

Kaulem, J., 2006, *Linking Economic Partnership Agreements to Poverty, Development and Millennium Development Goals: An African Perspective*, Harare, Trade and Development Studies Centre-Trust

Kitching, G., 1982, *Development and Underdevelopment in Historical Perspective*, London, Methuen

Liebenthal, R., 2005, *Attacking Africa's Poverty*, Washington, DC, The World Bank

Mashinini, V., 2005, "Poverty Reduction or Induction? A Critical Appraisal of Lesotho's Poverty Reduction Strategy Paper," *Africa Insight*, Vol. 35, No.3, 31-37

Midgley, J., 1988, "Employment and Social Security Policies in the International Context," in D. S. Sanders, and J. Fischer, (eds.), *Visions for the Future: Social Work and Pacific-Asian Perspectives*, Hawaii, University of Hawaii School of Social Work, 127-141

Patel, L., 2005, *Social Welfare and Social Development in South Africa*, Cape Town, Oxford University Press

Radithokwa, L. L., 1999, "Corruption in Africa: A Function of the Crisis of Leadership," in K. Frimpong and G. Jacques, (eds.), *Corruption, Democracy and Good Governance in Africa - Essays on Accountability and Ethical Behaviour*, Gaborone, Lightbooks, 49-55

Sen, A., 1999, *Development as Freedom*, New York, Alfred A. Knopf Publishers

United Nations, 1994, *World Summit for Social Development Leaflet*, New York, United Nations Department of Public Information

Wikipedia, 2007, *Poverty in Africa*, <http://en.wikipedia.org>, accessed on 15 November 2007

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## **MIGRATION, A SURVIVAL STRATEGY: CASE OF BRICK KILN WORKERS IN BARAK VALLEY, ASSAM**

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### **Abstract**

*Migration is a natural phenomenon. In view of the major changes in the availability of employment in the rural areas, people often migrate from rural to urban areas in search of source of livelihood. This situation coupled with poverty has pushed people into miserable conditions. The migrant workers do not possess the skills or the education to enable them to find better paid, secure employment in the formal sector and they have to settle for work in the informal or unorganised sector. This paper discusses the condition of migrant labourers engaged in brick kilns in Barak Valley of Assam. It examines the various factors for their migration and addresses the issues of migrant workers and their problems. It was found that under difficult conditions they migrated as a means for survival during lean season often with their family members including children. They work under very hazardous conditions. The facilities provided at the kiln sites are far from satisfactory. Safety measurers are hardly met. Both the government and non-government agencies should come forward with effective programmes to improve the situation of the migrant labourers.*

### **INTRODUCTION**

Migration is considered as one of the characteristic features of the population in India like the other developing countries. People move from the permanent place of their residence to another more or less permanent one for a substantial period of time (Chakravarti 2001). During the 2001 census period, 14.4 million people migrated within the country for work purposes either to cities or other areas with the expectation of higher economic gains. The National Commission on Rural Labour (NCRL) estimates the

number of internal labour migrants in rural areas in India alone at around 10 million, including roughly 4.5 million inter-state migrants and 6 million intra-state migrants. According to the NCRL, a large number of migrants are employed in cultivation and plantations, brick-kilns, quarries, construction sites and fish processing. A good number of migrants also work in the urban informal manufacturing, construction services or transport sectors and are employed as casual labourers, head loaders, rickshaw pullers and hawkers (Dev 2002).

Census of India has adopted a categorisation of migration into (i) within the district of enumeration (intra-district migration), (ii) within the state, but outside the district of enumeration (inter-district migration) and (iii) outside the state of enumeration (inter-state migration). Roughly these three categories of internal migration correspond to the short, medium and long distance migration.

Migrant workers predominate in the lower income labour market with higher risks of exposure to unsafe working conditions (Allotey 2003). Migration for labour among the poor has a peculiar characteristic. It may be voluntary in the sense that the prospective migrants take the decision to move out based on their expectations of estimated gains from the movement, and at the same time, the same movement in many cases could be considered as forced migration where poverty, landlessness, debt and unemployment act as the push factors for mass exodus.

Migrants are disadvantaged compared to the native population regarding employment, education and health. Globalisation and the associated casualisation of work have facilitated the absorption of the migrants in all forms of low paying, semi-skilled or unskilled jobs with higher risk to potential health hazards. Employers prefer to engage migrant labourer with lower wages and have been steadily replacing local labourers with migrants (Bremner 1994). The mobile existence of the migrant labourers further affects their sustainability in the urban industrial system in India (Grewal and Sidhu 1979).

Labour migration is now characterised by increasing number of women and girls, sometimes described as *feminisation* of migration. In the 20<sup>th</sup> century changes in both supply and demand factors led to the feminisation of migration flows and a sharp increase in the numbers and proportions of women and children migrating on a short term or temporary basis in search

of work. One reason for this shift is that migration is often both cheaper and easier for women than for men (Huntington 2002). With the saturation of employment in the organised sector, the labour force is entering increasingly into the unorganised sector. This also has paved the way to feminisation and casualisation of migration. This resulted in the large scale exploitation of the unorganised labour in general and women in particular. In most of the cases, the minimum legislative provisions are not followed by the employers. On account of the lack of awareness and bargaining power the labour stands at the receiving end of the exploitation. The vulnerability of women is natural as they are over burdened with not only the paid work but also their domestic responsibility which is totally unrecognised.

The government has attempted to resolve the conflicting situation of migrant labour by making a distinction between 'organised' and 'unorganised' workers, and envisioning a 'minimum level of protection' to the workers in the unorganised sector. This is not in accordance with the spirit of the Constitution of India as well as the labour laws, because they do not make such a distinction. This approach clearly negates the principle articulated by the International Labour Organisation (ILO) that "since the fundamental principles and rights at work and the fundamental Convention apply to all workers, there should not be a two-tiered system or separate regulatory framework for formal and informal workers. There should not be a lower level of application of core labour standards for informal workers. In regard to fundamental human rights, violation or non-compliance cannot be excused by poverty or informality" (John 1997: 5).

Though work opportunities are provided by the unorganised sector, economic vulnerability of the migrants is kept alive by way of informal work arrangement from the employers' end. Those who migrate seasonally or annually from the rural to urban areas are denied their voting power and deprived of the opportunities to participate in the planning and governance processes. Thus, social and political vulnerability is perpetrated by the experience of discrimination, social distance and feeling of alienation in the host area.

## LEGISLATIVE MEASURES FOR MIGRANT LABOUR

The need to protect the rights of migrants is recognised internationally in the ILO's 1949 Convention no. 97 on Migration for Employment and 1975

Convention no. 143 on Migrant Workers, and in the United Nations' 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (NCAS 2004).

The international conventions are milestones in the history of efforts to establish the rights of the migrant workers and to ensure that those rights are respected and protected. The conventions set standards for creating a model for the laws, and the judicial and administrative procedures of individual states, which ratify or accede to the conventions and undertake to apply their provisions by adopting necessary measures. They must strive to ensure that migrant workers whose rights have been violated can seek judicial remedy. The Constitution of India contains significant provisions relating to the conditions of employment, non-discrimination, right to work etc. Articles 23(1), 39, 42 and 43 of the Constitution of India deal with the rights of the workers.<sup>1</sup> Various legislations have been enacted in consonance with these constitutional provisions.

Under the provisions of the Constitution of India and the conventions of the ILO and United Nations, a number of legislations have been enacted in India that are applicable to the migrant labour also. The most important among them is the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service Act) of 1979. It lays down the employment conditions for inter-state migrant workers who are employed through contractors or middlemen in establishments, which employ five or more such workers per day. The workers so recruited are entitled to all the welfare measures and statutory benefits, viz. journey allowance, payment of wages for the period of journey as if such period was on duty, displacement allowance at the rate of 50 per cent of the monthly wage payable or Rs.75 whichever is higher (this is a one time payment), residential accommodation as may be prescribed, medical aid including hospitalisation as may be prescribed, and reporting of cases of accident causing injury as provided under the Act. Its recommendations include passbooks for workers with payment details, provision for residential facilities, medical aid, payment of minimum wage, and resolution of industrial disputes (Government of India 1991). The responsibility of enforcing the provisions of the Act in establishments where the central government is the appropriate authority lies with the office of the Chief Labour Commissioner (Central) and for the establishments located under the states' sphere lies with the respective state governments.

Other legislations, that are applicable to migrant labour as well, include the Minimum Wages Act of 1948 (which has notified wages for both daily and at piece rate), Equal Remuneration Act of 1976 (which requires payment of wage without discrimination of any employee and irrespective of the paying capacity of the employer), Contract Labour (Regulation and Abolition) Act of 1970 (which requires the contractors to obtain licence). Legislations that provide for payment of bonus and gratuity are also applicable for migrants and unorganised sector workers.

### **MIGRANT LABOUR IN BRICK KILN INDUSTRY IN BARAK VALLEY**

Brick making is a lucrative business in the Barak Valley region of Assam.<sup>2</sup> With the increasing pace of building construction, there has been a mushrooming of brick kilns in the region. An estimated number of 150 brick kilns are running in this region. Based on the place of their birth, the workers in the brick kiln industry in general can be divided into migrants and local people. A large number of workers in the brick kilns of Barak Valley are migrants who have moved here seasonally in search work.

Every year people from Bihar, Jharkhand and Western Assam, primarily landless labourers and poor and marginal farmers, migrate before November to work in the brick kilns located in the three districts of Barak Valley (Cachar, Hailakandi and Karimganj). At this time of the year these three districts witness a large influx of people with their families. In the process, the migrants leave behind their land and cattle (if they have any), old people and sometimes even children. They return only at the beginning of monsoons, after spending about six months in the brick kilns, in order to work in their own land (if they have) or as labourers in others' land. When the agricultural season ends it is time for them to migrate again to work in the brick kilns. This is the time when they get continuous employment in this industry.

The process of migration to Barak Valley began almost 20 years back and is still going on. Now, each village of the migrants has a labour contractor. The contractor, often without a licence, is called *sardar*. The role of the *sardar* is to locate people in need of money and willing to migrate for the work in brick kilns. A *sardar* gets a commission of Rs.5-10 per thousand bricks made by one *pathera* (or worker) whom he has supplied.

The *sardar* collects advance from the brick kiln owners, books tickets for the migrant labourers and accompanies them till the brick kilns. An advance of anything between Rs.3, 000 and Rs.5, 000 is paid to the *patheras* in their village. It is this sum of money that is the most crucial factor in influencing the decision of a family to migrate. Since the gains in the form of money are low in these rural areas, getting such an amount in lump sum is very lucrative. This money is used up in repayment of debts taken at high rates of interest, and sometimes for buying grains for the members of the family remaining behind.

The brick kiln owners of Barak Valley prefer migrant labour to local people for moulding bricks. Migrants are preferred for the reasons that they are skilled, cheap, hardworking, powerless and easily manageable. They do not develop social relationships with the place of destination. They are submissive and can put in more labour by staying at the kiln site.

**Migration Pattern**

The migrant labourers of the brick kilns resort to distress migration due to poverty and unemployment in the extremely harsh conditions of the drought ravaged districts of the neighbouring states of Bihar and Jharkhand, and some districts of Assam. The vast majority of the migrants in the Barak Valley kilns are from the other districts within the state of Assam. In the present study as many as 82 out of the 100 respondents were inter-district migrants; only 18 were from the neighbouring states. All of them migrated with their families, which meant that children too were involved in migration. However, there are also important regional differences in the pattern of female labour mobility. Women migrants are mostly inter-district migrants indicating that women move shorter distances for work compared to men.

The migrants belong predominantly to the category of the other backward classes. As many as 72 out of the 100 migrants, covered in the present study, were from the other backward classes. Scheduled castes and scheduled tribes accounted for 22 and 4 migrants respectively. The size of the migrant labour gets swollen during the periods of scarcity and drought, and thinned down in the favourable agricultural periods.

**Push and Pull Factors of Migration**

The migrants are motivated by various combinations of push and pull factors. The push and pull forces can be sub-divided into social and

economic factors. In some circumstances, migration may begin as a result of push factors like indebtedness, famines, scarcities and unemployment or underemployment in the place of origin. The non-sustaining capacity of the landless labourers in the villages tends to drive them out of the villages to the urban centres in search of employment. In such cases, migration is an option which the poor people and households resort to for managing their risks and sustaining their livelihood. If people felt that their current place of residence provided them with adequate opportunities for secure life, free from poverty, and with the prospect of improvement, then they would not feel forced to move out. The study revealed that majority of the migrants (78%) belonged to landless category although they depended on the agricultural sector as labourers for six months of the year. Reasons for migration that were in the nature of social relationships include family feuds, marriage problems and the violent crises of castes and religions were negligible.

**Table  
Migrants by the Economic Reasons for Migration**

Reason of migration	Number of migrants
Poverty	42
Unavailability of work	21
Irregular work	7
Lower wages	14
Indebtedness	2
Illness or death of bread earner	14
Total	100

The respondents in the study were asked to give the specific reasons for their seasonal migration to work in the brick kilns. Poverty was mentioned as the reason by 42 out of the 100 migrants. Non-availability of work and irregular nature of work were the reasons for migration in the case of 21 and seven respondents respectively. Low wages in the native place accounted for the migration of 14 out of the 100 respondents. Another 14 respondents

mentioned illness or death of the bread earner of the family as the reason for migration. The remaining two respondents were forced to migrate on accounts of indebtedness. With no other options available at the native villages the migrants have been pushed out of their native villages to the brick kilns. It also shows the failure of the government programmes at the source villages to tackle the problem of poverty.

The pull factors of economic nature involved in migration are mainly the relative higher wages in the brick kilns of Barak Valley. The work in brick kilns of Barak Valley starts earlier than the brick kiln work in Bihar and Jharkhand. The work in brick kilns of Barak Valley begins in November and runs up to April. At the end of work in Barak Valley the migrant workers go back and can work in their native place for another two months. This is because the monsoon starts late in those states. Availability of advance from the brick kiln owner to meet their urgent expenses is also a pull factor.

On the whole seasonal migration becomes the survival strategy for the rural poor, who evidently face chronic poverty, deprivation, indebtedness, unemployment, drought and other consequences. For instance, Dubri and Kokrajhar districts of Assam, which provide a large number of migrant labourers in the Barak Valley brick kilns, are prone to floods that create livelihood problems for the people. Lack of sustainable source of livelihood eventually throws them into the unorganised sector without any bargaining capacity. In other words, the push forces are stronger than the pull forces in the case of these brick kiln migrants.

### **Nature of the Work and Wages**

The brick makers or moulders of bricks in the kilns are called as *patheras*. They are paid on piece rate basis, i.e. per thousand bricks moulded. Generally the *patheras*, who are mostly migrants are accompanied by one or more of their family members in order to assist them in brick making.

The basic difference between the migrants and non-migrants is that the migrants stay at work place, which gives them scope for flexibility of working hours. It was found that the migrants start their work early in the morning. In the whole process of brick making, gender based division of labour is seen in the tasks they perform. Women have to complete cooking and washing by 6 a.m. so that they can join their husbands in the process of

brick-making. While women do their housework, the men sprinkle water on the dough of earth prepared in the evening on the previous day. They knead it with feet in order to make it more pliable. Sometimes children also help them in kneading. If girls are available, they help the women in cooking so that the women can join their husbands earlier in breaking the clods of earth. After the mud dough is ready women hand over the rounded lumps of mud to men who mould them into bricks with the help of a wooden mould provided by the kiln owner. The moulded bricks are spread in the sunlight for drying. Women and children take care of the task of supervising the drying process. Although in many cases women are engaged in moulding the bricks along with their husbands, they are viewed as assistants to their husbands.

Before retiring for the day the earth is dug and dough is prepared for the next day's work. Women and children manage the water channel while the men dig the earth with a shovel. In the evening men get time to relax, while the women get busy with the cooking of the evening meal and sleep only after they have served the food and washed the utensils. Thus women get overburdened with work - domestic responsibilities and work in brick making.

The rate of the wages in transporting bricks depends on the distance covered in the transportation. Generally men are involved in transporting bricks from the distant trenches on bicycles (they are called as *cycle party*). Women carry bricks on head from the nearby trenches. These women are called as *rejas*. Local women who work in the brick kilns are mostly from the backward castes and are tea garden labourers involved in unskilled work. Both moulders and transporters of bricks are directly accountable to their respective *sardar* who keeps the accounts of the number of bricks made and transported. He is the link between the owner of the kiln and the labourers.

An important point to be noted here is that women are paid lower wages than men for work in both agriculture and brick kiln. To some extent this difference can be explained by the differences in the nature of the sub-operations and the quantum of the work turned out in the same sub-operations in agriculture of rural areas. But the range of such variation in the work in brick kilns is less than in rural agriculture. Whenever bricks are to be lifted from the trenches to the upper areas, the sub-operation in that difficult stretch of work is entrusted to women. But even in such a case the wage difference persists. In fact, the wage rates in different operations, and the difference

between the rates paid to men and women are traditional in the rural agriculture, which is carried on to the brick kilns. However, there are stray cases of women getting similar wages for similar work in the brick kilns. The total daily earnings of the female labourers in the brick kilns are invariably higher than those earned by them in their native villages. Daily wages in their villages varied from season to season and even from day to day depending on the specific operations on that day. The average daily earnings from the brick kiln are around Rs.60, whereas in case of agriculture it is around Rs.45. However, the basic difference in the case of wages in brick kiln is that the payment is on piece rate basis.

Payment to the workers is made once in a week and that is considered as not payment but advance towards running cost of living (*khurakhi*). The workers reported that they took Rs.200-300 per week to meet their expenses. The payment day is a holiday for the entire workers in the kiln. Loaders and un-loaders, who are predominantly the local people, do not work on that day. However, migrants work up to the noon and go for taking their weekly wages from the owner through their contractor. The entire payment for their work is disbursed at the end of the season when all advances are adjusted.

### **The Problems of Brick Kiln Labourers**

Brick making is a laborious job. The continuous engagement in the same will have great impact on physical as well as mental health of the labourers. Migrant labourers are more susceptible to different diseases arising out of unhygienic living and working conditions. In spite of these, with no other alternatives left, they continue with the work. There are a number of instances where proper sanitation, health care and education of children are not accessible to them. The main problems faced by the migrants working in the brick kilns are poor housing condition, health issues, hazardous working conditions, gender discrimination, lack of school facilities for children and feeling of isolation.

#### ***Poor Housing***

The migrant labourers live in poor housing conditions. They are provided thatched huts by the owner of the kiln. In the beginning days of visit, they are mostly engaged in erecting the sheds for their stay. These

sheds are made up of bamboo and tin, and the size of the room is normally of 8x6 feet. The firemen (i.e. those involved in baking the bricks) live in the room that has common roof with the kiln. The room, measuring 8x6 feet, houses four firemen. In some kilns the firemen cook their food on the kiln fire.

#### ***Health Problems***

The migrant labourers are perennially malnourished and susceptible to various diseases. The workers and their children are exposed to the fumes the whole day and at night. Malaria, hepatitis, typhoid fever and respiratory infection are found with a higher incidence among these migrants. The occupation-related commonly reported health problems among them are cold-cough fever, diarrhoea, tiredness, lack of appetite, giddiness, weight loss, stomach pain, hip pain, headache, pain in the neck, swelling of legs, swelling of hands, skin diseases, chest pain, eye problems etc. Since the brick kilns are located on the outskirts, the migrants suffer from lack of access to health services which are located in the towns. Ignorance and lack of healthcare facilities make them more vulnerable. In only extreme cases they take medicine from medicine shops or visit the government health centre or hospital.

#### ***Hazardous Working Conditions***

Working conditions in brick kiln industry are dehumanising for all workers, regardless of gender. Men and women typically work long hours for very low wages. They are often exposed to dust and extreme heat. On account of the strenuous nature of work, kiln workers are at the risk of getting injuries.

#### ***Vulnerability of Women***

The problems faced by migrant women are compounded by their being both women and migrants. Their status as women, as migrants and as workers in the segregated labour market makes them vulnerable to various forms of discrimination, exploitation and abuse. The problem is worse in the case of those women who are the bread earner of the family. In such cases, women's emotional and physical health is doubly burdened because of having to shoulder alone the responsibilities of both breadwinner and nurturer of the

family. Wage discrimination also means that women work longer and harder to make ends meet, leading to overwork and exhaustion, illness as a result of lower immune systems and longer period of recovery from injury or illness.

### ***Problems Associated with Children***

Children of the migrant workers experience health problems of their own. Children whose both the parents are engaged in brick making, are not attended to properly. As there are no crèche facilities at brick kilns, children often accompany their parents to the workplace to be exposed to health hazards. It was found that children suffer from malnutrition, low immunisation and stomach related ailments. Schooling of children is also a major problem in the case of migration with the entire family. It was found that the children of the migrant families in general are educationally under-privileged. Although the migrants are predominantly illiterate, many of them have expressed their desire to give education to their children. Education of their children gets discontinued due to their migration. The girl children are the most affected ones, because they are assigned the task of looking after the younger siblings and assisting the mother in the household chores.

### ***Feeling of Isolation***

Isolation arising from being away from the distant native place and not conversant in the local language disempowers the migrants. Migrant workers are excluded from the legislative provisions covering working conditions and denied opportunities to take part in trade union activities. They do not have any unions or groups working with or for them and are totally cut off from people outside the kilns. In the case of entire family migration, the migrants are denied the basic right to vote and to have access to basic facilities like the public distribution system which they enjoy at their place of origin.

## **INTERVENTION IN MIGRANT LABOUR OF BRICK KILN INDUSTRY**

Understanding migration as part of poor people's livelihood option has important policy implications. Migration and migrants should not be seen merely as problems to be dealt with. Migration presents both challenges and opportunities. Migrants are people who try to improve their lives and must be viewed accordingly.

Migrants in Barak Valley of Assam have low visibility among the non-government organisations (NGOs) working in this area. Trade unions also are not active in organising these workers to protect their own rights. The NGOs can play an important role in addressing the problems of migrant labour. Their intervention could be both in the source and destination areas of migration. Intervention in the areas of destination involves efforts for the improvement of wages, and working and living conditions of migrant labourers.

Steps need to be taken to support migrants so that their hardships are reduced and they are ensured access to basic needs. For example Mosse *et al.* (2002) argue for a rights-based approach to guarantee minimum wages, avenues for protection and redress, freedom from bondage and sexual exploitation as well as compensation for injury and death suffered by migrant labourers. NGOs, labour unions, state governments and employers need to work together to ensure labourers' rights. For instance, in West Bengal the bargaining power of migrant labourers has improved due to the intervention of the Krishak Sabha and Panchayats. These organisations have settled local disputes between labourers and employers, and worked towards closing the gaps in the wages of immigrant and non-immigrant, and male and female workers. The Krishak Sabha has facilitated negotiation between migrant workers and their employers at the district level so that the migrants are not discriminated in wages and employment, thereby reducing friction with local labourers (Rogaly *et al.* 2001).

DISHA (Developing Initiatives for Social and Human Action), a NGO in Ahmedabad, is addressing the issue of the living and working conditions of construction workers who are migrants mainly from the Panchmahal areas of Gujarat. This NGO has formed a labour union and has been able to provide shelters for the workers with government support. A few national level organisations active in several parts of the country, like the Nirman Mazdoor Panchayat and the National Campaign Committee for Construction Labourers, are working to improve the wages and working conditions of construction labourers, many of whom are migrants (Vaijanyanta 1998).

Vidhayak Sansad of Maharashtra created a model for education of migrant children with the '*Bhonga Shala*' project in 1995-96. *Bhonga Shalas* are special schools for migrant, tribal child labourers working in brick kilns in Thane district in Maharashtra. *Bhonga Shalas* are run in temporary

structures constructed of reeds and grass. On account of the similarity of these structures with their own houses, children who may otherwise be uncomfortable with formal school buildings feel at home. Female teachers, who are recruited from the village, stay with the children for six months full time and are also responsible for inculcating cleanliness and hygiene in the students. Songs and dance are used as teaching methods in order to maintain the interest of children in learning and to improve their retention in the school. The ultimate aim of these schools is to integrate children into the mainstream of the formal education system and the number of such children who go through this process is increasing (Government of India 2007)

Another NGO initiative in intervention among the migrants is the programme of mobile crèches which was started in Mumbai in 1986 (NCAS 2004). The objective of this programme was to meet the needs of children of migrant construction workers, giving children basic literacy and numeracy skills together with health education. The health component of the programme covered information on personal hygiene, environmental cleanliness, safe drinking water, prevention of accident, malnutrition, polio, measles, diarrhoea, scabies, leprosy, tuberculosis and bad habits like drug abuse. Similar programmes of mobile crèche are run in Delhi and Pune with the support of the Aga Khan Foundation (NCAS 2004).

NGOs working in Barak Valley need to adopt an inclusive approach in their activities so that they take up the issues of healthcare, education and other basic necessities of the migrant labourers in the brick kilns. They can work with the unorganised labourers in general and migrants in particular towards upgrading skills, improving awareness, enhancing negotiation skills, providing better information flows to migrants and potential employers, and strengthening linkages with government organisations and other service providers. Institutional initiatives include strengthening of self-help groups to address the concerns of migrants, setting up resource centres, and liaison with Panchayats and other agencies.

There is a need to make the provisions of the Factories Act applicable to brick kiln industry and strictly implement the same. First, the brick kilns should be registered as factories, because the process of making bricks comes within the definition of manufacturing as defined under the Factories Act and the premises where the process is carried on, is covered by the expression “premises” used in the definition of factory in the Act.

Intervention in the areas of origin of migration includes improving communication with families, providing identity cards, setting up shelters for the elderly and children, and making pooled arrangements for taking care of cattle. The local NGOs can strive towards protecting their entitlements, and organise people to participate in and influence the local governance for effective implementation of various programmes meant for the poor. The National Rural Employment Guarantee and the watershed programmes<sup>3</sup> have the potential to increase employment in dry and rain-fed regions, and reduce distress migration. The well-executed public employment schemes and watershed development programmes resulted in lower levels of distress migration during droughts in Madhya Pradesh in 1999-2000 and 2000-2001 (PRAXIS 2002). This was also the case with the ‘food for work’ programme<sup>4</sup> in several drought affected states in 1987-88, but institutional breakdown and lack of political commitment prevented a similar impact in recent drought years. Unless the socio-economic conditions of the villages are substantially improved, the tide of workers’ migration to the towns in India may not come down in the near future.

## CONCLUSION

Work in the brick kilns of Barak Valley attracts seasonal migrants, who are primarily landless, poor labourers or marginal farmers. Distress migration as a survival strategy began with the advent of lack of employment during drought seasons. Failure of welfare schemes at the source villages resulted in inter-state and inter-district migration, which is seasonal in nature.

The wages in the brick kilns are determined on the basis of the number of bricks made rather than the hours of work put in by the labourers. Poor food and hard physical work coupled with unhygienic working conditions leave them with health complaints such as dehydration, diarrhoea, fever, body ache and so on. Migration of the labourers has affected their children in terms of loss of opportunities for education. They are also malnourished and are not properly taken care of.

A major obstacle to policy making on migration has been the lack of information on the nature and extent of the violations of human rights and other legal provisions that occur in different places. Violations against migrants have been generally under-recorded. The state is not geared to deal with the issues of the migrants and regards them as external to the systems that



they work with. Policy-makers have tended to perceive migration largely as a problem, posing threat to social and economic stability and hence the strategy envisaged has been to control it. As a result, they have failed to view migration as an important livelihood option for the poor. For instance, work in brick kiln is perceived as an opportunity by the migrants to earn their livelihood during lean period. However, there has been little or no effort of organised support made accessible for the poor migrants who face insecurity in their source location as well as the destination area.

One of the challenges in the case of the migrant labourers is to integrate the needs of the migrants with those of the hosts. Integrated efforts are required at both micro and macro levels, and at source and destination. There is a need to review the existing policies to ensure their consistency with the state's national, regional and international human rights obligations, and international labour standards. Existing national laws should be implemented effectively to protect the migrants and citizens equally. For instance, the effective implementation of the National Rural Employment Guarantee Act and Food for Work scheme in the source villages can prevent distress migration of the poor in search of livelihood. The other associated problems like drop-out of children from school can be minimised. NGOs can play an important role at all levels of intervention in dealing with the issues faced by the migrant labour.

## NOTES

1. Articles 23(1): Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 39: The State shall, in particular, direct its policy towards securing—

- a. that the citizens, men and women equally, have the right to an adequate means of livelihood;
- b. that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- c. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

- d. that there is equal pay for equal work for both men and women;
- e. 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 economic necessity to enter avocations unsuited to their age or strength;
- f. that children are given opportunities 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 (this provision is substituted by the Constitution (Forty –Second Amendment) Act, 1976 section 7, for clause (f) (w.e.f. 3-1-1977).

Article 42: The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43: The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas (Government of India 2008).

2. Data on the migrants of brick kilns in Barak Valley used in this paper are drawn from a study conducted by the author during 2007-2008 (Molankal 2008).

3. Under the National Rural Employment Guarantee Act 2005 anyone who is willing to do unskilled manual labour at the statutory minimum wage is entitled to be employed on public works within 15 days. If employment is not provided, an unemployment allowance has to be paid.

4. The food for work programme was initiated in January 2001 by the Ministry of Rural Development to meet the high demand for wage employment and food security due to the occurrence of calamities. The scheme provides five kilos of food grains (rice and wheat) per man-day to all unemployed rural workers. The remaining part of the wages is to be paid in cash.

## REFERENCES

Allotey, Pascale, 2003, "Is Health a Fundamental Right for Migrants," *Development*, Vol. 46, No. 3, 6-9

Chakravarti, A., 2001, "Caste and Agrarian Class: A View from Bihar," *Economic and Political Weekly*, Vol. 28, No. 22, 1082-1084

Dev, S. M., 2002, *Pro-poor Growth in India: What Do We Know about the Employment Effects of Growth 1980-2000?* London, Overseas Development Institute

Breman, J., 1994, *Footloose Labour: Working in the Indian Informal Economy*, Cambridge, Cambridge University Press

Government of India, 1991, *Report of the National Commission on Rural Labour (NCRL Report)*, New Delhi, Ministry of Labour

Government of India, 2007, "Sarva Shiksha Abhiyan – Success Stories," Ministry of Human Resource Development, [http://pib.nic.in/archieve/flagship/srs\\_st1.pdf](http://pib.nic.in/archieve/flagship/srs_st1.pdf), sited on 28-10-2008

Government of India, 2008, Constitution of India, Ministry of Law and Justice, <http://lawmin.nic.in/coi/coiason29july08.pdf>, sited on 28-10-2008

Grewal, S. S. and M .S. Sidhu, 1979, *A Study of Migrant Agricultural Labour in Punjab*, Ludhiana, Punjab Agricultural University

Huntington, Dale, 2002, *Anti-Trafficking Programmes in South Asia, Appropriate Activities, Indicators and Evaluation Methodologies: Summary Reports of Technical Consultative Meetings*, New Delhi, Population Council

John, J., 1997, "Birds on the Winding Scaffolding: Construction Workers in India," *Labour File*, Vol. 3, Nos.10-12, 3-21

Molankal, Gangabhusan M., 2008, "Distress Migration, A Survival Strategy: The Case of Brick Kiln Workers in Barak Valley, Assam," Silchar, Assam University (Unpublished Ph.D. Thesis)

Mosse, D. *et al.*, 2002, "Brokered Livelihoods: Debt, Labour Migration and Development in Tribal Western India," *Journal of Development Studies*, Vol. 38, No. 5, 59–87

NCAS (National Centre for Advocacy Studies), 2004, "Migration: Challenges and Opportunities," *Advocacy Internet*, Vol. 6, No. 3, 6-8

PRAXIS (Institute for Participatory Practices), 2002, *MP Participatory Poverty Assessment*, Report Prepared for Asian Development Bank, New Delhi

Rogaly, B. *et al.*, 2001, "Seasonal Migration, Social Change and Migrants' Rights, Lessons from West Bengal," *Economic and Political Weekly*, Vol. 36, No. 49, 4547-4559

Vaijanyanta, A., 1998, "Advocating for the Rights of Construction Workers: Nirman's Experience," *Indian Journal of Social Work*, Vol. 59, No. 3, 847-863