

## **Gujarat Brick kiln workers' struggle – 2010-11**

### ***Kutte bhonkenge Kakosi Ki Galiyon Mein, a UP paatla worker***

#### ***(dogs will bark in the streets of Kakosi - Brick worker)***

The strategy for this year incorporated last year's lessons. Last year the Union had called for an industry wide strike cutting across various categories of workers and ethnic composition. Though the strike took off, the Union could not sustain in the face of entrenched opposition of employers and use of police to restrict movement of activists. One of the major lessons we learnt was that we should not try to consolidate workers across ethnic divide and work categories unless workers' consciousness had reached a certain level of maturity. Instead we reverted back to the natural order of things prevailing before last year where workers would struggle locally in different clusters and across work types. It was decided not to give calls for strike but instead support the tradition of impromptu work stoppages in paatla and notice giving by contractor groups in other categories of work (khadkan, nikasi/ jalaiya/drivers). A new approach was opened to ensure provision of public services like education, health, and infant care in brick kilns.

Another major lesson from last year was that the market situation has to be factored in while framing workers' demands. We sponsored a study to get a better understanding of the brick market in Gujarat. It became clear that this year the market was tight meaning that the bricks were in short supply and prices had climbed up to Rs. 3800 per 1000 bricks. The shortage seems to be primarily a result of loss of production in November because of unseasonal rains. There are also reports of a labor shortage. Shortage of labor has been reported by a number of other cheap wage labor intensive industries as well.

The owners too had drawn their own lessons. The strikes are normally led by Marwari workers. In clusters dominated by Marwari paatla workers so far – Sanand and Mahesana – Bilaspuri workers were recruited in significant numbers. The couple of Marwari paatla groups in Adalaj area were displaced. There were unconfirmed reports of Adalaj owners bringing in UP workers for khadkan and nikaasi also.

A meeting was called on 10<sup>th</sup> December to test waters in Adalaj, the biggest cluster where Bilaspur workers predominate. This flopped spectacularly. It appeared that the Bilaspuri workers had already come on a predetermined rate of Rs. 350 per 1100 bricks and were not interested in any agitational activity. The team fanned out to South Gujarat where the Union did not have much influence earlier. However by mid January news of work stoppages led by Marwari paatla workers started pouring in. In Sanand area, traditionally the first area where stoppage starts, workers in individual kilns stopped work. They were able to secure a rate of around Rs. 400, a significant hike from Rs. 300-320 that prevailed last year. The Union called for a meeting in Kakosi area in Patan district – dominated by Marwari and UP workers - that again failed. However by this time the Mahesana cluster became active. Marwari workers in this cluster asked the Union to convene a meeting. The Union called for a meeting on 5<sup>th</sup> February. Only Marwari workers came for this meeting. The Bilaspuri workers who constituted almost half the work force were completely absent. For some time we did not know what to do. However, then the way forward emerged from amongst the workers. They said that they would prefer to go back if they are not

able to get a decent rate. It was decided that the strike will not be prolonged as this leads to loss for workers. The owners were given a notice of just three days, after which the workers will start leaving. The Union team was invited to a meeting of the owners where they said that they will not declare a common rate as there is wide difference between wages and commissions of workers from different states. The Union called the meeting again after three days on February 8<sup>th</sup>. This day there was a large gathering. As there was no agreement, workers were asked to tie up their belongings and leave the kilns. However on 9<sup>th</sup>, the picture started changing. One owner wrote out a wage rate of Rs. 390 on paper. This was circulated to all the workers. Another owner also wrote out a similar rate. Soon it became apparent that this had been accepted by all the owners orally though most owners did not give in writing.

The next target was Kakosi from where news was filtering in that the Marwari paatlal had already gone on a strike. Union called for a meeting on 11<sup>th</sup> February that was very well attended. After this meeting, the UP workers also joined in the strike. They had also been brought in on the promise of the market wage. It was decided to leave the brick kilns if the owners do not increase the rate beyond Rs. 330, the rate declared by their association. It was decided to adopt the same strategy as in Mahesana and threaten employers with leaving the kiln. When two groups of workers attempted to leave their kilns on 13<sup>th</sup>, they were stopped by the owner on the ground that they had outstanding advance. On 14<sup>th</sup> February, Union filed two cases of bonded labor in the SDO court at Patan seeking release of two groups of workers who had been restrained by their employers from leaving the kiln. However the SDO Patan took a very negative attitude. There was a huge gathering of workers in Kakosi village on 17<sup>th</sup> February, but a meeting could not be held as there was no permission for the same. The Union this day filed an application from 101 workers of 10 brick kilns for release from brick kilns to the PSI Kakosi. The labor officer and the local mamlatdar both visited the kilns on 17<sup>th</sup> but gave negative reports and did not get the workers released. This led to despondency in the Union team. So far its ultimate weapon was its ability to withdraw labor from the kilns under Bonded Labor Act and relevant provisions of criminal law. This strategy seemed on the verge of collapse. Resort to High Court was the only option left.

On 19<sup>th</sup>, Union team met Mukul Sinha, the HC lawyer to discuss filing a case in High Court. He seemed to know the District Superintendent Police Patan and talked to him. He was able to convince the DSP that police could use its power to release workers who wanted to leave, irrespective of any outstanding amounts. The Union team held a meeting with the DSP on 19<sup>th</sup> evening that was also attended by the Police Station Incharge of Kakosi. At this meeting a strategy was worked out to release workers. DSP gave clear instructions to PSI Kakosi to release workers who wanted to go back. A police party went to one brick kiln immediately. However it had got late by this time and the group had already left after paying the outstanding amount. It was decided that the PSI Kakosi will commence the operation next day. The PSI visited three kilns next day and informed the workers that they can go back if they want to. Leaving however was not so easy. All the workers had been on the kilns for last four five months. They wanted their bricks counted and accounts done. Some were owed money by the employers. The owners did not oblige. Instead they adopted a very aggressive stance and started a dharna in Kakosi PS. They also mounted intensive pressure on the workers through their contractors. All the workers who had signed the application were approached and asked to sign a counter affidavit saying that they had been

misled by the Union. This held back the police. The Union team was advised by the DSP not to visit Kakosi village on 21<sup>st</sup>. On 22<sup>nd</sup>, the SDO and the Assistant Labor Commissioner both visited Kakosi. They met representatives of both Union and owners. Then they undertook a visit of five brick kilns and met workers there. The Union team was not allowed to accompany the official team. The SDO came back and pronounced his verdict. There is no bonded labor in kilns. He accused the Union of making up things and instructed the Police not to initiate any action without his permission and enquiry.

Just after he left, a group of UP workers met the Union team in the premises of the Police Station. They wanted to leave but the owner was not settling their accounts. Union had given this as one of the kilns to be visited to the SDO. The PSI promised to get accounts of this group settled through his efforts. He also told the Union that the SDO had pressurized the employers to hike their wage rate by Rs. 15 to Rs. 345 and the owners had agreed. The owners also gave this figure to the Press.

The Kakosi owners are celebrating victory. The situation is that five Marwari paatla groups have left the kilns after having their wages settled at Rs. 290 and paying outstanding amounts. The UP group has also left after similar settlement. The owners have calculated the value of the work done by these groups at Rs. 290 per 1000 bricks, the rate that was prevalent for last two years. Groups comprising around 100 families paid back upwards of Rs. 50,000 to be able to secure their release. This amount would have been zero if their wage rate was declared at the rate declared by Owners' Association, Rs. 330 before and Rs. 345 now. Discontent continues to simmer. The UP paatla worker who met the Union in Police Station said 'agar maalikon ka aisa he ravaiya raha, to kutte bhonkenge kakosi ki galiyaon mein.'

Union on its part realizes that it may have to rethink its strategy, if it is not easy to get workers released. However it also continues to believe that conditions prevalent in Kakosi definitely fall under the purview of the Bonded Labor Act. Freedom of movement of workers needs to be protected at all cost. Kakosi provides a perfect case situation for proving existence of bondage labor in modern sectors like construction. It intends to follow through the legal situation.

Meanwhile struggles in two other work categories are at critical stages. The owners' association has announced a 15% hike for Khadkan/ nikasi workers. Union is in constant touch with workers and assessing their response. Union has actively engaged the jalaiya workers also. They have given a notice for 120% wage hike. The owners' response is awaited. Union has called for a meeting on 1<sup>st</sup> March in Adalaj. There is good chance that the Union will be able to make an entry here as jalaiya workers are not even getting minimum wages. We have been able to locate Ram Aasre, a jaliya workers, who almost single handedly organized a strike of jaliya workers in Adalaji in 1980-81.

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