
Labour Contractor Vs Unorganised Migrant Brick Klin Workers

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Abstract

A large section of unorganised labour force found across India where most of them have been deprived of due to inadequate work opportunities and economic upliftment scope. In absence of sustainable source of income as well as significant employment opportunities they are forced to migrate to other state. Pertaining to Odisha context, for last 5 years intrastate migration has been increasing at a faster rate. The economic condition is extremely miserable particularly in drought prone districts like Bolangir, Bargarh and Nuapada of western part of Odisha. It is noticed that SARDAR (Labour Contractor) playing crucial role to supply unskilled and semi skilled manual workers to brick klin industries in the neighbour states. Meanwhile, different forms of exploitation, discrimination, torture and human rights violation has been noticed.

The purpose of this article is to explore ground reality of the migrant brick klin workers situation and how such workers have been trapped by the middle man. In this context, the study was completely based on qualitative perspectives where Focus Group Discussion and Case Studies considered as key instrument to address ground reality about the situation. At the end it is found that the workers still struggling to get justice. After 71 years of independence the people in rural area fails to get both natural and social justice. Illiteracy, social obligation and climate change has impacted a lot to increase migration trend.

Introduction

Several factors, including the average market wage rate, commission and number of dependants living in the households influence Sardar's decision to participate in labour trading. In this research there are two major facts has been identified through qualitative study. Firstly, the more educated the women becomes, the higher probability of her approach to get benefits from labour contractor. Sardar from rich class and other state has significantly better impact to mobilize labour force. In sardar's perspectives, women headed households will be more likely to participate in the labour force.

The study was investing pre and post work place relation between labour contractor and migrated people from Odisha. In distinctive hierarchical situation it had also tried to explore the relationship among brick klin owners, sardar and workers. The core objective was to access information about sardar's role in the process of migration and exploitation during worksite. In addition to this the effects of manipulation and harassment situation at work place was also another area of exploration. In this process it could also develop the effects due to absence of trade union.

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Background Purpose

Role of sardar is a broad indicator of supplying labour to the industry. It may be informal or formal sector where unskilled manual worker works through labour contractor. The labour supply decision is purely individual choice and limits the relationship within close boundary. Mostly, the labour leader always prefers to mediate within two sides; employer in one side and worker is in another part. It is commonly understood that the more educated the women becomes, the higher probability of her participation while dealing with labour leader or sardar. There are few areas of role of a leader has been studied before considering to the situation and requirement. For this study there are some information relating to labour leader is need to be gathered from reliable sources which would help to access substantial information about labour contractor or Sardar those have been involved in supplying labour to the brick klin owner.

It is found that the construction workers in Hyderabad district of Andhra Pradesh were underpaid, faced job discrimination and without having any hope as well as aspiration of better future (Reddy, 2003). The large proportion of the working ages of the workers were varies between 15- 64 years (Nadal, 2006). In present scenario women participation in *Sardar* position is very low but has significant role in labour workforce (World Economic Forum, 2016). There is no provisions are available for the sexual harassment faced by the workers in the informal sector (Kaushi, 2014). It is found that the Government of Odisha has issued a resolution where clearly mentioned that the employers must have to comply voluntarily with the provisions of the various labour statutes while protecting the interest of the workers (GoO, 2015).

Methodology

The study is purely based on qualitative approach. It is trying to explore overall situation of sardar (labour contractor) and involvement process to mobilize brick klin workers for migration. Here, Bolangir district was considered as sample representative for the study where highest number of sardar's presence found. Even though list of sardar could explored in the respective study operational area but adequate detail information was lacking. Considering the situation, case study method was accepted as most reliable source to analyse about details on sardar's role, responsibilities, process of labour supply, conditions of commission fixation etc.. In addition to this Focus Group Discussion (FGD) method was considered as suitable measures to capture relevant as well as substantive information about the ground reality. In fact, information based on sardar's mapping also helps a lot to address ground zero issues within stipulated time frame. The main method of data collection of this study consisted of structured interview guideline of the case study method which was used to supplement additional information about sardar's position as well as role in social relationship in the locality. The case study and FGD guideline was divided into three sections. First part was designed to obtain demographic information about the respondent's Gender, Age and Caste etc. For the second part, a list of exhaustive statements was reflected through in-depth discussion. Mainly, the information on sardar's location as well as brick klin owner's detail location was explored. In third part, quite technical information was drawn. In order to understand the situation it was focused on few aspects such as; where number of labourers engaged, what type of worker does?, process of wage rate fixation and sardar's commission against supplying of labour. However, based on the field level experience it was decided to choose individual sardar as unit of analysis.

Overall Understandings - Sardar

The labour contractors vary from small to large. The top end contractors recruit and send out thousands of workers with turnover running into crores of rupees. The village level contractors form the grass root link of the recruiting chain. The commissions are not known. The contractors are concentrated in villages and towns around Kantabanji. The top level contractors are expected to mount opposition to the Exchange as they will perceive it as affecting their interests directly ultimately making them redundant. They may even resort to violence to protect their turf.

Functional Aspects of Labour Contractor (Sardar)

During the study period it has been noticed that functional role of a sardar is being demarcated based on number of labour supply to the brick klin industry. There are two major categories of labour Leader or Sardar play role in supplying labour. Normally, the role between first and second category Sardar has always been defined much before of labour mobilization. The study statistics show that women labour leader has not yet reached in sardar position. The few instances which has been explored through study are as follows.

(a) Labour Mobilization

Labour mobilization at the ground level is one of the most significant aspects of labour supply mechanism. The presence of different types of sardar depends on number of labour or patharias (1 patharia consist of three labour) mobilization. The first category sardar is well known as BIG SARDAR who handles 700 to 1000 patahrias. For large number of labour mobilization the first category sardar appoints second category sardar. In this context, the first category sardar contacts with the brick klin owners and collect money from them against advance and travel expenses of labour. Followed by; the second category labour contractor directly involved at the household level towards mobilizing labour from the respective villages. The role like convincing to the families, watching financial needs of the workers during lean period and provide information to the first category leader has been carried out by the second line sardar only. In case of mobilizing less number of labour, only one sardar do all type of activities alone.

(b) Specific assigned role in Source and Destination

At source point, both first and second category sardar plays very specific role voluntarily in different situation when the workers are in village during rainy and autumn seasons.

- Provide flexible day care services like financial assistance at the time of emergency and financial crisis period
- Advance money given to the workers when the family members became agreed to do work in their selected brick klin industry.
- Local travel arrangement of the workers from village to railway platform is normally organised by the second line sardar or assistant appointed by the main sardar.
- First sardar use own vehicle only in transport services upto railway station.

At destination point the second line sardar does not have any substantial role except travelling with workers from local station. The specific roles which normally done by the first sardar are as follows in brief.

- Approach to the brick klin owner to engage them in work site
- Additional money against travel and commission for supplying labour received from the brick klin owner.
- First category sardar sometimes visit to the work site before completion of the agreement period.
- In the presence of first category leader or sardar, the final payment is being made after deducting food and other expenses.

(c) Problem Solving Mechanisms

There are few common problems occur every year. Food shortage, physical injury, sexual harassment and pressurize to do more working hours beyond capacity are very natural phenomena at the destination point. In this case, when the labour victim consults with the *sardar* at that time he always suggest to contact with the owner. Unfortunately the owner never concern much about these problem rather said to go back home and take money from sardar. It is very rare to see good owners who are sympathizing during the problems and also do some manageable steps as well.

(d) Financial Transaction

The role of sardar in financial transaction is the core of entire process. It is the only source which leads related problems due to financial irregularity and misappropriation. Financial transaction through sardar has been

facilitated in two stages. In the first stage, the sardar starts giving advance to the labour from July onwards. The money mostly is given during local festivals like Ratha Yatra and Nuakhai. In spite of that some families also take money from the sardar for agricultural purpose as well as to repay loan to local money lender. At that time it is almost unconditionally conformed that the loanee families are agreed to go for work. Specific to this case the transaction amount per family will be around sum of rupees 4000-5000 per family. In the second stage, the advance amount is given to the labourer in the presence of sardar which is purely conditional. During that time the owner came to village and facilitates entire process. The advance amount range is normally calculated on the basis of person. The sardar select families to whom advance money will be given and how much. On the basis of recommendation of sardar, the owner give money to head of the family. In present scenario the advance range per person varies between sum of rupees 15000-22000 which is fixed for that year only and mutually agreed also between sardar and owner. The commission rate of sardar is being calculated on the basis of number of bricks made. As estimated, the sardar takes Rs 4000/- per one lakh bricks. However, it is also not fixed everywhere.

The workers experiencing poverty are often socially excluded because of their lack of middle class markers. People have expectation that if they could continue relationship with the contractor for a longer period of time, then there is some chances to get more job opportunities on regular basis. As Sardar said, invisibly it is known to everybody about bribe and misappropriation of money for the purpose of labour mobilization as well transportation. Advance and bribe to different officials during travel period is a common phenomenon in the locality. All the sardar are using similar practice which is being considered as a formal process. The amount which is being normally used by second line sardar are as follows.

| Expenses/ Advance / Bribe and Commission details | Amount |
|--|----------------|
| Nuakhai Advance per family (Collect original voter Id card and Adhar Card) | 2000.00 |
| Convincing to labour for working | 1000.00 |
| Two numbers of witness while giving payment to the labour @ 500 each | 1000.00 |
| Village committee / leader | 500.00 |
| Nuakhai Madapia | 100.00 |
| Labour Madapia | 200.00 |
| Bribe to local police (per head labour) | 100.00 |
| Railway station police and other staffs | 500.00 |
| Food per person | 100.00 |
| Destination point police station | 100.00 |
| Second Sardar food expenses | 500.00 |
| Local Travel (village to railway station per person) | 500.00 |
| Total | 6600.00 |

Source: Field Study Interview at Kantabanji, Khaprakhol, Turekela, Belpara and Titlagarh block of Bolangir district, Odisha

It is clearly understood a sardar must have to spend sum of rupees 7000/- (Appx.) only for the purpose of mobilisation and sending them to the destination point. The sardar gets such amount before mobilization process. Finally these amounts will be paid by the worker in the form of taking low wage rate than actual market price against their contract work. To substantiate overall stitution and the perspectives of sardar's view about labour situation, one sample case study on sardar or labour contractor is discussed below.

Glance of Case Study

This case study is intended for labour contractor functioning in Bolangir district. It illustrates a combined approach of labourer working in unorganised sector and the role of contractor in participative control system in a flexible labour market. It is intended to discuss a class hierarchy and process of migration among rural poor families in western Odisha. The case study describes about the situation of managing unskilled workforces during lean period in western Odisha and how people becoming contractor in labour market. As per government procedure that supplying labour force to Brick Klin Industry, the labour contractors has to register under the department of labour at the district level. In this regards, for the labour contractor it is not only to play role as mediator and channelize the process of migration but regulating wage rate, man days and welfare measures are to be taken into consideration. However, in real field, the role of Sardar is drastically different as expected. The conditions of labour and level of difficulties facing during and post work period is one of the prominent topic for discussion in present scenario. Workforce diversity is a reality and offers many benefits to the Sardar as well as brick klin owner.

Sardar Profile

Forty Five years old person (Chaita Chhura) belongs to Schedule Caste community residing at Kapsipalli location of Khaprakhol block in Bolangir district. In due course, he could not get adequate opportunity to enrol his name in any primary level educational institute. Meantime, he became illiterate in latter stage. As he said that during his childhood stage the family members were depending on daily labour work most of the time in a year. In addition to this, earning from paddy cultivation through share cropping from 10 acres of land and also contributed substantial amount for sustaining family. In due course, he worked as a labourer in brick Klin industry till 25 years old. Considering to economic aspects of the family, the condition was not well off after taking lots of effort to overcome the financial crisis. Thereafter, he started to play role as a labour contractor in the local area. In the beginning stage of work as Sardar he was supplying 10- 30 members' labourer in each year to the brick klin owner in Hyderabad location. Gradually, the numbers of labour supply has increased and now it reaches up to 1000-1200 hundred of labour in a year. He has also good political affiliation with national political party. In 2017 panchayat election in Odisha he has been elected as Sarapanch of Odiapalli Gram Panchayat.

Process of Labour Supply

The labourers are normally migrating to work in Brick klin Industry locating in Hyderabad, Karim Nagar and Telengana region. The owner has decided to remain focused on contractors to supply labour as per the requirement. As said by Mr. Chhura, the owner always chooses the contractor who has expertise to control and manage labour in the entire period of starting to end of work. Owner does not have any role to take labour from their home / village to Klin site. The contractor mostly associated with labour during the period of journey time. In return time, the labour plays their own role with little bit supports of the owner only in local convenience. It is hardly matter for the contractor to present during the work period and return time also. As he said, the contractor always looks for host employers who can take more numbers of labours. He makes an assessment of every perspective host employers. He tries to understand the capability of paying money against supply of labour from local area to work destination. He is well known as a big contractor in the local area only for supplying labour to the brick klin Industry. Mostly, it includes various types of work i.e. i. Distribution of advance money, ii. Mobilization of Labour, iii. Transport and Convenience, iv. Wage distribution and commission, v. Labour registration, vi. Record maintenance, vii. Linkage and Negotiation.

i.) Distribution of Advance Money

Paying attention to advance money, especially the Sardar provides money to the rural family members having poor economic background and need in crisis situation. Particularly in western Odisha around six months have

no unskilled manual work opportunities, resulted as forced migration. During this period people need some financial assistance to meet unforeseen situation as well as fulfilling basic necessities. Though the sardar has good network at the village level, he takes help of other few local people to provide information about need of money of the concerned family. After getting information he goes to the vulnerable family's house along with local person of the respective village. He gives money to the concerned family in the presence of the local person who gave prior information about the situation. By the process, that local person considered as witness during financial transaction. The range of financial support depends on number of workers. But, he has planned out to give at least Rs10000- Rs15000 per person. However, he always prefers to give all money at a time instead of breaking slot. Probably, this approach has been initiated only create both moral as well as financial pressure upon the family members. In this context, the supports of local people help him much to supply more numbers of labour to the destination point.

ii.) Mobilization of Labour

Contract labour mobilisation work has been carried out by the second line sardar who is a full time worker of Mr. Chhura. The major target area of labour mobilisation has not been concentrating only in Bolangir district rather has also focus in Nuapada district. As he said, it would be better to take individual labour rather than all family members as a whole unit. He internalised that there less risk factor in family migration than individual. He has also in touch with second line sardar in costal districts of Odisha. Individual labour supply districts are Puri, Kendrapara and Jagatsinghpur. The ground level labour mobilise is a paid employee on monthly basis. There are three local people in Khaprakhol block has been working with him and getting Rs 5000-Rs7000 per month. This expense includes all local convenience. Among three, one who knows about writing and have sound financial literacy skills he is in charge to keep all financial transaction records about the labour supply and amount received from the owner. The priority of worker is given to schedule Tribe community because they will not stop work before completion of period as per mouth agreement.

iii.) Transport and worksite facilities

He bears all local transport convenience for supplying labour to the destination. He booked local train tickets in general compartment. His supporting staffs spend all money as per requirement during travel only by train. He gets all travel related expenses from the owner prior to sending labour to the destination place. The expenses range against travel per person varies between 200 to 300 hundred rupees only. Temporary house for family, drinking water, food fire wood, utensils etc has also been provided to them which is not chargeable. Educational facility is also available at work site for the school going children. In fact, children access educational facilities only through anganwadi centers rather than any other schools.

iv.) Wage distribution and commission

After end of work, final wage has been given to the labour after deducting expenses against food and others incurred during number of days worked. All the labours prefer to work on contract basis rather than daily wage rate. The rate which has been fixed by the owner is Rs 400/- per 1000 bricks. This amount is meant only for making bricks but there are separate charges has fixed for lifting and loading. The money will be given to them only at the end of work completion. But, interestingly, all financial expenses records are kept with klin owner. He supply labour to 10-15 brick klin owner every year. In respect to this, the sardar gets money on lum-sum basis from the owner, rather than commission basis. As he said that he gets 4-5 lakhs rupees from each owner only for supplying labour which includes all expenses like; train cost, food cost during travel, sardar commission, second line sardar fees etc.. However, in his estimate, if 3 persons working for 5 months in a seasons they can earn up to 1.5 lakhs rupees in a year which is not possible to earn in Odisha.

v.) Labour registration

Fifteen years before registered as a labour contractor and got permission from the government of Odisha to supply labour. In his statement, he clearly indicates that only few labours has registration card, who are also availing benefits from the concerned departments. But, unfortunately many workers have no registration card.

He ensured to apply for registration card, but due to delay in official procedure the labourers are not getting cards in time. As he knows that there are only 62 families have labour registration card.

vi.) **Record maintenance,**

Only financial records are maintained by the appointed employee. He does not have any idea whether the labourer maintaining financial accounts or not. Exclusively for this work he appoints a young fellow who is tracking payment of each labour. For this purpose he spends Rs 10000/- per month.

vii.) **Linkage and Negotiation**

For establishing better relationship he invite to the owner for visiting tourist spot in Odisha and Chhatisgarh region mostly. The contractor bears all the expenses during tourist spot visit. In this regards, he has planned to spend Rs 50000 to Rs60000 per annum which is included with total lum-sum amount. He visits two to three destination point once in a year, there he interact with the labour about work and wage and return back. But at the end of period, he went to the spot where the final payment will be made in the presence of labour contractor, owner and labour. But commission charges will not be disclosed to any labour. It is to be secrete in between the contractor and owner only.

Major Challenges

He agreed that due to frequent intervention of government personnel the business is becoming difficult gradually. Few labours are also cheating that not to repay advance money. In spite of that rape case by women and threatening not to work are also major challenges now-a-days. Due to such type of cases the companies are also not showing adequate interest to take more number of labours from Odisha region. Subsequently, the owner prefers to make brick through machine than labour. The government has also restricted to use soil for making brick, resulted as number of labour will reduce gradually which will be harmful for the labourer in the upcoming days, as said by main sardar. Due to failure of agriculture, mahajans are (land lord) also showing interest to work in brick klin industry which is quite difficult to include them.

Concluding Remarks

Finally it can be stated that there are strong nexus going on between owner and main sardar. The amount fixation by the second labour and real worker is much higher than getting monetary benefits. Well connected and have good rapport with the people during their crisis period is one of the better options to exploit labour morally. There are many challenges floating around the circle but, it can be shorted out in some extent if all the money will be made by the owner through banks only. In spite of that participatory approach as well as giving priority to the labourer can resolved harassment related problem at a certain degree. In this regards there are few observational remarks can be given as like; Written terms and conditions should be ensured while giving advance, consultation between labourer and brick klin owner on regular basis, Food, health, transport and exploitation cases must have to be monitored and supervised by the concerned department of the state government as well as labour contractor, regulation of minimum wage and contract money procedure has to be established. However, it could be resolved when brick klin worker would know about the entire process of work and self motivation to access information as well as supports from the associated agencies or departments concerned.

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