8-10	209	41.8
11-13	117	23.4
Total	500	100

Source: Primary data

Interpretation:

Significant information on labour patterns and the level of workload encountered by employees may be found in the data on the distribution of working hours among employees in a certain industry. A closer examination of the data reveals that the vast majority of employees—41.8% of all workers—work eight to ten hours a day. This implies that most employees' normal workdays fall within this range, suggesting a reasonably balanced work schedule that conforms to the norms of full-time employment. After this, 27.7% of employees say they work five to seven hours every day. Part-time employees or those in less demanding positions within the business may be included in this group, emphasizing the existence of flexible work hours. Interestingly, 117 employees, or 23.4% of the total, work 11–13 hours a day, suggesting that a sizable section of the workforce puts in long hours. This could be a sign of times of strong demand, a lack of employees, or jobs that naturally call for longer hours. Employee productivity, job happiness, and health may all be impacted by such extended work hours. Last but not least, 36 employees, or 7.2% of the total, work only two to four hours a day; this group most likely consists of people with temporary, supplemental, or extremely flexible occupations. With the majority of groups working conventional or somewhat extended hours, the data show a wide variation of working hours throughout the business. The existence of a sizable workforce with noticeably extended workdays, however, emphasizes the necessity of giving workload management and possible effects on employees' well-being considerable thought.

Employers who want to maximize worker productivity while maintaining sustainable and humane working conditions must comprehend these trends.

Table 3: Education Status of the Children

Educational- level	Frequency	Per cent
Illiterate	376	75.2
Class 1-2	94	18.8
Class 2 - 5	30	06
Total	500	100

Source: Primary data

Interpretations

The fact that 75.2% of the respondents lack formal schooling suggests that a sizable percentage of the kids employed in the kilns are also illiterate. This implies that there were few educational alternatives available, which ultimately resulted in a dependence on manual labour jobs like brick kilns for a living. The other biggest group, which makes up 18.8% of the kids, has finished school up to classes 1-2. They work in labour-intensive industries like brick kilns because, although having some basic education, it might not be enough to get them into better-paying or more skilled jobs. Just 6% of the kids have finished their schooling up to the second or fifth grade. While still falling into the basic category, this suggests a somewhat greater level of schooling than the preceding group. Even with slightly improved reading and numeracy abilities, these people might still have few career possibilities.

The children's distribution of educational attainment demonstrates how common it is for migrant workers in brick kilns to have little formal schooling. The majority are illiterate or have barely completed primary school, which suggests severe educational disadvantages. According to this, expanding access to education and skill-building initiatives may help reduce poverty and the need for low-skilled labour in industries like brick kilns. In addition to improving socioeconomic standing, addressing educational disparities may enable people to take advantage of a greater variety of work options.

Table 4: Caste to Which Working Children Belong

Caste	Frequency	Per cent
General	13	2.6
O.B.C	65	13
S.C	158	31.6
S. T	264	52.8
Total	500	100

Source: Primary Data

Interpretations:

Just 2.6% of those surveyed fall into the general category. This low percentage suggests that perhaps as a result of greater economic options or social standing, children from higher socioeconomic strata are less likely to migrate for labour-intensive jobs in brick kilns. Children in the OBC category comprise a lesser percentage of the migrant labour, accounting for 13%

of the respondents. This implies that, despite their economic difficulties, they may have comparatively more access to opportunities and resources than the scheduled caste and scheduled tribes. A sizable percentage of the migrants are from the SC group, accounting for 31.6% of the children. This is a reflection of the restricted possibilities and socioeconomic marginalization that push members of these areas to work in labour-intensive businesses like brick kilns. The ST category includes the largest group, which makes up 52.8% of the children. Due to widespread poverty and a lack of local job possibilities, this high percentage highlights the extreme socioeconomic disadvantage that tribal people confront, which forces them to migrate in huge numbers in search of employment in brick kilns.

Table 5: Contribution of Children to Family Income

Per percentage of share	Frequency	Per cent
Less than 10%	178	35.6
10-20%	283	56.6
20-30%	23	4.6
30-40%	11	2.2
40-50%	05	01
Total	500	100

Source: Primary data

Interpretation: Even though many youngsters work, it is clear that only the older kids make a significant contribution to the family's revenue. Children over the age of ten to twelve have the ability to work and assist their parents in earning extra money. While 56.6% of children contribute between 10 and 20% of the family income, a noteworthy 35.6% of youngsters contribute less than 10%. Only one per cent of children in the higher age group contribute between 40 and 50 per cent of the household income. Both parents and employers believe that including children in the workplace will help them acquire skills that will aid them in the future. In actuality, parents frequently have no other option given that they are already in debt at both their place of birth and their place of employment, even though the brick kiln work procedure is dangerous for kids.

Case study:

Arvind, a 10-year-old child from the Banda District, completed his studies up to the fourth grade but dropped out after working with his parents in a kiln. According to his parents, there isn't a school in the area where they may send their kids for further education. They also stated that the school for kids who work in brick kilns should be designed to take into account the seasonality of the brick kilns.

Legislative- provisions

Child Labour (Prohibition and Regulation) Act:

The employment of children under the age of fourteen in jobs listed in Part A of the schedule or any of the procedures listed in Part B of the schedule is prohibited by Section 3 of the Child Labour (Prohibition and Regulation Act, 1986). According to the statute, children are not allowed to work in any of the 57 hazardous procedures and 13 hazardous vocations. The brick kiln business is one of these industries. Employees who hire children to work in violation of Section 3 face a minimum sentence of three months in prison and a maximum sentence of one year, a minimum fine of ten thousand rupees and a maximum fine of twenty thousand rupees, or both. Additionally, following the December 10, 1996, Supreme Court ruling in *M.C. Mehta v. State of Tamil Nadu*, child labour in any hazardous occupation or process is punishable by a punishment of Rs. 20,000 per child.

The workers' lack of collaboration is the largest gap in the brick kiln's ability to enforce any laws. Because workers often refuse to be hired through contractors out of fear of losing their jobs or not being hired the following year, the Inter-State Migrant Workers (Regulation of Employment and Conditions of Service Act) 1979, which applies if workers are recruited through agents, is frequently unenforceable. In a similar vein, the workers have refused to accept advances from the contractor out of concern that they will be requested to refund the advance right away by the authorities and sent back to their home country as a result of the Bonded Labor Act. Because of their considerable vulnerability to employers and contractors, workers are also parties to infractions, making it evident that the various regulations are very difficult to apply.

Furthermore, in Uttar Pradesh, where the current study was carried out, there is essentially no enforcement of any of the legislation. This is because labour inspections in Uttar Pradesh have been limited since 1994 due to an order from the U.P. State Government. Only with the District Magistrate's consent can an inspection be conducted in response to a complaint. A survey has been conducted to determine the incidence of child labour and bonded labour in the state's brick kilns, as per a recent notification from the U.P. government, according to the information discussed with the district's Labour Department authorities.

Conclusion

It has been uncovered that children reside with their families in brick kilns, where they work nonstop from 6 a.m. until 8 p.m. In addition to kneading clay and gathering bricks, children are also required to clear dirt and do a variety of other tasks. Owners assign children to daily labour at brick kilns. It has been discovered that these kids receive just Rs 150 to Rs 200 for working all day long and doing their tasks. He would be required to pay between Rs 300 and Rs 400 if an adult performed the same task. In this sense, brick kilns also economically exploit children. It has been shown that youngsters are not only exploited financially but also psychologically and physically there.

It has been observed that children who work in brick kilns are never able to attend school because they live with their families, there is no school nearby, and the kiln owners do not provide any teachers with access to it. Such youngsters do not have access to school, and their owners are not urged to send them there. Because they will be able to create more bricks at a lesser cost and sell them in the market for more money if the kids labour as long as possible,

these owners want to keep the kids working. It has been further discovered that youngsters who work in brick kilns are unable to grow physically since their families are extremely impoverished and cannot afford to feed their kids wholesome food because of their low pay. As a result, children employed in brick kilns experience a delay in their physical development. Due to a lack of nourishing meals, even the physical health of other family members of such children deteriorates significantly. Children from these households are malnourished. In addition, various laws and legislative provisions are made by the state but its implementations and executions have many lacunas which hinder its implementations. Now the government takes all stakeholders and civil society at one table for well- fare for the children who are engaged in these industries

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