

# Securing justice and rights for migrant labourers

**Sudhir Katiyar**

**Prayas Centre for Labour Research and Action**

Organising people working in the unorganised sector has been the focus of Sudhir Katiyar's journey in the development sector. Prayas, the name of the organisation with which he has been associated for more than a decade means 'unrelenting effort'. The name signifies their effort to work for the rights and welfare of the underserved and labour groups in the unorganised sector.

Sudhir was born and brought up in a middle class family. His father worked in the Uttar Pradesh government's administrative department as a tahsildar. He grew up in the quarters of government officials in Uttar Pradesh, observing how they treated the common people who visited them.

Sudhir felt uncomfortable whenever there was any rude or indifferent behaviour. He remembered a heated argument between his mother and a government employee assigned to help in the office and at home, when he refused to do what Sudhir's mother bid him to. Sudhir did not like such differences. The prejudices and the inequality that he observed played a role in his professional work later in life.

## **The young advocate**

Sudhir joined the Sainik School - run by the Ministry of Defence - in Ghorakhal as a 11-year-old. Till he completed schooling in 1981, he used to read many magazines like *Dinman* and *Rabibar* that dealt with socio-political issues. While he was becoming more aware of the power structure and oppression of the weaker sections, he was deeply moved by an incident in 1978.

Sudhir's father had just been transferred to Pantnagar and the family had moved with him. There was a conflict between labour groups and the administration of Pantnagar Agricultural University. The conflict escalated and the police fired on the labour groups. As per government records, 16 labourers lost their lives but it is believed that the toll was much higher. These labourers were from Bihar and other states. Although labour unions were formed after the incident, justice did not prevail for those who lost their lives or their families. This incident had a deep impact on Sudhir's mind and he felt an urge to fight against injustice.

Subsequent events in his school built his confidence to fight against injustice. When there was a disagreement between the teachers and the principal, the teachers and the headmaster motivated the students to go on strike seeking the principal's resignation. The principal, under pressure, offered to resign. However, Sudhir and eight students of his batch realised that what had happened was not right. They met the principal and the higher authorities. They also met the headmaster and informed him that they had discovered the politics behind the incident and would not support it further. The news of their meeting the management reached the other students. When Sudhir and his friends returned to the hostel, the other students attacked them. With just nine of them fighting against the whole class and the fight escalating further, Sudhir and his friends had to be escorted out of the campus. They stayed away for a few days. When they came back to appear for the exam the rift between the groups continued.

Sudhir said that was the time he learnt about the minority (just the nine of them) fighting against the majority (whole class). This incident also prepared him to face violence, which he said he got used to, working as a development activist.

### **Beginning of development journey**

Sudhir was very good at studies and always topped the class. Being a product of Sainik School, he appeared for the NDA (National Defence Academy) exam and qualified. However, he could not pass the medical test, part of the selection process that followed the exam.

He cleared the qualifying test for engineering and joined mechanical engineering in Motilal Nehru Regional Institute of Technology in Allahabad. He studied well but his heart was not in engineering. He wanted to do something different. While in college, he witnessed discrimination along caste lines which he had not experienced in the hostels of Sainik School.

From the magazines he read, he came to know about Institute of Rural Management Anand (IRMA). As he wished to pursue a career in the social sector, he joined IRMA soon after completing engineering in 1985. At IRMA he had a good exposure to different facets of the development sector.

When he joined Professional Assistance for Development Action (PRADAN) after completing his studies at IRMA, he was deputed to Association for Sarva Seva Farms (ASSEFA) to support their developmental interventions. The intervention that focused on providing loan to farmers did not appeal much to him as it did not have any impact on the power dynamics in the social structure. After working in ASSEFA for more than two years, Sudhir decided to focus on organising the deprived and joined Prayas in 1990.

Sudhir stayed in a village in Nimbahera tehsil of Chittorgarh district, Rajasthan, while working for Prayas. The area had many limestone quarries. Sudhir and three of his colleagues started mobilising the quarry workers. Sudhir was influenced by the work of senior activist Khemraj Choudhury. They worked together and mobilised the quarry workers and farmers and formed Khetihar Khan Mazdoor Sangathan. However, they faced a lot of opposition from labour contractors. Meeting with the quarry workers became difficult and they could not maintain the initial momentum of organising the workers.

During this phase, Sudhir and the team recognised the need to work with Scheduled Caste (SC) and Scheduled Tribe (ST) farmers who had lost their land to the landlords and upper caste people. The mobilisation saw initial success; around 30 farmers would go and plough lands that belonged to them but were under the control of the landlords. The momentum picked up as the team had the support of a few officials from the local administration and muscle power of the union.

More than 500 farmers joined the movement, releasing land from the clutches of landlords. Slowly many came to the team for resolving other issues where they felt discriminated. The team started addressing the same. The work started gathering momentum. The union could mobilise 500 people anywhere in the five tehsils it operated in without any outside financial support.

Opinions within the team differed on some facets of their work. Some believed that it would be a good idea to join a political party to address the land issues and create a large-scale impact. They had a series of meetings with the Bahujan Samajwadi Party (BSP) and one of the candidates nominated by the team contested the election. The candidate did not win. This led to the widening of the divide within the group and Sudhir decided to withdraw.

The executive director of Prayas went on a sabbatical and Sudhir was chosen as the new executive director. That was also the time when the group lost the support of the officers in the local administration. Police arrested two of Sudhir's former colleagues. The union raised its voice against the arrests but the momentum lost steam.

For the next two years, Sudhir focused on non-formal education, apart from overseeing the overall administrative functions of Prayas.

### **Taking up the cause of migrants**

In 1996 Sudhir quit Prayas and relocated to Udaipur. He got married the same year. He started working as a consultant along with Rajiv Khandelwal, his friend from IRMA. They were dissatisfied with consultancy work and decided to work among migrant labourers. Both of them floated an organisation named Sudrak. Sudhir and Rajiv felt that migration from rural to urban areas for labour work was an inevitable phenomenon, but the migrant

labourers facing a lot of difficulty at the destination centres was not. They work under hazardous conditions, often do not have a proper place to stay, or the accommodations lack basic amenities. They are often harassed by the police and the local residents.

Sudhir started providing information to migrant labourers on safe migration. He organised issue of identity cards and resolution of wage payment disputes by setting up migration resource centres. The work focused on different streams like migration to the construction sector, to agriculture sector and to the textile hub in Surat. The work also involved enhancing the skills of migrant workers through skill building trainings. Sudhir and Rajiv decided to spin off the work to a different organisation and set up Aajeevika Bureau to address the issues of migrant workers.

Simultaneously, Sudhir took up an assignment to work on power sector reforms aimed at privatisation of power distribution. A Section-25 company named Samta Power was registered to check the feasibility of privatising power distribution with consumer participation. In this project he worked with Bal Mukund Sanadhya. They were invited to demonstrate their proposal but the team did not have enough capital or political connections to implement the same. However, the study on power distribution losses was published as an article in Economic & Political Weekly (EPW) magazine.

Sudhir had settled in Udaipur but felt restless to work for the cause of labour groups. He wanted to organise labour groups to fight for their rights and entitlements but the board of Aajeevika Bureau was not for it. So after eight years of break from social activism and experiencing other facets of the development sector, in 2004, Sudhir decided to join Prayas again.

### **Back to activism**

Sudhir had firmed up his mind to continue his journey as a social activist and work for the rights and entitlements of labour groups, particularly the migrants. Soon after re-joining Prayas, Sudhir decided to establish a separate wing called Centre for Labour Research and Action (CLRA) within Prayas. CLRA was set up in 2006 with the main objective of promoting workers' rights in the vast informal sector of India. CLRA organises workers into trade unions that can take up the struggle for reasonable wages and improved work conditions. The unions can also undertake policy advocacy with the state so that workers receive entitlements due to them.

It forms labour groups in unorganised industries like brick kilns, cottonseed production units, construction units and ginning mills. The unions supported by CLRA have developed an alternative paradigm of organising workers. The strategy factors in the constant movement of workers, the critical role of middlemen, the nature of production process and the socio-

economic profile of workers. This strategy in practice over the last decade has proved effective.

### **Migration stream as an unit of intervention**

Seasonal migration marked by constant movement presents challenges to any organisational initiative. At a destination in a particular industrial cluster, workers come from different locations. Similarly from a source cluster, workers may go to many destinations. The concept of migration stream makes it possible to bring focus to this jigsaw puzzle.

The seasonal migratory movements are not random. Migration corridors get established over a period of time. Workers from one source cluster move to a particular destination cluster for specific work. To illustrate, a typical brick kiln in Gujarat will receive brick makers from Chhattisgarh, brick carriers from western Rajasthan, and *jalai* (those firing chimneys) workers from central Uttar Pradesh. While a worker may not come back to the same unit, the one-to-one link between destination and source is maintained through labour contractors who need a base for recruitment. Thus while the workers do move in and out of the streams, migration streams once established have certain permanence. CLRA has focused on these migration streams as units of organisational activity like a factory or a shop floor in the formal sector.

### **Organisational activity from source to destination**

Normally the work place is the centre of an organisational activity. However emergence of regular migration streams opens up the possibility of undertaking the organisational process in source areas. CLRA looks upon labour exchanges that would collectivise and institutionalise the supply of labour force as a viable alternative to traditional trade unions of the formal sector. It has tried this out successfully in some streams that offered favourable conditions. Organisational activity in source areas is recommended in other streams as well. It is not easy to engage with workers in the destination clusters as both the work place and the living space may be controlled by the employer. Also, connecting with them in the source area is helpful in gaining the confidence of workers.

### **Engaging with the labour contractors**

Deployment of migrant workers at work is mediated through labour contractors. A vast array of labour contractors recruit workers from their hometowns and transport them to work places, providing the linkage between work place and remote source clusters.

Traditionally middlemen were looked upon as exploiters who charged exorbitant commissions. However, from the very beginning, CLRA has adopted a more nuanced stand.

The middlemen are not a homogenous category. There exists a range. At one end are workers who double as contractors, recruit 10 to 20 workers and work along with them. On the other end are recruiting agents, such as in western Odisha, who recruit thousands of workers for the brick kilns of south India through a network of agents. The approach of the union to middlemen is dictated by their class and caste. In a majority of instances, middlemen are former workers who have graduated to the status of middlemen. In fact, becoming a middleman is the only career advancement opportunity for majority of the workers in the informal sector. Therefore there exists a natural affinity between the workers and the middlemen. In most instances, the middlemen provide leadership to the workers' movements.

It also becomes necessary to engage with the middlemen for tactical reasons. They are the gate keepers. It is not possible to interact with workers in many instances before establishing a rapport with the middlemen. The lesson from organisational experience of more than a decade has been that middlemen are bound to figure prominently in any workers' movement.

### **Tackling bondage and trafficking**

Issues of workers in the informal sector are qualitatively different from those in the formal sector. The laws that regulate workers in the formal sector – Industrial Disputes Act and Industrial Employment Standing Order Act - are not applicable to informal workers. While there does exist minimal labour legislations for the informal sector – Minimum Wages Act, Payment of Wages Act, Workmen's Compensation Act – the enforcement is non-existent. The issues that affect the migrant workers are bondage, trafficking, sexual harassment at work place and non-payment of wages. These often fall in the realm of human rights. In fact one of the most powerful legislation for workers is the Bonded Labour Act. National Human Rights Commission has played a pioneering role in highlighting bondage in brick kilns.

### **Public service linkage**

Migrant workers lose out on public services like education, health and ICDS (Integrated Child Development Services) in destination areas. As there are no effective statutory procedures to register migrant workers, and the entitlements at source are not transferable, most migrant families, who are already vulnerable, lose out on entitlements both at source and at destination.

Most significant of the entitlements that migrants lose out on relate to women and children. Children of school-going age, migrating for up to eight months and those who cannot stay back, inevitably drop out and become child and adolescent labourers. Little children, pregnant and lactating mothers as well as adolescent girls lose out on nutritional supplements, and sustained reproductive and child health coverage. With no effective outreach, government health facilities seem alien and migrant workers seek private professional or non-professional health care at destinations.

CLRA's approach has been to fill critical gaps, mainly related to lack of data on the extent and the work conditions of migrant workers. The lacunae include lack of specific orders by the government, lack of an implementation policy, and lack of monitoring of services even when they are provided. By issuing ID cards, CLRA helps migrants get benefits such as schooling for their children and food supplies from public distribution system. Also the implementation is haphazard as attempts to institutionalise services at least in Gujarat, have not been effective and is very personnel-specific. Unfortunately, government's own successful attempts earlier, say with sugarcane workers in south Gujarat or the alternate schools near brick-kilns in Bhilwara, Rajasthan have not been institutionalised.

### **Rescuer as the accused**

Sudhir started working with migrant labourers from south Rajasthan who migrated to Gujarat for cottonseed production. More than 50% of these migrant labourers were children below 14 years. The main objective of Sudhir and the team had been to negotiate higher wage for the cottonseed workers and prevent child labour in these streams. The team urged the labourers not to go for work if proper wages were not provided. But in the first year, the labourers went for work despite owners not hiking the wages.

In the second year, the campaign was strengthened and the owners agreed to increase the wage and not employ child workers in cottonseed production. However, the interest of many involved in subsidiary works got affected. This included taxi drivers who ferried child labourers to the work spot.

Prayas faced a lot of opposition locally. The organisation was blamed as traffickers as they were instrumental in negotiating the wage rate with owners. A Dungarpur-based group with vested interest, wanted money as Prayas was not a local NGO, but one from outside operating in their area. The staff were attacked and Prayas had no option but to close their office at Dungarpur and move out.

## **Facilitating compensation**

Having worked with Rajasthani workers in cottonseed production, Sudhir and the team decided to work with them in cotton ginning industry in central and north Gujarat. CLRA observed that the cotton ginning industry in Gujarat was exploitative where the labourers were not paid minimum wages, were overworked and were exposed to occupational hazards.

Prayas CLRA (PCLRA), under the guidance of Sudhir, promoted Gujarat Ginning and Other Mill Workers' Union, which was registered in 2008. This involved mostly the seasonal migrant workers from Rajasthan who came and worked in ginning industries in Kadi area. During the course of its work, the union observed that there were many accidents in the ginning mills that were not reported. The labourers were not being compensated.

A research by CLRA revealed that the accidents were due to lack of basic safety measures. The union found out about 105 accidents in the last ten years and it set up a public hearing for the cases in 2009. Victims presented their cases before a panel of judges selected by CLRA. The union, supported by CLRA, filed for compensation in the labour court of Kalol. The union succeeded in getting justice for several accident victims. Criminal proceedings were initiated against the factory owner in case of serious accidents. The initiative helped the rehabilitation of many of the victims. In some cases, plastic surgery was done free of cost to reduce disability.

## **Organising brick kiln workers**

Under the leadership of Sudhir, CLRA focused on the welfare of brick kiln workers. Brick kiln workers are mostly seasonal migrant workers from Uttar Pradesh, Rajasthan, Odisha, Chhattisgarh and a few other states. They worked in the brick kilns of Uttar Pradesh, Rajasthan, Andhra Pradesh and Gujarat. CLRA mobilised migrant workers in Gujarat kilns to seek a raise in minimum wages. The organisation was successful in organising a mass strike of the brick kiln workers. This led to an increase in the wage rate by around 80% in three years.

However, after the initial success it faced hurdles to take the initiative forward. In the subsequent years, though brick kiln owners came for negotiating wages they did not agree for a fixed rate. They said the wages would be decided based on the market demand during brick production season, which is from November. The workers struck work again but could not sustain it beyond 15 days and had to settle for the wages offered by the kiln owners.

With increased use of fly ash bricks and prefabricated construction material, the demand for burnt clay bricks started declining in Gujarat, leading to wages remaining constant. CLRA mobilised workers from Rajasthan who worked in Gujarat brick kilns. The brick kiln owners

realised that workers from Rajasthan were in the forefront of the strike. They started replacing Rajasthani workers with workers from Chhattisgarh and UP.

CLRA's interventions brought many benefits to the brick kiln workers, although there were hurdles in the latter part of the process. PCLRA helped brick kiln workers in almost 300 kilns of central and north Gujarat access public services like education, health and ICDS services. The union settled hundreds of wage disputes and ensured release of more than 1,000 labourers from bondage in Gujarat.

PCLRA mapped the brick kilns in UP, Gujarat and AP. They focused on working in source areas like Odisha, Chhattisgarh and Rajasthan from where the labourers migrate during brick-making season. They helped brick kiln workers in source areas like Odisha to form unions.

From 2012, Action Aid supported Prayas, to expand its work with brick kiln workers in Rajasthan. Prayas started working in a large cluster of around 100 brick kilns in the Maandal and Asind tehsils of Bhilwara district and in a smaller cluster in Kishangarh tehsil of Ajmer district. They found that majority of the workers were seasonal interstate migrant workers. Apart from Rajasthan, workers came from Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh and Chhattisgarh. Children in the age group of 6-14 were part of the workforce at the kilns, leading to rampant child labour.

With the effort of Prayas, government officials visited the kilns and the education department started non-residential schools at the brick kilns. However, the number of such schools run by Sarva Shiksha Abhiyan (SSA) soon declined significantly.

### **Success after struggle**

With the efforts of PCLRA, Rajasthan Pradesh Eet Bhatta Mazdoor Union was formed for brick kiln workers. The primary work of the union was to increase the wage rates. The union decided to stop the work early in the season and demand for specific wage rates. Sudhir and the CLRA team conducted many meetings with the workers to fix the wage rate for the current and forthcoming seasons. After the meeting, the workers gave a seven-day notice to the brick kiln owners, seeking a hike in the wage rates. The deputy labour commissioner was given a memorandum to initiate a dialogue between the workers' collective and the owners' association to increase the wage rate. While most owners accepted the memorandum, a group of about seven owners who owned comparatively larger kilns and were to suffer the maximum in case of a wage hike, challenged the collective to hold a meeting.

The strike continued but the owners did not concede to an increase in the wage rates. More than 2,000 workers joined the strike. As the strike progressed, the owners became violent. On the third day of the strike when some of the workers were holding a meeting, a mob sent by the owners came in ten vehicles and attacked the workers and the collective's

members from behind. The attack was sudden. Women with children were also not spared. The workers went to file FIR, but no complaint was registered by the local police. The local police called the officials of PCLRA including Sudhir and threatened to take action against them. Members of the collective met the superintendent of police (SP), almost got the members arrested on the spot for blaming them for spreading unrest. One member of the delegation was detained at the local police station for a brief while under Section 107 of CrPC (Code of Criminal Procedure), a draconian provision that allows police to detain anyone for 24 hours.

With the support of the police, the owners gained strength. Some of the influential owners threatened the labourers that they would stop the food allowance and basic necessities like firewood and drinking water. The strike was called off and workers went to work without any assurance from the owners on the wage hike. However, the news was flashed in the local newspapers.

The organisation led by Sudhir sought the intervention of higher officials like state ministers and chief secretary. They in turn directed the local police to negotiate the wage hike for the brick kiln workers. A meeting was held between the brick kiln owners' association and the labour collective. The meeting was called by and mediated by the police department of Bhilwara. Almost the entire top brass of the police was present. The owners agreed to pay a wage Rs 400 to the *paatla* (mixing mud and water for shaping bricks) workers against Rs 300 being paid. It was an average wage hike of 33%, which translates into a wage hike of Rs 20,000 per family for the season. Around 5,000 families benefited by this intervention. Rs 80-100 was the agreed wage for the *bharai* (stacking for baking) and *nikasi* (removal and transporting) workers from Rs 65. The total incremental wages was about Rs 10 crore for all categories of workers.

While the wage hike was a major highlight of the struggle, the fact that the collective had gained recognition from the employers and the administration was of great importance. The owners expressed willingness to negotiate rates before the season began, conveying their problems in hiking wages in the middle of the season.

### **The path ahead**

Currently PCLRA has seven offices across four states with a staff strength of 25. It is working among brick kiln workers in all the four states. In Gujarat the work is more diversified - spread across construction, agriculture, and cotton ginning industry in addition to brick kilns. In addition, the team has focused on cottonseed production in north Gujarat, sugarcane harvesting in south Gujarat and share cropping in Saurashtra area.

For the last decade Sudhir has focused his work on the welfare of interstate migrant workers. He has decided to take this work with brick kiln migrant workers to a greater height. He has started to pursue the government to set up a labour exchange for the brick

kiln workers, in line with the Mathadi head load workers board, that also undertakes welfare activities. Sudhir has garnered the support of ILO (International Labour Organisation) and Tata Trusts, in CLRA's mission of setting up labour exchange in western Odisha. The collaboration between the three agencies happened after the ILO sponsored Mathadi study in Maharashtra in the year 2015.

Organising the seasonal migrant workers at source itself has been a key element of the PCLRA strategy. After the Mathadi study it proposed the use of the model to organise workers in source areas into a board that will regulate movement of workers and replace middlemen. Tata Trusts agreed to support the pilot with west Odisha brick kiln workers.

### **The proposed labour exchange**

It is proposed that the labour exchange will register all the seasonal migrants from a particular source cluster and the employers who wish to recruit the workers. It will catalyse negotiations between labourers and owners for wage rate and other facilities at the work site, thus solving the problem in labour legislation for unorganised sector. Through rule of the law, the owners will not be allowed to hire brick kiln labourers from open market and can only do it through the labour exchange. The exchange is envisaged to perform critical functions that include social security for workers, wage fixation, and regulating work conditions.

The model has beneficial features for the key stakeholders, namely, employers and workers. While the benefits to the workers are obvious, the employers will also benefit as their transaction costs in securing the labour will be reduced. They will be assured of regular supply of labour without relying on private agents who may not deliver as promised. The exchange could be operationalised either by using the regulatory power of the state to set up a new institution or by using the associational power of workers and labour contractors.

While the first approach is desirable, if the state government does not agree to regulate the labour movement through labour exchange, then the second approach can be tried. This however calls for wider mobilisation of labourers in different source areas from where labourers seasonally migrate to different brick kiln destinations. CLRA believes that the labour contractors or the middlemen can have suitable roles within the framework of labour exchange.

The organisational sustainability model that PCLRA is pursuing is that of setting up autonomous unions that will be functionally and financially viable. It is expected that the core staff will develop ownership and take over the unions. The first part of the model has been demonstrated in Ahmedabad where after almost a decade of work, a core team is functionally viable. The second component of financial viability is taking longer because of the nature of target group – a fluctuating work force. However there is significant progress

on that score also. The local union has been meeting one fifth of the staff salary for the last two years and is expected that this proportion will increase gradually.

### **Recognition**

The work is beginning to get noticed and get support. Sudhir was invited to be a part of an international group of experts given the responsibility of developing labour standards for brick kilns in Nepal by Good Weave, an international NGO. The work in child trafficking for cottonseed work was recognised by the US State Department that invited Sudhir to participate in its International Visitor Leadership Program on human trafficking. Sudhir is also a member of the Bonded Labour Committee of the National Human Rights Commission.

### **Sudhir, the family man**

Sudhir's parents wanted him to be an engineer or a civil servant, but Sudhir chose the development sector and decided to work for the underprivileged. Sudhir's younger brother who also studied in the Sainik School is a brigadier in the Indian Army and his sister is working in a senior position in a company in Mumbai.

Sudhir got married to Archana in 1996 and is settled in Udaipur. He has a son and a daughter. Both of them are proud of the work their father is doing for the underserved communities. Archana constantly supports Sudhir's work. She understands the work of an activist and the risk to one's life. Although she struggled at times due to the low income, she believes Sudhir should do what he likes and not do something only for earning more.

Residing in a city where the cost of living has escalated has not been easy for Sudhir. Sudhir said, "The sector doesn't pay much but my parents and siblings have always been helping me." Sudhir acknowledged that the support from his family has significantly contributed to his mission of working for the welfare of labour groups.

## **About Sudhir Katiyar**

- Through Prayas, Sudhir Katiyar organises migrant workers in to trade unions in diverse sectors such as brick kilns, cotton ginning factories and agriculture
- Gives voice and visibility to issues faced by migrant labourers in Rajasthan and Gujarat
- Through trade unions, he helps labourers get better wages and compensation for accident victims
- Through various interventions, helps workers at origin as well as destination sites
- Working towards establishing a formal labour exchange for migrant workers

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