

Understanding the Banking System as a Tool used by the Oppressors to Oppress the Bonded Laborers into Brick Kilns through Labor Trafficking in India

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Abstract— Behind India's gleaming economic growth and construction boom sits an exploitative industry of brick kilns. With an annual production of 250 billion bricks are 23 million brick kiln bonded laborers, working and living like slaves. Bonded into the exploitative debt cycle and piece-rate system, these slaves are oppressed by their creditors/owners of the brick kilns. This paper throws light on the brick kiln industry of India and its exploitative nature of trafficking to explain why the lower caste communities like the Dalits and tribes have been vulnerable to this bondage. The paper also examines the exploitative wage system through which the laborers are bonded and oppressed. The objective is to analyze how the banking system is used by the oppressors/creditors/owners to oppress the vulnerable/bonded laborers/debtors into bondage through trafficking and enticing them into working for the brick kilns.

Keywords: brick kiln industry, bonded labor, lower caste communities, wage system, the banking system

I. INDIA'S BRICK KILN INDUSTRY

In India, brick kilns are units where blocks of clay are baked or burned to make bricks. An industry, which is characterized by traditional modes of production, low-capital intensity, seasonal employment patterns and lack of adequate regulation. (Roy & Kunduri, 2018). These bricks are used to satisfy the needs of the booming construction sector in India, where these bricks are used to build offices, factories, and huge buildings. (Hawksley, 2014). India produces 250 billion bricks annually, accounting for 10% of the global brick production, next to China. (Lalchandani & Maithel, 2013). The increasing production of the bricks is closely linked with the boom in the construction sector in India, that grew at a Compound Annual Growth Rate (CAGR) of 10.3% between 2000-01 and 2010-11, and in 2015-16, contributed to 7.7% of the country's GDP, contributing to \$10 billion. (Roy & Kunduri, 2018).

However, behind the gleaming deception of the economic progress lies an industry largely built on the back of cheap labor, where there takes place extreme exploitation of men, women, and children. (Gunnupuri, 2017). There are approximately, 100,000 functioning brick kilns in India, employing 5% of the 460 million workers, equating to 23 million brick kiln laborers. (John, 2014).

II. BONDED LABOR AND LABOR TRAFFICKING IN THE BRICK KILNS

Bonded labor is services that arise out of a loan/debt/advance. Bonded labor is a relationship between creditor and a debtor, where the latter undertakes to mortgage his services or services of his family members to the creditor for a specified or unspecified period. This would be with or without wages, and restrictive to the employment provided by the creditor

only, accompanied by denial of freedom of movements of the debtor. (The Bonded Labor System (Abolition) Act, 1976).

Anti-Slavery Index considers that 'someone is in slavery if they are: forced to work - through mental or physical threat; owned or controlled by an 'employer', usually through different kinds of abuses, and then bought and sold as 'property'; physically constrained or has restrictions placed on his/her freedom of movement.' (What is bonded labor? 2018).

Labor trafficking is a form of slavery that involves recruiting vulnerable people by making false promises of high-paying or better job prospects to lure them into inhumane working conditions. The labor traffickers use debt bondage, violence, threats, lies or other forms of coercion to force these vulnerable persons to work for them against their will. (Labour trafficking, 2018). The traffickers take advantage of the legislative gaps to exploit the workers due to their vulnerable backgrounds. Especially those who have been deprived of poverty, unemployment, discrimination and lack of cultural acceptance are easily exploited and forced into bonded labor. (Sethi, 2017). Once these people are trapped, they are given little or no pay with their travel documents seized. Labor trafficking is especially common in the construction industry, particularly in the unregulated sectors of brickmaking and stone quarrying (Chandran, 2016).

In India, the bonded labor and trafficking industry is a profitable business. The owners of the brick kilns are usually politically connected and are powerful. (Chandran, 2016). So even if there are complaints filed against them, the government authorities turn a blind eye and there are no official records of the number of laborers employed too. (Chandran, 2016). The owners exert physical and psychological control in terms of debt bondage, physical or verbal abuse, confiscation of their travel documents or jewelry. This forces the victim to believe that they do not have time but to continue working for the owner.

III. ORIGINS AND CAUSES OF BONDED LABOR IN INDIA

Colonial background and ingrained caste system have made it difficult to describe laborers 'unfreedom'. (Finn, 2015). 90% of bonded laborers are from Dalit, minorities, and indigenous communities. (Upadhyaya, 2008). Legacy of caste-based discrimination, poverty, social exclusion, unjust social relations and lack of government intervention laws prohibiting the practice has led to bonded labor and slavery in India. (Upadhyaya, 2008). The chronically poor people, socially discriminated because of their caste, such as a Dalit or tribes have the highest risk of being entangled into the bondage system. (Upadhyaya, 2008). The workers in the kilns are usually Adivasi tribes, who are forced and trafficked into bonded labor. (Chandran, 2016). As they are socially excluded and poor, they are trapped in the debt cycle, because they do not have any other option but to take a loan from the

employer to make a living. (Upadhyaya, 2008). Once they are trapped in the debt cycle, it is nearly impossible for them to escape. The debt is inflated making it difficult for the laborer to pay back, and thus entangling the family into the debt cycle.

IV. THE RECRUITMENT AND PAYMENT SYSTEM THAT FUELS BONDAGE AND SLAVERY IN THE BRICK KILNS

A. A tool to manipulate and oppress the laborers

1) Recruiting

Brick-making is a seasonal industry that remains closed during the monsoon season in India for three to four months, from June until October. Hence, because of the seasonal nature, the workers work at kilns from October until May every year. The working pattern to get the workers revolves around the advance payment methods. Either the owners of the kilns or their respective contractors set out to find workers to work at their brick kilns. This sector is particularly vulnerable to the population who are socially excluded and marginalized. (Forced labor in the brick kiln sector in India, 2015). Procuring workers through the use of advance payments and loans is an exploitative tactic used by the owners or contractors. (Forced labor in the brick kiln sector in India, 2015). These workers are usually economically impoverished, and they accept the advance payment, thus committing to the owner or the contractor to work for them in the brick kiln. Once the laborer takes the advance payment from the kiln owner or contractor, the laborer must work at the kiln to pay off the debt.

B. Wage payment through Piece Rate System

1) Paying the workers per 1000 bricks, and payment as a family unit

At the brick kilns, the labors are paid per brick basis, i.e. on a piece-rate system. The labors are paid per 1000 bricks made. As the wages are given based on productivity, the entire family including the children get involved in making more bricks. Hence, these bricks are made as a 'working unit'. Leading to worst forms of child labor, children are made to work on kilns since laborers are paid by the number of bricks made. (Child brick laborers in India 'worse than slaves', 2017). They are deprived of availing opportunities for childcare and education. (Slavery in India's Brick Kilns & the Payment System, 2017). There are estimates of up to 80 percent of children under 14 years old who are working an average of nine hours a day during the hot weather months at the brick kilns in India. (Workers in India's Brick Kiln Industry Trapped in Perpetual Poverty, 2017). Women are not officially employed yet made to work the same hours as their counterparts. This system forces the family to work for 16-18 hours every day to cover make 1000 bricks, hence entangling the entire family into the debt system and tied to the brick kilns for decades. (John, 2014).

C. The Sustenance Allowances

First, the laborers are given loans for their personal use, once the laborer accepts it, he must work at the kiln to pay off the debt. While working at the kiln, a small sustenance allowance is paid to the laborer either weekly or fortnight for food and necessities. This sustenance amount is added to the advance

taken by the laborer. The final wages are withheld until the end of the season, and the total earning of the laborer is calculated as per the total volume of production of bricks, subtracting the advance, sustenance allowance and any other expenses of the wage. (Slavery in India's Brick Kilns & the Payment System, 2017).

V. WITHHOLDING THE WAGES AND PSYCHOLOGICALLY AND PHYSICALLY CONTROLLING THE LABORERS

Considering the advanced payments, piece-rate system and sustenance allowances, the workers are indebted to the kiln owners. The owners manipulate the workers and settle the wages only at the end of the season. This allows the kiln owner to have solid control over the movement of the laborers and their productivity. The laborers lose control over their living conditions and earning capacity. They are unable to leave the kiln until the end of the season, till they know that they have paid off their loan. (Slavery in India's Brick Kilns & the Payment System, 2017). As there is a lack of proper data maintained, there is no accountability of the number of hours worked, and the number of bricks made, the workers are paid below the minimum wage, and less than what they have worked for. This withholds the laborers from leaving the kiln and psychologically and physically entangles them to working there and trying to pay off the debt. Also, in some cases, new loans are taken to pay off the old debts, thus, forcing the laborers to remain in perpetual bondage. (Slavery in India's Brick Kilns & the Payment System, 2017). Due to lack of money, some laborers take an extra loan for festivals or weddings, even while they are paying the original one. This makes them in debt of two loans. (Chandran, 2016). In such a way, millions of bonded laborers are trapped in the brick kiln industry and cheated out on their wages. (Child brick laborers in India 'worse than slaves', 2017)

VI. THE DEHUMANIZING WORKING LIVING CONDITIONS IN BRICK KILNS

The bonded laborers in the brick kilns live in inhumane conditions. 90% of the kilns do not have access to running water and an average family lives in a cramped 7.6 square meter room at the site. (Child brick laborers in India 'worse than slaves', 2017). Access to drinking water can be limited, with the extremely limited or non-existent provision of toilet facilities. (Slavery in India's Brick Kilns & the Payment System, 2017). The burning and baking of the bricks cause heat, mud dust, fly-ash and choking gases. This affects the nose, throat, and eyes of the laborers. It affects the tissues of the lungs and poses a risk of tuberculosis, emphysema, and cancer. (Thomson, Mohammed, Sundaray, Akerkar, & Daniel, 2015). The skins and bowels are affected to a great extent. (Thomson, Mohammed, Sundaray, Akerkar, & Daniel, 2015). Pregnant women and adolescent girls work for 12-18 hours a day. Their diet is poor, and no clean drinking water is available. They live like slaves in the kiln. (Hawksley, 2014).

VII. LEGAL AND POLICY FRAMEWORK

The Bonded Labor (Abolition) Act, 1976, was passed to prevent the economic and physical exploitation of the weaker

sections of the people in India. (The Bonded Labour System (Abolition) Act, 1976). This act was an outcome of the system of bonded labor that prevailed in the form of forced labor, customary obligations, beggar or indebtedness, under which the debtor agrees to render services. (The Bonded Labour System (Abolition) Act, 1976). Under this act, it is the responsibility of State governments to identify, release and rehabilitate the bonded labor. Furthermore, Article 23 from the constitution of India prohibits all forms of bonded labor system, regardless of the victim's migration status. (The Constitution Of India, 1949) Article 21 extends the right to personal liberty, the right the laborers have to do without once they commit to working at brick kilns. (Sahu, 2017). The latest 2016 Centrally Sponsored Scheme for the Rehabilitation of Bonded Laborers has been implemented to assist the state governments to rehabilitate the bonded victims. There is a special focus on the disadvantaged groups who are at high risk of being trafficked for exploitative work. (Central Sector Scheme for Rehabilitation of Bonded Labourer, 2016).

Regardless of these law enforcements passed to prevent and rehabilitate the bonded laborers, the implementation of these acts is not effective. The brick kiln is a massive profit-making business which involves several powerful people in it. As the brick kiln owners are mostly politicians, they are all very well connected with the law enforcement agencies and police. Due to corruption these exploiters are usually not punished or convicted even if there has been a legal case against them. This puts forth a grave situation for the bonded laborers who do not have any place to survive but to struggle at the brick kilns.

VIII. BANKING EDUCATION USED AS A TOOL TO OPPRESS THE BONDED LABORERS

In Freire's opinion, in the banking concept of education, knowledge is bestowed by those who consider themselves knowledgeable upon those whom they consider knowing nothing. (Freire, 2014). In the context of bonded labor at brick kilns, the creditor is the one who knows the debt system, and he bestows it, rather enforces it on the debtor, who does not know anything about it. According to Freire, the interests of the oppressors lie in changing the consciousness of the oppressed and not the situation with oppresses them. (Freire, 2014). In this debt system, that debtor/oppressor is more focused on psychologically overpowering the mind of the debtor, the oppressed. For example, the owner of the brick kiln withholds the wages of the laborers until the end of the season. He justifies that this system helps the laborers build up some savings before they migrate back to their source locations at the end of the season and can pay back the loans taken in advance. Through this, the owner tries to play with the mind of the vulnerable laborers who aren't educated or literate enough to understand the motive behind the withholding of wages. The reality, however, is that this system of withholding wages allows the owner to control the supply of labor at the brick kiln so that there are no unexpected breaks or reduction of pace in the production process due to the absence of workers. (Slavery in India's Brick Kilns & the Payment System, 2017). The owners usually prey on migrant laborers as they are more vulnerable

and are unable to seek assistance due to language barriers, lack of political recognition within the state and limited power and prospect to join the local unions. (Slavery in India's Brick Kilns & the Payment System, 2017).

According to Freire's banking system, education is used as an exercise of domination with the intent of indoctrinating the oppressors into the world of oppression. (Freire, 2014). Similarly, according to me, the owners educate these tribal laborers specifically and entice them into an inhuman debt system, by using their vulnerabilities to indoctrinate them into a slavery cycle. Their mind is controlled by the owners, who provide them with little money at irregular intervals and provide household necessities. However, their debt is never paid off and they are never released from the cycle. The minds of these laborers are manipulated strongly by the owners, who use their vulnerabilities as a strong root cause to oppress them. They are shown the reality in a very different way and are unaware of their rights and how it is to feel free. They don't question about anything, such as the debt, working hours and conditions, rather they are not allowed to. The owners just fill the minds of the oppressed, and it's a way of a depositing pattern, where the oppressed receive, and practice it. Brick as their Freedom

According to Paulo Freire's problem-posing education, people develop their inner power to perceive their conditions and the way they exist critically. They realize that the situation around them is not static but it is a reality in the process of transformation. (Freire, 2014). In the same way, it is important that these bonded laborers critically analyze their inhuman situation and their fundamental rights. They need to understand that it is a process of transformation through which they can get out of the situation. There is an example in India, where a bonded laborer and his family, developed themselves into survivors through belief and critically analyzing their situation and started their own brick kiln family business. (Fitzpatrick, 2015) Formulating a plan after a life of slavery provides the bonded laborers a step towards freedom through self-sustained liberation. For them, brick means freedom. (Fitzpatrick, 2015). After having a dream to be a survivor and realizing it, is very important to be liberated. Accordingly, to Freire, the one committed to liberation, is not the prisoner of a 'circle of certainty' within which reality is imprisoned. (Freire, 2014). I think these survivors, had broke even from this 'circle of certainty'. They became fully aware of how they can transform their reality for the betterment of themselves. The process was from within themselves and not from external influence. Freire meant that liberation is painful childbirth, in which the labor which brings to the world this new thing, is no longer an oppressor nor oppressed, but in the process of achieving freedom. (Freire, 2014). Similarly, as Fitzpatrick mentioned, for the survivors, brick was freedom and it was about a self-sustained liberation. Thus, the survivors liberated themselves in a similar pattern as to what Freire believed in.

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