

Beyond Bondage

The Bhatta Mazdoor Tehrik Punjab 2013-14
Labour Qaumi Movement's Struggle for Rights

Michael Semple



Dedicated to

Latif Ansari for his remarkable energy and endurance.

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Book compilation team	First Edition July, 2015 ISBN 978-969-9338-06-9
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سارا دن مزدوری کر کے وی نہیں پیندی پوری

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سوچ تے پہرے لگے نیں، کی نکلن داراہ نکلے
اے میری کمزوری بنیا، میں ایہدی مجبوری
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حق وڈیرے پتی بیٹھے، حاکم پیندے خون
کماوے کون، کھاوے کھیرا، جنگل دا قانون
صابر بن کے ہن نہیں رہنا، نہ ہی سہنی گھوری
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بھگریا: صابر علی صابر

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Foreword

For some, Pakistan is a constitutional country and its founding father considered one of the greatest constitutionalists. One could also argue, that Pakistan is an over legislative country. Yet laws are implemented in an extremely discriminatory manner: some laws are implemented, others not. Behind this selective implementation of laws one could find a pattern. Those, whose rights are guaranteed the most in our law, feel highly vulnerable to the powerful, because the state apparatus is subservient to the interests of the powerful.

This enormous and blatant violation continues with complete impunity because the vulnerable, poor and marginalized are divided, isolated and lack platforms. Therefore, instead of following a Marxian path of class struggle, the state must be made responsible (as custodian of the law) to tame the powerful. History and our own experience teach that state officials respond positively when they are shamed and pressured for their partisan behaviour and failure to dispense justice.

Keeping in view the huge gap between labour laws/rights and their implementation, the Labour Qaumi Movement (LQM) organised the unorganised workers of the power loom sector around issuance of social security card and minimum wage rate. The movement did not target the owners directly but built pressure on the Labour Department for the registration of factories, to enforce minimum wage rates and for the issuance of social cards to workers. The LQM's peaceful and prolonged movement finally made an impact, in Faisalabad and beyond.

In the aftermath of the 2010 mega floods, LQM's leadership organised flood affected men and women in South Punjab and pressured authorities to expedite relief and rehabilitation work, and exposed corruption in relief distribution. In 2013 when a kiln owner in Jhang district tortured his workers, it responded to the call for help of the aggrieved kiln workers, which had a cascading effect.

Within a month, kiln workers were on the roads in many districts demanding end of in just practices and implementation of minimum wage rates. Through a sophisticated strategy, the LQM leadership managed to convince the authorities to implement minimum wage rates in the districts. The LQM leadership also decided to take full advantage of the GSP Plus facility of the European Union. Currently, it is monitoring GSP plus Status and Compliance of labour Standards in ten districts of Punjab in collaboration with Pattan Development Organization.

Pattan provided support to LQM where it was required but attentively avoided unnecessary interference in LQM's decision-making. This is perhaps one of the best examples of civil society organisations and social movement collaboration.

Professor Michael Semple aptly narrated and analysed the LQM struggle. For this he travelled to the districts, spent time with LQM leaders, interviewed kiln workers, owners and labour department officials. On behalf of Pattan and LQM I extend our heartiest gratitude to Prof. Semple for writing this book. I would also like to thank Friedrich Ebert Stiftung for its financial support in the book's publishing.

Sarwar Bari

National Coordinator
Pattan Development Organisation, June 2015

Introduction

The year 2014 in Pakistan may be remembered as the year of high profile civil protests, as for a while the whole country's media focused on the lively crowds assembled in the capital - Islamabad, demanding reform of a political system that seems only to benefit an entrenched elite. The protests wound down at the end of the year as terrorism and national security crowded other issues off the national agenda. But long before high profile national politicians resorted to street protests, a grass-roots movement was already mobilising some of the poorest communities in the country through peaceful demonstrations to stand up for their rights. This movement was launched by brick kiln workers in Jhang district in October 2013. They approached labour organisers from Faisalabad, seeking their help to challenge abuses suffered at the brick kilns.

The brick kiln workers' campaign spread across the districts of the Faisalabad Division in central Punjab and sustained into 2015. Like the leaders who grabbed headlines in Islamabad, organisers of the brick kiln movement had to choose their goals and their tactics wisely – when to confront, when to talk, when to hold

firm, when to compromise.

Whereas protests in the capital attracted banks of television cameras, the brick kiln protesters often resorted to distributing hand written press releases. However they had a clear message: implement the lawful minimum rate in the brick kilns. And in its first year, the brick kiln workers movement helped achieve tangible change in the lives of some of the poorest residents of Faisalabad, Jhang, Toba Tek Sing and the surrounding districts. Most concretely, the movement saw an increase in cash earnings for those working in the brick kilns. More intangibly, but perhaps equally important, participating in an effective movement gave the men and women of the brick kilns a sense of being full Pakistani citizens, whose voices would be heard and rights accounted for. This pamphlet gives glimpses and insights in to the story of the brick kiln workers movement. The pamphlet presents the words of people who organised and participated in the movement, based upon a series of meetings and interviews conducted in districts Faisalabad, Jhang, Toba Tek Singh and Islamabad, between 2013 to January 2015.



Chapter 1

The history of bonded labour and brick kilns in Punjab

Anyone travelling through the fertile plains of Pakistan's Punjab is bound to notice a distinctive feature of the landscape. Every few miles, set back one or two hundred yards from the road stands a giant upturned cigar of sorts. The cigars typically stand about fifty feet from the ground, smoke billowing from the top. Some are plain but most are decorated with geometric shapes - square shaped studs protruding from the round surface, their patterns spiralling upwards. A closer look reveals that these chimneys seem to grow out of vast heaps of red clay bricks. Look beyond the fired bricks and you will usually see pits dug into the surrounding land, where stacks of thousands of raw mud bricks, carved out of the local soil, await their turn in the kiln. These are Punjab's traditional brick kilns. They burn coal or firewood to turn local mud into hardened "*pucca*" bricks for the insatiable construction industry. The earliest urban settlements in the Indus Valley, Harappa and Mohenjo-Daro, dating from five thousand years ago, used kiln baked bricks.

Punjab is also famous for its dynamic economy. Two hundred years ago if one travelled from the city of Multan to Lahore and on towards to Rawalpindi, most of the territory passed through would have been shrub. There would have been little sign of population except in areas along the big rivers, which could be inundated in the summer monsoon floods, or in places where Persian wheels laboriously irrigated a few fields. Now the Punjab supports a hundred million people, most of them living in the rural areas and small towns, with livelihoods linking back to high productivity agriculture. The land has become able to support a hundred million people as because, since the start of modern canal construction in 1846, Punjab has developed one of the world's largest canal irrigation systems. Barrages on the province's great rivers push water into permanent canals which provide a relatively reliable supply of irrigation for summer and winter crops. In modern Punjab, cities such as Lahore, Faisalabad, Multan and Rawalpindi have grown into metropolises and industrial centres. However their growth was founded on the wealth first generated in the canal irrigated agriculture. One of the few constants during this Punjab's long term transformation has been its brick kilns. They produced the bricks from which the great forts and citadels were made before the land was irrigated. The kilns produced the bricks to build key parts of the canal infrastructure itself. They furnished construction materials to accommodate the burgeoning population in their villages, small towns and

modern cities.

Just as the brick industry is based on an ancient technology of the coal or wood fired kiln, the organisation of the industry is based upon social and economic relations that have disappeared from most of Punjab's economy. Many of the workers in Punjab's brick kilns are bonded to the kiln owner with each brick kiln at the centre of a small community; and typically about twenty families operate a single kiln. The kiln normally has a row of simple single storey huts attached living quarters that look like an extension of the trademark heaps of bricks. They are extremely rudimentary, with one or two rooms per dwelling, just enough space for the family to lay out their bedding and store a few belongings. Whereas rural houses in Punjab normally feature an enclosed courtyard which is the main focus of family life, the brick kiln huts open straight onto communal space. Typically the brick kiln huts lack any form of sanitation and residents must take water from a communal hand pump in the open space and use surrounding fields for defecation.

Work in the brick kiln is organised according to an ancient system of trades and division of labour. Each member of the brick kiln work force has an assigned role and is known by the name of his trade. The *pathair* makes raw bricks from the mud. The *baraywala* carries the raw bricks from the mud beds to the kiln. The *coilawala* feeds the kiln with fuel. The *kairywala* spreads earth over bricks in the kiln, to

separate the layers. The *naqasiwala* removes the bricks from the kiln when they are baked. All of this exercise is supervised and recorded by the kiln's management team, which also follows traditionally defined roles. The *mistri* conducts quality control and checks that the bricks are ready. The *jamadar* acts as a foreman, supervising the workers and their operations. The *munshi* keeps the records of production and payments. Once the kiln is fired up, it must be kept going until the batch is ready. Therefore the work has to be arranged on shift basis, with only two or three shifts a day.

For most of the manual trades, payment is according to a set rate for that trade per thousand bricks produced in the kiln. However, by tradition, the *kairywala* receives a set monthly payment. While the *jamadar*, instead of being paid directly per brick produced in the kiln, is entitled to claim a commission from each of the workers.

When a brick kiln owner hires a labourer to one of these trades, he does not only employ a single man (or woman), he essentially acquires a whole family. It is expected that husband, wife and children will work in the brick kiln. The mechanism of bonding operates through loans. Brick kiln workers depend upon the kiln owners to provide them with credit – advances known as “*peshgi*”. The business is in part seasonal as few bricks are produced during the summer rains, which means that workers lose their regular earnings in July and August. Moreover workers habitually look to

the owners for help in meeting social obligations such as paying for weddings and for coping with personal crises such as sickness. Piece rates are kept sufficiently low that there is little opportunity for workers to save and so advances tend to mount up. As long as a brick kiln worker has an advance outstanding, he is restrained from seeking work elsewhere. A worker is bound to work for the kiln owner, until someone else can be found to pay him off. It is not only a single worker who is bound by his advance, but the entire immediate family of a worker who has taken a *peshgi* is expected to live in the brick kiln and provide their labour. In the pure form of bondage, by providing the *peshgi*, the owner acquires entitlements over the entire family, preventing them from moving away and requiring them to undertake menial tasks at his pleasure, in addition to the routine labour of the kiln.



Chapter 2

The 1992-Bonded Labour Abolition Act and its Aftermath

The key legislation pertaining to bonded labour in Pakistan is the 1992 **Bonded Labour Abolition Act** that expanded on a 1988 order by the Supreme Court. The passage of the 1992 act provided a focus to efforts across the country to extricate citizens from this modern day slavery. Agriculture was the other sector employing large numbers of bonded labour. In particular, communities of tenants, or *haris*, in Sindh, were bonded to landlords, who took pride in exerting power of life and death over workers whom they regarded as chattel. Many of the communities where bonded labour was prevalent were religious minorities. Bonded agricultural labourers in Sindh were predominantly low caste Hindus or “untouchables”. In Punjab many of the brick kiln workers (at least 60% of them) were Christians. Most of the rest, about 20%, were people from communities which had converted from Hinduism in a vain effort to escape low caste status. They

are now commonly known as “Muslim sheikh”, an appellation that preserves some of the status they had sought to shake off.

The Act galvanised human rights groups and philanthropists to identify people living in bondage and to help them approach the district magistrates to have their bonds cancelled and debts written off. The Human Rights Commission of Pakistan (HRCP) took the lead in exposing bonded labour practices of feudal landlords in Sindh, and promoting the cancellation of debt bonds and the rehabilitation of those released from bondage. A prominent, if controversial, role was played by the Bonded Labour Liberation Front (BLLF), founded in 1988 as an umbrella for multiple local groups which were trying to organise bonded labourers. The BLLF, building upon the efforts of its predecessor organisation the BhattaMazdoorMahaz, successfully worked within brick kiln communities. It delivered basic social services such as education and offered legal aid. This incremental approach was based on the idea that bondage arises from a wider problem of poverty and social exclusion. It was surmised that the only lasting way to end bonded labour is to also tackle the poverty and exclusion that make some communities vulnerable to bondage. Even today, many of the bonded labourers in Punjab who have the confidence to speak out are middle-aged whose first experience of community uplift was gained twenty years ago while working with Ehsanullah Khan and BLLF. However, as an

example of the pitfalls of trying to scale such efforts, the BLLF founder ended up facing controversy and a sedition case which forced him to take refuge in Sweden.

Over two decades after the passage of the law which formally abolished bonded labour, the practice still continues in parts of Sindh and Punjab. However, in Punjab, social and economic changes in the intervening period have left their mark. Bonded labour is still an issue but does not adequately describe the totality of the challenges faced by today's brick kiln workers. In a sense, the poverty of Punjab's brick kiln workers has been modernised.



Chapter 3

The Situation of Brick Kiln Workers in Contemporary Punjab

Brick production in Punjab is still organised in much the same way as it was at the time of the formal abolition of the bonded labour system. The industry is highly dispersed and takes place in rural and peri-urban parts of most of Punjab's districts. Kiln owners are still mainly independent operators as this is an industry where corporations have made little headway. Whole families and clans still work in the kilns. Although debt bondage is now illegal, the practice of workers demanding advances and kiln owners providing, is still common. But there are other economic and social bonds, tying workers to the kiln owners. The kiln workers depend upon the owner for their accommodation and the kiln is not just a place of work but the physical centre of their community.

Talking with workers from the kilns of central Punjab it is evident that they too have benefited from some of the broader processes of social and economic change in Punjab. For starters, when you sit in a group of kiln workers you soon notice that many of them have and are using mobile phones. They tend to be the simplest machines – phones for talk and texting, not the fancy smart phones you see in Pakistani cities. But even this much means that brick kiln workers are more connected than before. At any meeting of brick kiln workers it also becomes apparent that a significant minority of them now ride motorcycles and thus have easy access to the city or indeed surrounding kilns. This too has broken down isolation and if not entirely broken the shackles of bonded labour, has brought communities of brick kiln workers together. The majority of today's brick kiln workers try hard to send their children to school which point to aspirations of social mobility and recognition of their basic human rights.

In conversations which I have held with kiln workers in Toba Tek Singh, Jhang and Faisalabad, the confidence with which people have joined in the discussion is impressive. Indeed, the way in which brick kiln workers conduct themselves in public is shaped by their experiences in the communities around the kilns, as they behave differently from people belonging to Punjab's other communities. For starters, when there is a brick kiln workers meeting, men, women and children turn up

together, unconstrained by purdah and gender segregation.

This is how they live and work. When choosing where to meet they often use a small village church, even if the participants include both Muslim and Christian. In such cases proceedings usually start with recitation from both religions' holy books, in a show of spontaneous inclusivity which is lamentably rare in Punjab. In discussions which I have held around the kilns, we have probed issues of violence and abuse, to reflect on the power which owners wield over the kiln workers. When we talked about the issue of abuse by kiln owners, workers have generally volunteered examples of punishment, beatings or threats of violence, particularly against people perceived as being too independent. Even if they have a little more money in their pockets and are more connected to the world, workers find it difficult to move from a kiln. But they rarely cite examples of the extreme humiliation endemic in true bondage, where the owner or landlord can do as he pleases with a bonded labourer's female family.

The activists who have worked closely with and won the confidence of people from the brick kilns report that the most egregious cases of abuse meted out by owners and their henchmen involve forced conversion and marriage of women from the kiln communities. However there is extreme reluctance to talk about these cases and they remain under-reported.

One extreme case which did come to light took place in

KotRadhaKishan, Kasur District, in November 2014. Local mullahs incited a mob against a couple accused of blasphemy. The mob beat the pair to death and burnt them alive in the kiln.

Kasur provides an example of the importance of social context – lingering feudal attitudes mean that brick kiln workers are barely free to speak. In most other districts there has been gradual change in the way that modern Pakistanis think of themselves as citizens with rights. Brick kiln workers too have shared in this and have experienced marginal improvement in their economic condition. Punjab's brick kiln workers now have more in common with workers in other industries than they did before the 1992 abolition of bonded labour. Many brick kiln workers in Punjab are more articulate and confident than they were twenty years ago. Now that many of them can ride their motorbike into town daily, or talk with friends on their mobile, the brick kiln workers have more of a sense of being integrated with what is going on in the rest of the province than they did in times when few ever strayed far from the kiln to which they were bonded.



Chapter 4

The Labour Qaumi Movement and How it Decided to Organise Brick Kiln Labour

The Labour Qaumi Movement (LQM) is a workers organisation, based in Faisalabad city, and active in the surrounding districts of Faisalabad Division (Faisalabad, Jhang, Toba Tek Singh and Chiniot). It is committed to improving conditions for workers in informal sectors that have traditionally not been unionised. The movement was launched in 2003 and has now built up to a paid membership of 20,000. The LQM commenced work in the power loom sector, whose small scale textile-producing workshops constitute one of the mainstays of Faisalabad's economy. Its members now include people working in the garments industry and some are home-based textile workers.

The LQM has a strong self-help ethos. It has deliberately

preserved its independence by depending on membership fees alone for its running costs. The movement retains a core of ten to twelve full time labour organisers, all of whom are paid out of the membership fees. Early on, the leadership took a strategic decision not to go down the route of seeking grant funding, from government or international sources because that might have constrained the movement in its advocacy work. Over the past twelve years, the movement has proven fearless in sticking up for the interests of some of the poorest workers in Faisalabad. It has conducted numerous rounds of popular mobilisation, getting people out to the streets. But this mobilisation is carefully calibrated and other key actors in the field of labour rights, not least the district administrations, have come to regard LQM as a constructive force. LQM pursues an approach of constructive engagement rather than needless confrontation. Over the years this approach of constructive engagement has won the respect of many district officials. However some of the most powerful interests in Punjab politics can feel threatened when you start to demand that informal sector workers enjoy their rights as guaranteed by law. Businessman politicians expect the police and administration to do their bidding and not to pander to troublesome worker groups. As an example of the price that LQM members have had to pay for standing up for their rights, thirteen of their comrades were jailed in 2010 for their role in one of the movement's demonstrations. They have been sentenced to a total of 490

years under the anti-terrorist legislation. Fellow protesters insist that the charges and evidence, relating to a clash in a factory where LQM was in dispute, were fabricated in the tradition of the “*jhutamaqadama*”, or fake case. There is a long tradition of such abuse of the criminal justice system in Punjab and so far attempts to get the cases quashed have failed.

Over the years, the movement has campaigned for the extension of social security rights to workers in the power loom and garments sector. It has taken up health and safety issues, alongside the failure of many employers to comply with even the most basic regulations. It has taken up issues affecting workers’ livelihoods. For example, one of the biggest constraints to earnings in the power-loom sector has been power outages. The power distribution system tends to favour large scale industry, leaving workers in the power-loom workshops idle and unpaid. In one of the LQM's first successful mass-mobilisations, in January 2009, the movement brought thousands of protesters onto Faisalabad's streets, demanding fair treatment for those whose livelihoods depend on the power-looms. At that stage load-shedding of 18 to 20 hours at a time had closed down the sector. Although the administration committed to ensure that the power-looms were not discriminated against, Pakistan's power supply problems are far from solved and the LQM stands ready to protest if power to small producers is unfairly cut.

While the LQM has retained the status of a social movement for itself, labour legislation dictates that some aspects of labour rights only be taken up by unions. In particular, only registered unions are competent to undertake collective bargaining. Therefore the LQM leadership has helped found unions in the sectors it organises. The LQM is linked to the Allied Power Loom Workers Union, registered in Faisalabad, as well as the Garments Workers Union of Punjab and the Power loom Workers Union of Punjab, both of which are registered at the provincial level. Through these registered unions the LQM is able to participate in annual pay rounds and ensure that demands coming from its members are put on the negotiating table.

In September 2013 an indignant man walked into the office of AsgharJatt, an LQM organiser in Jhang District. The man was RiazMusali, a worker from a brick kiln located on Faisalabad Road, Jhang. The brick kiln was owned by one Haji Sarwar. When Riaz had calmed down a bit he told his story to Asghar. Riaz was furious that he had been humiliated in front of his community. The brick kiln owner had forced him into a stress position known as a *morgha*, or chicken. To get someone to “make a *morgha*” you force them down into a squatting position and make them stick their hands between their legs, back to front, to grab their ears. The position is considered ridiculous and forcing someone into it is a way for powerful figures to humiliate subordinates. Riaz said that he also received a beating but

it was the *morgha* which he was most furious at.

RiazMusali's trouble had started when, in front of his fellow brick kiln workers, he accused their owner of making unjustified deductions from his pay. At the time, Haji Sarwar was nominally paying the workers Rs.300 per thousand bricks produced. However Riaz had just received Rs.200 per thousand bricks, as Haji Sarwar's clerk had come up with a list of arbitrary deductions, amounting to a third of Riaz's gross earnings. Apparently the brick kiln owner could not tolerate the idea of a worker speaking up in front of his management team and so he decided to make an example of Riaz.

Asghar could tell immediately that he was dealing with a classic case of oppression and also with a poor man who was determined to restore his dignity. But until then LQM had only worked with textile workers. Therefore Asghar made a phone call to the LQM head office in Faisalabad and asked the team if LQM was going to stay confined to textile workers or if it was alright for him to intervene in this case. The chief organiser heard him out. Not only did the chief organiser give Asghar the go ahead to help this tortured brick kiln worker, he pointed out that minimum wage legislation set down a rate of Rs.700 per thousand bricks. Thus Riaz's demand to receive the “full” Rs.300 fell far short of the brick kiln workers' legal entitlement.

After receiving the go ahead from Faisalabad, Asghar told

Riaz that they would take the case to the authorities in Jhang. Riaz gathered the families from his brick kiln and brought them to Jhang city, some fifty to sixty people, including men, women and children. In part this was his way of re-asserting his dignity in front of his peers, who had to watch him being ridiculed by the owner and his men. They staged a protest outside the office of the District Police chief (DPO) and Asghar explained the case to the DPO, who formally recorded the complaint. The DPO then issued direct orders to his subordinates that they should in the future take prompt action if they found evidence of the abuse and torture of brick kiln workers.

The good reception from the DPO represented a small victory and its significance in the status-conscious setting of central Punjab should not be underestimated. Riaz reckoned this was the first time that he had seen a hint from officials that brick kiln workers had rights which they were bound to uphold. But obviously this marginalised community faced a host of other issues which were never going to be settled in a single sit-in outside a district police headquarters. Asghar and Riaz requested central organiser, Latif Ansari, to come to Jhang to discuss what else could be done.

On the day that Latif Ansari travelled to Jhang for the brain-storming on brick kiln workers' rights, Riaz and Asghar put out word to kilns in the district that this was a chance for people to have a say in their future. Some five

hundred brick kiln workers turned up to meet with Latif to express their grievances and hopes. Latif made his point about the huge gap between the rate they were accepting in the kilns and what was due to them under the law.

The brick kiln workers complained that they earned less than unskilled labourers and yet in the brick kilns whole families worked together. The brick kiln industry is one of those for which the provincial government sets a minimum wage rate, based on recommendations from a wage board that brings together employers and worker representatives. For the brick kilns the wage board sets a piece rate – the payment which the various categories of labour should receive per thousand bricks produced. The government prescribed rate is meant to render earnings roughly comparable with other industries and trades. But it became clear in the initial consultation that brick kiln owners were systematically paying a fraction of the gazetted rate. The disparity between what the brick kiln workers received and what was laid down for their industry or what labourers received elsewhere was possible in part because the brick kiln workers were still not really “free labour”. They were still in effect tied to the kilns where they lived and worked. Most were simply too poor to walk away if they thought the wages were too low.

Inspired by what they heard LQM had achieved through organisation of the poorest textile workers, Riaz's

companions from the brick kilns resolved to launch a similar movement in the brick kilns. Their central demand would be for enforcement of the minimum wage. This made for a demand which was both easy to communicate and easy to defend. In calling for a minimum wage, the movement would simply be demanding that the government enforce the law and employers adhere to it. This was a far more powerful demand than haggling over a rate in a normal industrial dispute.

When Latif talked about LQM's experience of organising workers in other sectors he also explained the progress they had made in extending rights such as social security provisions, which include subsidised medical care and a chance for workers to apply for scholarships for their children. There were obvious parallels; although on paper, much of Pakistan's worker protection legislation was applicable to the brick kilns, in reality, the combination of scattered and rural work places, plus politically connected owners, meant that the industry was largely unregulated. LQM veterans could see that there was much work to be done in getting the brick kilns registered under the Factories Act and then secure entitlements for the workers. But the initial consultation agreed that initially the principal focus should be on the fundamental issue of fair wages. In any event a year would pass before the movement matured sufficiently to take up the issues of social security registration and old age benefits also.

As well as seeking rights on par with workers in other industries, the Jhang brick kiln workers told LQM that any movement must also address that age-old problem that had long been associated with the brick kilns – debt bondage. Under the old bonded labour system workers are both indebted to and dependent on the owner. They can expect the kind of violence which Riaz suffered as part of the relationship. The boss owns not just the kiln but its labourers also. In a very real sense the mind-set accompanying the tradition of debt bondage was a source of structural violence. According to tradition, a worker receiving a beating such as that handed out to Riaz, should accept it as his lot and comply with the owner's wishes as to avoid future beatings. Thus, the Jhang workers said that they must also fight for full implementation of the Bonded Labour Abolition Act, 1992. By combining the demand for cancellation of illegal advances with the demand for the minimum rate, the activists combined the “traditional” work on the particular problems of bonded labour with a modern industrial relations agenda – fair pay.

The LQM agreed to the suggestions of the Jhang workers and so out of that meeting was born a new organisation, the “LQM Bhatta Mazdoor Tehreek Punjab”. Under the banner of this new organisation, LQM would help mobilise brick kiln workers across Faisalabad Division and potentially throughout Punjab. From the next month, October 2013, they would launch a movement to demand implementation of the minimum wage and restore the

dignity of people like Riaz, who had been persecuted for daring to demand his dues.



Chapter 5

The Story of the Brick Kiln Workers' Campaign

Once the LQM agreed to work with the *Bhattamazdoors*, they set about mobilising support in brick kilns across Faisalabad Division. In effect each brick kiln had an attached village. The organisers first recruited a contact point for each of the kilns and got them to invite in the team. When movement organisers went to a village or brick kiln they put together a small group of experienced labour leaders or trade unionists, which motivated the kiln workers with tales of success of other campaigns. The organisers held hundreds of meetings, small and large, recruiting kiln workers to stand with the campaign. When the organisers were satisfied with the support base, they moved onto the next stage and gave a call for public protest. This was to be the start of a series of demonstrations. The movement's demonstrations brought up to 10,000 people at a time onto the streets. All

demonstrations were peaceful and focused on the three agreed upon demands. The formula adopted for the movement demonstrations was that first the movement would bring an impressive crowd onto the street, and then would send representatives to present demands to the respective administration. As the organisers of the brick kiln labour movement had adopted demands that essentially said implement the law, it made eminent sense for the district administration to deal with them. There was no way that the district administration could reject the movement's demands; but, the key issue was how far the administration would be prepared to go to uphold the law, in terms of securing kiln owner compliance.

Nine key features characterised the approach of the brick kiln workers and the LQM activists in the first year of their movement. First, the movement was consistent as the campaigners stuck to their carefully selected demands throughout. They used the publicity generated during the movement to highlight these demands and every time they found themselves in direct negotiations, the campaigners focused on making progress towards achieving these demands. They neither allowed themselves to be side-tracked nor contrived additional issues to artificially sustain the campaign. This consistent approach meant that both supporters and those the movement sought to influence were absolutely clear about the movement's

goals.

Secondly the movement was popular in that all the key actions undertaken involved mass mobilisation. This was a movement that brought people onto the streets and demonstrated time and again that the people of the brick kilns wholly supported it. In this sense the movement rapidly distinguished itself from the sort of special interest lobbying which is common in Pakistan, where a group tries to highlight an issue by holding a select meeting in a hotel and then relying on the media to publicise it. The brick kiln workers spend most of their life under the sky and their movement also was an open air movement, with crowds for all to see.

Thirdly the movement was community-based as men, women and children were involved in shaping the movement, at the demonstrations and meetings. Local events were held in the villages and spaces next to the living quarters at the kilns and people treated them like community events. Some of the campaign meetings seemed more like a community wedding than a trade union rally, in the way that everyone joined in and there was always a certain celebratory air.

The movement was also idiomatic, in that it gave expression to the brick kiln workers themselves. Organisers from outside the kilns spoke with the brick kiln

workers in a language and imagery that made sense to them. As the brick making communities have their own poets and singers, it was their verses and melodies that best captured the spirit of the movement and to which participants responded most warmly. Most importantly, meetings and speeches were conducted mainly in vernacular Punjabi, occasionally in the national language Urdu but never in English. Among the labour organisers, the most powerful orator was Latif Ansari, whose speeches employed vivid references to Punjabi myths and tales from early Muslim history. He deliberately appealed to the people's imagination and what inspired them. This approach contrasts with the elitist approach so often employed in Pakistani public discourse, where speakers try to reinforce power relations rather than build empathy.

Additionally, the movement was peaceful. The protests were non-violent and the organisers were constantly on the look-out for agitators who might try to provoke violence or defame the movement to provide the authorities with a pretext for a heavy-handed clamp down. Central Punjab is home to some of the country's most dangerous paramilitary organisations, and the brick kiln workers and LQM were determined to show that they have no associations with these groups or their methods.

The movement was challenging, but not confrontational. In

discussing their experiences, some of the organisers were clearly impressed at how the leadership maintained that delicate balance. They stood up to authority assertively and declined to kowtow to demands from the administration that they should back off or stay at home. But they managed to do this without provoking violence or getting dismissed as trouble-makers or anarchists. Along with the challenging approach the movement was also open to engagement. One of the remarkable features of the movement was that, while retaining the confidence of their mass base, the movement leadership had multiple rounds of negotiation with senior officials of the districts. In these negotiations they made concrete progress towards their three demands. Those running the movement saw it as a way to make the government more responsive to the concerns of a marginalised community. That is why the rounds of negotiation were as much a part of the movement as the long march or the sit down protests.

The movement was also frugal. They lived within their means. Their communication network was text messages sent on the cheapest mobile phones. Workers came to rallies by bus or on foot. Protest headquarters were generally in the shade of a tree. The brick kiln workers protested as they lived – simply. And yet, the fact that sprinklings of young men in the kilns nowadays have motorbikes gave added critical bit of extra mobility for

attending organising meetings. The fact that the movement was conducted on a shoestring budget meant that the organisers retained their autonomy and were not beholden to any sponsor, who might have dictated or constrained their strategy. Indeed, the one time that they contemplated seeking outside funding, to hold an alternative labour conference in Lahore, the donor they approached was unwilling. Because they were accustomed to the frugal approach, the brick kiln workers were able to go ahead and organise the event in a public space without external funding. Donor reluctance did not stop them from doing what they considered right.

Finally, the movement was outgoing. They communicated everything that they did and became effective publicists. The movement kept local media briefed on all their key events and highly successful at obtaining coverage.



Chapter 6

Participant's Accounts of Key Events in the Movement

(A). A snapshot of the movement - the first show-down with the Faisalabad administration

Labour organiser Latif Ansari narrates:

“On 22nd November we held a large demonstration in Faisalabad. For this event we joined forces with people from Toba Tek Singh, Jhang and Gojra.

On the night of the 21st, the Assistant Commissioner, on behalf of the administration, rang Sarwar Bari and I to try and persuade us not to march because the religious parties were also planning all Pakistan demonstrations for the 22nd.

Bari told the AC that the best way out of the situation would be for the administration to issue a notification enforcing the introduction of the minimum labour rate we were demanding. Then we would be happy to call off the demonstration. Given that he could give us no such

reassurance we refused to budge on the plans for the demonstration.

Next the EDO Community Development, who is the official responsible for dealing with NGOs, rang us up. He told us that we were upright people from the voluntary sector. It was far more difficult for the administration to deal with the mullahs and we should help them. We did not budge.

Then, at midnight, the Social Welfare Officer rang. She is a woman and so we heard her out respectfully. She had the same story.

Finally, in the middle of the night, the SSP rang. He simply instructed us to come and meet with the Commissioner at 11 am the next morning.

The workers started gathering at about 09.30. The procession was to start at Dhobi Ghat. There was a large crowd.

We did not go to the Commissioner's office at 11am. But we soon started receiving messages that the commissioner was waiting for us. Eventually Bari, Aslam Meraj, Asghar and one or two others went to meet with the Commissioner. When we got there we found that the key officers of the divisional and district administrations were all in attendance, with representatives of multiple departments.

Bari told them that while he was coming here on

motorbike, he realised that he was not wearing the helmet and this made him worry that he was breaking a rule. He told them that they were responsible for upholding even more important laws than the one dealing with his helmet but seemed unconcerned by the rampant violations. They had instructions from the Supreme Court telling them to implement labour protection but they were doing nothing about it. He reminded them that they had formed district vigilance committees on labour issues and these committees were doing nothing. Despite the Supreme Court's directions and the vigilance committees, workers in the brick kilns still experienced conditions of bondage and the owners paid them below the gazetted minimum rate.

The Commissioner asked his officers if we were speaking the truth. They said that it was.

The Commissioner told us that he would take action. We asked that we should give this to us in writing before he could expect us to call off our protest.

It was 12 kilometers from the Dhobi Ghat to the Labour Department. People marched all that way to the Labour Department, planning to stage the protest there.

At 4 pm police along with District Coordination Officer (DCO) came to the sit-in site with a letter from the Commissioner. Bari read the letter. We saw that it did not cover all three of our demands. There was no mention of the bonded labour advance system and no mention of

extending Social Security Act facilities to the brick kiln workers. Bari informed the protesting crowd about the content of the letter. The protesting workers refused to accept the government notification, as it did not cover all of their demands. It was almost 4:20pm. The deputy commissioner said the office was closed by now and mullahs' demonstration was now starting and soon they would come to this side. Two demos in the same area could not be allowed as this could cause riots, the DCO noted. Bari replied in that case you should hurry up, amend the notification according to our demands. Within half an hour, a new letter was issued which, this time, covered all our issues.”

(B) A labour leader is shot

On 19th June 2014 an unidentified gunman shot one of the LQM leaders, Latif Ansari. The attack had all the hallmarks of a professional hit. The gun-man, or whoever ordered the attack, intended to maim Latif rather than to kill him. No one has yet been prosecuted for the shooting. The brick kiln workers and members of LQM are convinced that owners, resentful of the workers' new-found confidence, wanted to intimidate them by putting the most prominent figure in the campaign out of action. Aslam Meraj General Secretary of LQM was beaten up severely a couple of weeks before as well. Officials in the Faisalabad Labour Department acknowledge that Latif Ansari had no known personal grievances and that the

brick kiln owners were the people who apparently stood to gain most from the elimination of Latif. However, the Department officials were quick to point out that the members of the brick kiln owners association protested their innocence. Whoever may have ordered the attack on Latif Ansari was probably disappointed with the result. But Latif Ansari was not intimidated by the shooting. Instead, as soon as he could hobble on his crutches he returned to the meetings and protests. His obvious courage was an example to the brick kiln workers and Latif provided his account of the shooting in August, only two months since the shooting had taken place. He was still learning to walk again, depending on the crutches as both his legs were badly scarred. But his inspired rhetoric was undimmed. After most meetings supporters volunteered to massage Latif's legs, to provide some relief from the pain.

This is how Latif described the attack and the events leading up to it:

“On the 11th of June we established our protest camp in front of the DCO Office, Faisalabad. The protesters demanded the implementation of the minimum wage in brick kilns in the district, along with other relevant labour rights. We kept our protest up for a week, with a crowd of people staying in the camp, until the 19th.

The district administration had invited us to attend a meeting at 11am on that day, the 19th. On the steps of the DCO's office, we met the representatives of the brick kiln

owners, who were emerging from their meeting with the DCO. The administration had obviously invited them to come around first. As our two delegations passed each other, the owners threatened me. Abdul Razaq Bajwa, the president of the Faisalabad kiln owners, faced me with a brazen threat. He said to my face “Today we shall take care of you because otherwise you do not back down.” I understood that he meant this as a direct threat to me. He was warning me to give up.

When we met with the DCO we demanded the imposition of Section 144 in support of implementation of the law in the brick kilns. We were confident making this demand because in the district of Toba Tek Singh, the DCO had already done just this. By citing public order concerns and imposing Section 144, the DCO wins for the police the power to arrest any employer who fails to implement the minimum rate. We negotiated for an hour, at the end of which the DCO told us to return to our protest camp as he would have a letter delivered there.

Eventually at two o'clock staff from the DCO office brought us a letter which, in accordance with our demands, announced the imposition of Section 144 for two days. The order applied to all brick kiln owners. We told the protesters that they could pack up the camp and go home. Meanwhile a small group of us union officials headed over to the Labour Department. There we discussed arrangements for the Labour Department personnel to visit

all the brick kilns and certify whether they were paying the minimum rate or not. They were now equipped with the power to recommend registration of cases against any employer who failed to pay. We promised that LQM would cooperate in the process of exposing those who violated the order.

After the Labour Department meeting, four of us left to go back into town. We only had one motorbike with us and so we told AslamJatt to take it as the rest of us proceeded on foot. Nasir and I walked side by side. Waris walked behind us.

We had only gone about fifty yards when suddenly a man in the street stepped up to me, pulled out a pistol and started firing. The gunman had been walking close to Nasir and pushed past him to get a clean shot at me. He fired from no further than two feet – arm's length. It looked like a thirty bore pistol. He pointed it straight at me and shot me in the legs – crack – crack – crack – crack – crack. He was very deliberate, pointing to shoot at each leg in turn. I collapsed on the ground. The gunman stood over me and calmly clicked another magazine into position in his pistol. But he did not fire any more.

Waris ran towards us. As he reached the spot where I was lying, next to Nasir, Waris too bent over me. Maybe if they had chased after the gunman he would have fired again. Instead the man jogged a few yards up the road to where he had parked a motorbike. Without looking back, he

jumped on the bike and rode off.

I was lying in a pool of blood on the side of the street, but still conscious. Waris and Nasir together picked me up and carried me the fifty yards further along the road to Allied Hospital. They carried me through the main door shouting for help and within minutes a team of nurses had gathered round me to provide first aid. They gave me shots for the pain and a drip but it seemed to be ages before they did anything to stop the bleeding. After a while they sent me for an x-ray which showed that there was no fracture but a main nerve seemed to be severed in one of my legs. The doctor warned that if he did not manage to deal with it in the next seven hours, he might have to amputate. We got a second opinion from an orthopaedic consultant who gave only a five per cent chance of saving my leg. However the doctor took me into the operating theatre and spent two hours working on my leg and the nerves. When he opened me up he found the nerve damaged but not severed and so he was able to patch me up and save both legs.

News of the shooting soon spread and the workers came out on the streets and kept a noisy protest going until one thirty that night.

The gunman has never been caught. He seemed to be a professional. We realised that he had walked parallel to us from the gates of the Labour Department before shooting me. He was short, about five feet only and had a medium build. He had a small beard and wore a scarf wrapped

around his head. He looked about twenty-five and had a close-cut, army-type hairstyle. While shooting me he shouted insults at me in coarse Punjabi. There was no doubt – the man is Punjabi.

It is obvious that I was set up to be shot after the Labour Department meeting. Someone must have informed the owners that I was there so they could send their hit man. We have a suspect in the department – someone who routinely advises the owners. However, nothing has ever been proven.”

(c) A snapshot of the struggle – demonstrating in Lahore

Latif Ansari narrates:

“One of our major achievements was getting our campaign noticed by the Punjab Government. The Punjab Provincial Government and Federal Government jointly held a labour conference in Lahore from 24th to 26th April. It was billed as a South Asia Labour Conference and was partly financed by the European Union. Labour associations and NGOs involved in labour issues all participated.

To start with, we called a joint meeting with other local organisations in Faisalabad, to adopt a common position for the conference. This meeting decided that we should hold a parallel conference. Accordingly we put out a press release and made preparations to head to Lahore and meet there. We announced that the brick kiln workers would be

participating in force.

I wondered whether or not for once, it would not be a good idea to try to get some donor funds for our parallel conference. But when we contacted a donor representative we found that they planned to attend the official conference and so were not prepared to support a parallel event.

We planned to establish a protest camp in the park at Simla Pahari, close to the site of the official conference. But when we headed to Lahore we found that at the entrance to the city, police had orders to block our buses and turn them back. Despite efforts to keep us out of the city, seven hundred of our supporters reached the park safely.

On the eve of the conference, 23rd April, we issued a press release in Urdu and English, explaining what we were doing and why we thought that workers would have no voice in the official conference. Our initiative meant that on the day the conference started, newspapers carried the news of our event side by side the coverage of the official conference. This exposed their drama.

(See Annex 1 & 2, insert scan copies of all the coverage).

Some of our supporters, including people from the labour unions, and Karamat Ali (a veteran labour activist from Karachi), came to show solidarity with our cause on the 23rd. Bari who continued sitting with us throughout the sit-in, addressed the crowd and asked the people whether

Karamat Ali should be with us or inside the official conference. All said in unison that Karamat Ali should stay with them. He promised to take up our issue at the official conference and left. In the evening, a group of officials came to ask us to disperse. The Director General Labour Department wanted us to wind up our protest, as it had become an embarrassment for the government. He tried his best by offering promises. The DIG police brought huge contingent of the police to intimidate us. None of which worked.

However I used the tactic which subsequently Tahir-ul-Qadri would use.

Inside the official conference a journalist threw a shoe at the Chief Minister Shahbaz Sharif. Every national news channel had footage of the incident but none of them dared to show it. Meanwhile we kept up our protest throughout the event and gave daily news briefings that all got coverage in the media. We had really grabbed the authorities' attention. If we went to the bathroom someone was sure to follow us.

We even resorted to a bit of a bluff by threatening to march to Mall Road. Nazeera Bibi and our women's wing equipped themselves with big sticks. The authorities overreacted by deploying a large police contingent. They put over fifteen hundred police on the streets, who greatly outnumbered our workers. Our protest continued for three days.

Then on the last day, we received word that the Punjab Government wanted to meet with us. We fixed the meeting in the Ambassador Hotel which is close to SimlaPahari and our protest site. The Punjab Minister for Labour, Raja AshfaqSarwar and the Secretary attended the meeting. They issued written orders for implementation of the minimum rate and labour law and directed their DCOs and Labour Departments to oversee the implementation. We decided that that we would wait until May to see what happened with these orders.

From all the districts, I think we should single out the DCO of Toba Tek Singh for praise. She had a straightforward attitude. She said “The law is the law and I am its guardian”. She imposed Section 144 for an indefinite period and gave orders for the arrest of some of the Bhatta Maaliks”.

(See Annex 2 & 3, DCO Toba Tek Singh imposes Section 144.)

(D) Snapshot from the movement – a celebration in a brick kiln village (Mullahpur, Faisalabad District)

We rendezvoused with Latif on the road outside of the village. He was wearing a red shirt over a white dhoti. The dhoti hung loose over his legs. The right leg was badly scarred through the full length of his calf. Latif walked with a frame.

As we walked together approaching the village we found school age children lined up, armed with bowls of rose petals. As Latif hopped his frame between the two lines of the reception committee children showered him with petals.

The reception party directed us to the space behind the village huts that they had prepared for the meeting. They had erected brightly coloured *shamyana* tent in the shade provided by a grove of *keekar* (acacia) trees. Carpets were spread on an improvised stage. There was a noticeably merry atmosphere - I spotted plenty of smiling faces among the crowd of eighty or so villagers - men women and children.

A couple of the men hauled Latif up onto the stage. As he took his seat, a drummer appeared with a *dhol* (a large drum strapped to the chest like Northern Ireland's lambegdrum). Boomboom the drummer beat out its rhythm and suddenly a handful of men started to dance. Most of the crowd wore *shalwarkemez*. But one of the dancers was togged out in a smart shirt and camouflage combat pants. Still accompanied by the beat of the *dhol* Mr. Smart pants stepped to the front and cramped up a robot dance making exaggerated mechanical movements with arms – legs – head – neck. Alongside the drummer, he was soon the centre of attention with his incongruous mime.

By turn, each of the local favourites was summoned to the front to dance. One of the boys had spectacularly red

hennaed hands. The wildest dancer was a handsome dark skinned man with long black hair parted in the middle and a hand festooned with some of the largest rings I have ever seen. He sported an extravagant orange turban. The ornament and cultivated wild looks speak of a *Sufi* cult. Another dancer performed as a whirling dervesh, dancing round and round, eyes closed, a human gyroscope, seemingly in a trance. The drummer boomed his rhythms relentlessly, with sweat pouring down his face.

Latif discretely called one of his companions and directed the man to elevate his bad leg onto a chair so that Latif could sit more comfortably. About half of the people who had taken their place on the stage were women. By the end of the dancing some two hundred people had gathered.

At a sign from Latif the drummer paused and the dancers stopped. On the stage one of the tehreek's officials who doubles as a mullah incanted a short prayer in Arabic. The robot dancer, who I had learned was called Javed, stepped forward and recited a Punjabi Sufi poem and then switched to Urdu for a prayer for the success of the tehreek.

Then it was Latif's turn to speak. "We are here today to celebrate, as much as to demand. We celebrate that we have made progress towards securing a fair rate for the brick kiln workers. We are delighted that two local kiln owners have committed themselves to paying a fair rate".

Latif introduced Mian Abdul Qayyum Sahib, the founder of the tehreek. Qayyum sahib thanked the assembled brick kiln workers for preparing such an impressive gathering at short notice. This in itself demonstrated that their movement is still strong. He congratulated them on sustaining the movement over the past eleven months. He reflected in the experience of witnessing protests in Islamabad (by Imran Khan's Tehreek-i-Insaf and Tahir-ul-Qadri's Awami Tehreek). Qayyum deliberately avoided directly endorsing the Islamabad protests but instead said that he salutes all efforts which bring communities together and strengthen the oppressed.

Next the Sufi with the orange turban stepped forward and recited his Punjabi poem about the travails of the brick kiln workers.

“Asseen Bhatta mazdoor, yaro baray majboor”

We brick kiln workers, dear are hugely hapless

The crowd responded to the poem. Then when Sufi had finished they called him back to sing a song that had everyone clapping along with the rhythm.

Like everyone else Latif was enthralled by the orange turban Sufi. I noticed that Latif's beard had a few more streaks of white than last year, but Latif beamed a wide smile as he listened to the poetry. The most enthusiastic

people in the audience were the women. Many of them bedecked with jewellery as if dressed for a wedding rather than a labour union gathering.

Sarwar Bari made a short speech in which he admired Latif for his steadfastness and workers' love for him. He also appreciated the decision of kiln owners Zulfiqar and Meraj to pay the gazetted labour rate.

The orange turban Sufi called Iqbal is a devotee of HazratPirNaushau from GunjBux near Rawalpindi. His family have been attached to this line of Sufi masters for generations. They belong to a Qadria order. Iqbal was one of the witnesses to Latif's shooting. He and his community belong to the Bhatti tribe, originally from Hissar in India. They migrated to western Punjab at partition in 1947.



Chapter 7

Voices - Witnesses to the Brick Kiln Movement

(A) A brick kiln worker's voice - Ameer Hussein, 37 years old

We joined the brick kiln workers at the shrine of Hazrat Abdullah Shah Ban. The shrine is a simple structure in a shady grove of trees on the side of the Faisalabad bypass road. The main building or *darbar* is built on an earth platform to raise it from the flood plain. It consists of a single room enclosing the tomb. As is the norm for these Sufi shrines, a spreading banyan tree grows at the end of the shrine away from the road the earth platform makes a veranda around the shrine on which people from the community have gathered. We join them there to talk about life in the kilns. On one side the shrine overlooks lush fields of cotton and sugarcane. On the other side, across the road, is the brick kiln – a long line of huts like a cattle shed, adjoining the great mounds of baked bricks and the chimney of the kiln itself.

Akbar was there to welcome us with a taciturn white

haired uncle-like figure sporting the telltale orange turban of their Sufi sect. A sprinkling of women and children mingled around the shrine as well.

Issues that cropped up in conversation around the shrine included the evolving relationship between citizen and the state. Nowadays identity documents have become more important and there is a lot of pressure to have a National Identity Card. But the officials want to see birth certificates, which none of the brick kiln workers have. To solve such issues one needs an authority figure to stand up for you. The local Chaudhrys – land owners who run local political factions – solve this kind of problem for peasants and represent people to the authorities. But in return, you must work in their fields. The brick kiln owners operate as Chaudhrys for the workers who are attached to their kilns.

And on record-keeping, one of the men produced a notebook in which the state of his accounts with the brick kiln owner was written out. He described it as “a little bit of reassurance”, but in reality the possession of and ability to read an account statement can be an important safeguard for a worker in tracking his entitlements and checking the multiple deductions.

AmeerHussein tells his story:

His six children range from 5 to 18 years of age. Three of the children and his wife and four of the children work with Ameer in the ChaudhrySajjad brick kiln.

The ones who work are Faqeer Hussein (16), SyedaBibi(14) and Yaseen (12). The eldest daughter is married so does not work with the family. Meer explains the economics of brick-making:

The labour rate for making 1000 bricks is Pak Rs.720. But Rs.20 of that goes in commission. This compares to a sale price of Rs.6, 5000. The labour rate was only set 15 days ago. Before that the labour rate was Rs.585 and had been that for about one year.

During the month of Ramzan, in the summer, Ameer'sfamily made 40,000 bricks, which were paid at the rate of Rs.585, minus the Rs.20 deduction. For the past week they have been working at the new rate and have so far produced 3,000 bricks.

“My outstanding advance is Rs.150,000.

I used to work for GhulamNabi. A year and a half ago I wanted cash to marry off my daughter. GhulamNabi would not provide me the money. But Sajjad was prepared to pay off my existing advance of Rs.140,000 and provided me the Rs.20,000 I needed for the wedding, so I went to Sajjad.

At the current brick kiln, our family of eight lives in two rooms attached to the kiln. We have a fan and a single light bulb. The owner deducts Rs.1,500 per month for this accommodation.He deducts Rs.2,000 for the advance.

In a typical month,we produce between 30,000 and 40,000

bricks. But the production is very variable because of the weather and social obligations like funerals and festivals.

Over all, there has been some improvement in the behaviour of the kiln owners over time – in their dealings with the workers. But the first time that we staged a protest demonstration in the bazaar, with Baba Latif, one of the owners, Malik Nasir Ghuman, rang some of us up on the phone and threatened and insulted us. Then a while back, I was walking along the Faisalabad bypass and the same maalik drove up and threatened to shoot me for inciting the workers. He opened the boot of his car as if he was to show me something, but it was all part of his threat.

Then one of the crooked Faisalabad maaliks organised for the Multan police to register a false criminal case against Iqbal, Pir Bux and Mohammad Bhutta. But after some of us intervened and exposed how the whole thing was fabricated, the police withdrew the case.

Ultimately I would like my sons to go into some other line of work. I hope that we can shift into something like fruit selling. Work on the brick kilns is not good. The trouble with trying to set my boys up in some other business is that our wages are just so low that it is impossible to save and invest.

Our forefathers did the same work in India before partition. The whole of our community has worked in the brick kilns since they migrated from India. Our community is known as Hissari because we migrated from district Hissar in

India. One of the reasons that we are obliged to continue working in the kilns is that we depend on the kiln owner for somewhere to live. We have no land or houses of our own.

The government sometimes has distributed public land to the poor but the brick kiln workers have never been eligible for these schemes because we are classified as nomads.

When the LQM was formed I went into the city to have a look at their work. I liked what I heard because they talked about rights. I have been involved in all of the events connected with the brick kiln struggle and also attended the sit-ins in front of the Labour Department and the rally in Lahore.

We workers have become more courageous from the experience of participation in this struggle. It has made us more confident and more resilient in the face of threats. However when I heard that they had shot Latif I was very upset.

But the government has not listened to us properly. This is a government of miscreants. Every time that the government makes a promise it fails to deliver. When someone harassed Iqbal, no steps were taken against culprits. Nothing has happened to the man who attacked Latif. The government is a government of thugs. After all,

the bosses are all with the PMLN.

I have put two of my children in school – Khalida who is 12 years old and Sajjid who is 8. We decided that they should study because we are hopeful that the situation will change but I doubt that they will ever get a government job. However, I am hopeful that they will find some private employment. The school was established with assistance from the BLLF but operates on a self-help basis. We pay fees but the NGO tops them up to make up the running costs.

I have a mobile phone which we use for the movement. With it we contact other workers and it is on this phone that Baba Latif has contacted me many times. I have benefited a lot from this little phone.

I hope that in future maybe I shall find my way into some other business. And if it is his fate, maybe my son FaqeerHussein will also escape”.

(B) Arshad, a woman worker in the kilns and wife of Ameer

She has a warm smile.

“We had to take Faqeer out of school when he was in fourth class as I was sick for a year. I had asthma and even

now have to take medicine every day.

Of course we dream of having our own house. The house in the brick kiln is permanently dirty and the roof is liable to collapse but this is in the hands of God.

When I bear my children I return to work on the eighth day after giving birth. I breast feed while working at the kiln. When a baby cries you have to feed it.

(c) A woman organiser's voice –NisarBibi

“I went on the 8 day long march but became sick with a fever so I could not throw off for a whole month. I consider Latif like a son. It is our lot in life to fetch food and water for our children. But now I give a thousand praises to Allah that we have some fruit for our labour.”

(D) A government voice – the Faisalabad Labour Department

Imtiaz Sahib, acting District Director Labour, narrates.“The government had already imposed Section 144 on the brick kilns in Toba Tek Singh. Latif proposed the same measure for Faisalabad and offered to end the LQM sit-in if we agreed to this move. When Latif received the official notification he wound up the sit-in and came to the Labour Department. He was delighted. Afterwards we

had discussed implementation arrangements and I saw him to the door. Half an hour later I received news that Latif had been shot.

He has no personal enmity and so it looks like a clear case of the kiln owners resorting to hooliganism. The shooting was a sad incident.

The Labour Department is not in any way troubled by the work of the LQM. Rather, their movement helps to highlight the issues we are working on. Over the past six months our department has benefited from the cooperation of the LQM. The labour leaders have demanded that we apply the Factory Act to the brick kiln and so we are busy registering them all. At least through this effort there will be an official registration of all kiln locations and their owners. In my experience, when workers are organised and make noise it becomes easier for us to implement the law. Our inspectors are active on the ground and can levy fines if they find violations.

Some brick kiln workers have been persuaded to implement the gazetted labour rate for bricks. This has pushed up brick kiln workers' earnings. They can expect to get some Rs.740/- in hand per thousand bricks. The mobilisation undertaken by LQM has thus had an effect and alongside the LQM the government plays its role in gazetting the rate and publicising it.

People have realised that poor communities can speak. This is a success that you have to see in its social context.

Patronage relations, confrontations, protracted court procedures all make it difficult to achieve change. The brick kilns offer a particularly different milieu to reform as they are generally family businesses and located in the rural areas. It requires continuous struggle.

In reality the system of advances in the brick kilns will never be fully abolished. Perhaps the amounts can be reduced, say from Rs.20,000 to Rs.50,000. The problem is that the owners face a shortage of labour and they fear losing their workers if they do not pay *peshgi*. We have regulations governing the payment of wages but should try to impose a limit on salary advances as well.

But things are changing. The older brick kiln labourers are from the traditional brick making castes, the Muslim Sheikh communities. However, when you look at their sons, they have mobile phones, motorbikes, CD players and electricity connections in their homes.

The practical effect of the mobile phone is that everyone can find out what the minimum rate is and this is one of Latif's achievements. I was once a student political leader and so I can see how things have changed. The people in the brick kilns have more confidence. The Labour Department is there to enforce the regulations backed up by the courts who gave orders after the imposition of Section 144. There is a broadly sympathetic government and there is a lobby within the owners' group which advocates coming to terms with the workers. Overall this is

a political success and they have drawn a line on the abuses of the past”.

(E) A boss's voice – Mustafa, brick kiln owner

He has qualification as a doctor but has recently invested in a brick kiln and was waiting to get production started after the rains. He has learned about the industry from other members of his family who have run kilns.

Mustafa narrates:

“About the advances, yes sometimes the amount of loan outstanding builds up. For example there are periods when the work is stopped and the labourers require credit. But there is no buying and selling of people. Rather if someone does not want to work for you and has money outstanding, he has to go and find someone to take over the loan. But if the loan reaches a level like four or five lakh rupees, then it is the owner who is at risk. The labourer can go to court and if he gets a court order to cancel the debt then the owner has lost everything”





Chapter 8

State and Employers 'Responses to the Movement.

The LQM and brick kiln workers running the movement clearly won the respect of the administration in the districts where they mobilised. This was in itself a significant achievement

As the workers had no powerful interest group behind them, the DCOs and even police observed that this was a disciplined movement with consistent and lawful demands. Therefore they realised that their perennial concern of maintaining public order was better served by reaching agreement with the movement's leadership than by resorting to violent suppression or harassment, of which they have ample experience. Of course, however, there was not a consistent vision across all members of the administration. They varied in the extent to which they were prepared to cooperate with the movement. The

organisers singled out the DCO in Toba Tek Singh as an example of a senior official who had a clear vision of upholding the law and who saw the brick kiln workers as allies in implementing laws that had hitherto been widely violated.

Among the departments, the movement had most interaction with the Labour Department as it had official responsibility for administering the laws on which the kiln workers were agitated. In the course of the movement, some sense of partnership evolved. The Labour Department officials realised that when the movement highlighted the abuses occurring in the brick kilns and focused the attention of the administration on this, it strengthened the hands of the department. However, the organisers never lost sight of their responsibility to their members. They tried to keep the pressure on the Labour Department to get more active in defending worker rights and were careful to avoid being co-opted by them.

There were even more stark contrasts in the response from different sections of the brick kiln owners fraternity. The employers were well organised and used their association to lobby the administration against making concessions to the LQM and brick kiln workers. Over time, a sort of tripartite formula emerged, whereby first the employers would meet the administration and then the workers

representatives would put forward their perspective to the administration. Some of the brick kiln owners realised that the movement's demands were reasonable and were willing to grant the rate increases they demanded, especially as they were aware that the market price of bricks had also risen. The organisers made a point of showing respect to, even celebrating; those brick kiln owners who decided to pay the prescribed minimum rate.

However the kiln owners who controlled the leadership of the employer associations took a totally different view of the movement. They saw it as a challenge not just to their margins but also to their political power. They were used to a pliant and submissive work force, and did not relish the prospect of dealing with people prepared to stand up for their rights. The brick kiln owners' sense of entitlement was further boosted by the fact that many of them had long been active in Punjab's governing party, the PML(N). As far as these kiln owners were concerned, their government was in power in the Punjab and so it was up to them to decide how the law would be used. The most visible thing that the owners did was sustained lobbying of the administration and dogged resistance to every step in the process of enforcing the minimum rate. Parallel to the workers' movement, the employers seemed to become more organised as well. Abdul Razaq Bajwa, as Faisalabad district president of the owners association and Haji Aslam

Salaam, as divisional president, both repeatedly met with Faisalabad's DCO on behalf of the owners. Their most senior political ally was RanaSanaullah, the Punjab government Law Minister (who was later removed because of his alleged involvement in the killing of 20 workers of Pakistan AwamiTehreek), who addressed meetings of the owners in Faisalabad's Serena Hotel. However, some in the employers association were apparently frustrated by this cautious approach and took matters into their own hands. After one of the most successful protests a professional hit man shot one of the most prominent organisers in an attack, which was widely understood to be a strong warning from the employers to back off.



Chapter 9

Outcome and Achievements

The most important achievement of the movement, in its first year and a half of operation, has been the effective mobilisation of this hitherto unorganised section of Punjab's poor. In terms of formal membership, the BhattaMazdoorTehreek had 1,600 paid up members across Faisalabad Division by the start of 2015. These were all workers who had shown their confidence in the movement by paying an initial registration and weekly fees, out of their wages. These were the resources which made the movement into a self-supporting organisation. In addition to the paid up members, thousands more had participated in the movement's protests, meetings and celebrations. This mobilisation has helped bring a palpable self-confidence into the communities around the brick kilns. It has helped restore their dignity and made it less likely that anyone should suffer the kind of beating or humiliation which triggered the movement. The mobilisation has also meant that administration officials take brick kiln workers

more seriously as an interest group. This means that if anyone does suffer violence or discrimination they will be heeded and can seek redress.

The development that has produced the most tangible benefit for the brick kiln communities has been the implementation of the minimum wage. A year and a half's struggle produced significant progress on the movement's main objective. By the end of 2014, employers in most of Faisalabad Division, Jhang, Toba Tek Sing and Faisalabad Districts, had agreed to implement the 2013/2014 minimum rate of Rs.740 per thousand bricks. For people like those working in the same kiln as RiazMusali, that meant more than doubling their take home pay. These workers who started the movement were convinced that it was their efforts which were primarily responsible for this rise in their incomes. Kilns in neighbouring Nanakana Sahib Districts have also adopted the rate.

Although gaining widespread implementation of minimum rates across four districts counts as a significant achievement, LQM activists are well aware that much remains to be done on their core objective. For starters, the Pakistan economy continues to experience inflation. The cost of living, and of course, the market price for products such as bricks continues to rise. Therefore minimum wages are reviewed annually and at the end of July 2014, the Punjab Government notified a new minimum rate of Rs.888. Just as the movement was making progress

towards implementation of the new rate, it was time to start advocating for the still newer rate.

From the outset in 2013, the LQM and brick kiln workers aspired to organise throughout Punjab. Their efforts have had some ripple out effect on districts beyond Faisalabad Division. Events such as the Alternative Labour Convention were designed to attract attention throughout the province. However the reality is that the LQM and the BhattaMazdoorTehreek have never had the resources to reach out systematically to other parts of the province. Brick kiln workers from far flung districts regularly approach the LQM in Faisalabad, asking that the movement organise in their district as well. In effect, there is a queue of people waiting to join the movement. The situation in many parts of the province remains as bad as or worse than it was in Jhang when the movement started. For example, in early 2015, many brick kilns in southern Punjab's Bahawalpur District were still paying Rs.400 gross, which after deductions came to Rs.300 per thousand bricks. From visits to districts around the province, LQM activists have concluded that ignorance regarding labour rights and legislation is pretty much universal and that even in many labour departments, officersbarelyhavea hazy understanding of the laws they are supposed to be implementing.

Assessing progress on debt bondage is more difficult. The LQM activists can cite a handful of examples where, during the movement, brick kiln workers have approached the district administration and courts to have their debts cancelled and be freed from obligation to the brick kiln owners. For example, in the early stages of the movement, when the Faisalabad district administration announced a clamp down on torture of brick kiln workers, this was soon followed by twenty-four workers declared free from their bonds. However, generally workers assert that if they received a living wage they could stay free of indebtedness and even pay down debts. For example, in the community whose celebration is described above, after the brick kiln owner Zulfiqar enhanced the rate he paid, two BhattaMazdoor activists paid off their debts. SurayaMassi and HaroonMassi together paid off Rs.120,000 and considered themselves essentially free. It is also understood in the brick kiln communities that some of the indebtedness results from a sort of one-upmanship, where workers deliberately take loans from several owners, knowing that they can neither repay nor work for them. However, over all the feedback from brick kiln workers to the LQM indicates that increased incomes have left workers less vulnerable to exploitative lending.

After broadening its activities beyond the initial push for fair wages and freedom from debt, the LQM also made

some progress on the task of extending worker rights to the brick kilns. It has worked with the Labour Department for a registration drive across Faisalabad Division. Over 600 brick kilns have now been registered under the Factories Act (380 in Faisalabad, 120 in Toba Tek Singh and 112 in Jhang). Similar registration drives are under way in districts across Punjab, including Nanakana Sahib, Vehari, Khanewal, Muzaffargarh, Leiah, Hafizabad, Sheikhpura and Bahawalpur. However, there are still many challenges involved in translating brick kiln registration into improved conditions for workers. In the first place brick kiln workers cannot get themselves registered for any kind of state benefit until they have a National Identity Card. As the card-issuing authority, NADRA, has had little coverage in the brick kilns, LQM has been lobbying them to issue brick kiln workers with NICs. By early 2015, records indicate that some 1,172 social security cards had been issued to brick kiln workers in Faisalabad District. But LQM investigations indicate that allocation has been extremely problematic. Brick kiln owners have apparently allowed their foremen (jamadars) to give the cards to friends and relatives, rather than distributing to eligible workers. In Jhang, kiln owners came up with a quota system that might work out more fairly, in that they agreed to obtain five social security cards to give to five bona fide workers in each of their kilns. Meanwhile, the government has

significantly enhanced the employer's social security contributions, from Rs.8 monthly for the minimum of ten workers to Rs.700 monthly per worker covered. This has been an additional deterrent to employers bringing their workers into the social security net. Furthermore, at the national level, the social security system has struggled to keep pace with demands on services and benefits, so that the LQM question what a social security card is really worth. Therefore, the achievements of which the activists are most proud are the restoration of the brick kiln workers dignity and the successful extension of the minimum wage to Faisalabad Division's brick kilns.





Chapter 10

Reflections and Future Challenges

The experience of a year and a half of the brick kiln labour movement illustrated the potential of effective organisation. Brick kiln workers who have over time been variously stigmatised or pitied acquired a new confidence and showed that they can make state organs work in their favour. Workers and indeed whole communities, felt empowered by the experience. Although the gradual extension of the minimum rate could only ever have been one contribution to the broader challenge of transforming lives; there was enough visible improvement, enough employers upping the rate paid and enough pressure on others to fall into line, that participants felt the movement succeeded. This success can be attributed, in addition to the organising approach described above, to the context in which the movement was launched. The Punjab in which the brick kiln workers organised, was a place of unrealised potential. Workers already had a little more disposable

income than the previous generation and there were enough signs of social mobility around them to encourage brick kiln workers to demand rights and freedoms which their parents did not enjoy. And despite all the problems of unresponsive elites and poor governance, Pakistan has seen a kind of democratisation over the past couple of decades. Officials and even the Punjab Labour Minister had to engage with the brick kiln workers because governments know that ultimately their survival depends on maintaining popular consent.

The leaders of the national level protests for political reform in 2014 were probably not aware of what had been achieved by the brick kiln workers movement. But anyone contemplating popular mobilisation in the future would be well advised to look at the experiences of the brick kiln workers. This experience shows that, in modern Pakistan, well-executed popular mobilisation provides a viable route for even some of the most oppressed and marginalised communities to enter the national mainstream as full-fledged citizens. This development benefits not just the communities themselves but also the broader society, which for too long has failed to value or harness the talents of so many of its poor members.

If the increasing connectedness of people in marginalised communities is one of the factors that made possible for

the brick kiln workers to mobilise so effectively, that connectedness has progressed even further during the movement. A couple of months after the launch of the movement, the European Parliament voted to grant Pakistan its “General System of Preferences-Plus” (GSP+) status. This is an important trade incentive scheme designed to encourage good governance. Eligible countries receive a 20% reduction in tariffs which it would otherwise apply, but are expected to meet their obligations under key international agreements. These commitments include protection of labour rights and are monitored by the European Union. The European Union Ambassador has even reached out to LQM to understand what progress is being made in their quest to secure the rights brick kiln workers under the law. Pakistan’s exporter access to world markets is now bound up with the fate of some of its poorest communities.

The movement also provides an example of non-violent action in an environment where violence is endemic. In addition to the shooting of Latif Ansari, after the ‘long march’ in May 2014, thugs, suspected of links to the brick kiln owners, ambushed Aslam Meraj, the General Secretary of LQM. He had gone to a kiln at Issa Nagari to meet with the workers planning to take cases to court. When Meraj and his companion Abdul Khaliq Fauji were on their way home, the thugs blocked the road, grabbed

them and beat them with pistol butts. Ansari recalls that in the early days of the movement, LQM was almost overwhelmed with reports of violence and intimidation against participating workers. “We were busy, almost going daily to police stations to report violent incidents”. But this violence seemed to reach a peak with Latif Ansari’s shooting and after the summer of 2014 it tapered off. By maintaining solidarity and avoiding reverting to violence themselves, LQM and the brick kiln workers seemed to succeed in neutralising the violence they initially faced.



Appendices

Annex-1**Background Information****Example of gazette notification of payment rates for the brick kilns**

From the Punjab Gazette September 16, 2014

Applicable to workers employed in brick kiln industry

Part 1 for piece-rated workers**Nomenclature and approved minimum payment per 1000 bricks**

Pathiwala/brick layer (ordinary bricks: Rs.888)

Special brick layer: Rs.1,050

Gutka brick layer: Rs.1,050

Tiles layer: Rs.1,050

Donkey man: Rs.289

Naqasiwala: Rs.289

Part 2 for time-rated workers

Nomenclature and approved minimum rate of wages per month for 26 days

Munshi: Rs.15,047

Highly skilled

Mistri: Rs.16,650

Truck driver/tractor trolley driver: Rs.16,650

Skilled

Car driver:	Rs.13,441
Cook:	Rs.13,441
Semi-skilled	
Jalaiwala/baraiwala:	Rs.12,878
Kiriwala:	Rs.12,878
Safaiwala:	Rs.12,878
Coal man:	Rs.12,878
Tube well driver:	Rs.12,878
Unskilled	
Watchman, Chawkidar:	Rs.12,000
Loader:	Rs.12,000

(B) Table 1: Punjab brick prices and labour rates 2006-2013, reported by LQM

YEAR	BRICK SALE PRICE PER 1000 PC	PUNJAB GAZETTED MINIMUM LABOUR RATE (PATHAIR WALA) PER 1000 PC	PREVAILING LABOUR RATE (PATHAIR WALA) PER 1000 PC
2006	1500	295	150
2007	2000	295	150
2008	2500	442	200
2009	3000	442	200
2010	3500	517	250
2011	4000	517	250
2012	5000	665	300
2013	5500	740	350-740 (range)

(C) Operational articles of the BONDED LABOUR SYSTEM (ABOLITION) ACT, 1992

4. Abolition of bonded labour system.--

(1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.

(2) No person shall make any advance under, in pursuance of the bonded labour system or compel any person to render any bonded labour or other form of forced labour.

5. Agreement, custom, etc., to be void.--

Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

6. Liability to repay bonded debt to stand extinguished.--

(1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part

of any bonded debt as remains unsatisfied immediately before such commencement, shall stand extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bounded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family was forcibly taken by any creditor for the recovery of any bounded debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was seized.

(5) Every attachment made before the commencement of this Act for the recovery of any bounded debt shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court, tribunal or other authority pending sale thereof such movable property shall be restored, within ninety days of such commencement, to the possession of the bonded labourer; Provided that, where any attached property was sold before the

commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall be affected by any provision of this Act.

(6) Subject to the provision of sub-section (5), any sale, transfer or assignment of any property of a bonded labourer made in any manner whatsoever before the commencement of this Act for recovery of bonded debt shall not be deemed to have created or transferred any right, or interest in or encumbrance upon any such property and such property shall be restored, within ninety days of such commencement, to the possession of the bonded labourer.

(7) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) or sub-section (6) is not made within ninety days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the said property within such time as may be specified in the order.

(8) An order made by any prescribed authority under sub-section

(7) shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the

creditor voluntarily resides or carries on business or personally works for gain.

(9) Where any suit or proceeding for the obligation under the bonded labour system, including for the recovery of any advance (*peshgi*) is pending at the commencement of this Act, such suit shall, on such commencement, stand dismissed.

(10) On the commencement of this Act, every bonded labourer who has been detained in civil prison, whether before or after judgement, shall be released from detention forthwith.

7. Property of bonded labour to be freed from mortgage, etc.-

(1) All property vested in a bonded labourer which was, immediately before the commencement of this Act, under any mortgage, charge, lien or other encumbrance in connection with any bonded debt shall, in so far as it is relatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other encumbrance; and where any such property was, immediately before the commencement of this Act, in the possession of the mortgage or the holder of the charge, lien, or encumbrance, such property shall, except where it was subject to any other charge, on such commencement, be restored to the possession of the bonded labourer.

(2) If any delay is made in restoring any property referred

to in sub-section (1) to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgage or holder of the lien, charge, or encumbrance. Such profits as May he determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. Creditor not to accept payment against extinguished debt.—

(1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifteen thousand rupees, or with both.

(3) The court convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct such person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order, for being refunded to the bonded labourer.

9. Authorities who may be specified for implementing the provisions of this Act.-- The Provincial Government may

confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may designate an officer subordinate to him to exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and specify the local limits within which such powers or duties shall be carried out by such officer.

10. Duty of district Magistrate and other officers designated by him.-

(1) The District Magistrate authorised by the Provincial Government under section 9, and the officer designated by the District Magistrate under that section, shall as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such handed labourer so that he may not have any occasion or reason to contract any further handed debt.

(2) It shall be the duty of every District Magistrate and every officer designated by him under section 9 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to implement the provisions of this Act.

11. Punishment for enforcement of bonded labour.-
Whoever, after the commencement of this Act compels any person to render any bonded labour shall be punishable with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both.

12. Punishment for extracting bonded labour under the bonded labour system.-

Whoever enforces, after the commencement of this Act any custom, tradition, practice, contract, agreement or other instrument, by virtue of which any person or any member of his family is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which shall not be less than two years nor more than five years or with fine which shall not be less than fifty thousand rupees, or with both; and out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of not less than fifty rupees for each day for which bonded labour was extracted from him.

13. Punishment for omission or failure to restore possession of property of bonded labour.-

Whoever, being required by this Act to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of ninety days from the commencement of this Act shall be punishable with imprisonment for a term which may extend to one, or with fine which may extend to one thousand rupees, or with

both; and out of the fine, recovered, payment shall be made to the bonded labourer at the rate of ten rupees for each day during which possession of the property was not restored to him.

14. Abetment to be an offence.-

Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanations- For the purpose of this section, "abetment" has the same meaning as is assigned to it in the Pakistan Penal Code (XLV of 1860).

15. Vigilance Committees.-

(1) Vigilance Committees shall be set up at the District level in the prescribed manner, consisting, of elected representatives of the area, representatives of the District Administration, Bar Associations, press, recognized Social Services and Labour Departments of the Federal and Provincial Governments.

(2) The following shall be the functions of the Vigilance Committees, namely.-

(a) To advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in proper manner;

(b) To help in the rehabilitation of the freed bonded

labourer;

(c) To keep an eye on the working of the law; and

(d) To provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.

16. Offences to be tried by the Magistrate.-

(1) A Magistrate of the first class empowered in this behalf by the Provincial Government may try any offence under this Act.

(2) An offence under this Act may be tried summarily.

17. Cognizance of offences.-

(1) Every offence under this Act shall be cognizable and bail able.

18. Offences by companies.-

(=1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed. Was in charge of, and was responsible to, the company for the conduct of the business of the company. as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is

attributable to, any director, manager or other officer of the company, such director, manager or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-- For the purposes of this section.--

(a) "Company" means a body corporate, and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.

19. Protection of action taken. In good faith.-

No suit, prosecution or other legal proceeding shall lie against Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

20. Jurisdiction of courts barred.--

Save as otherwise provided in this Act, no court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any court in respect of anything which is done or intended to be done under this Act.

21. Power to make rules.-

The Federal Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**(D) Extract from THE MINIMUM WAGES
ORDINANCE, 1961 (XXXIX OF 1961)**

[29th September, 1961]

An Ordinance to provide for the regulation of minimum rates of wages for workers employed in certain industrial undertakings.

3. Establishment of Minimum Wages Boards.-

(1) As soon as may be after commencement of this Ordinance, the Provincial Government shall establish a Minimum Wages Board 2 [for the Province consisting of the following four members 3 to be appointed by it, namely.

(a) The Chairman of the Board;

(b) One independent member;

(c) Three members to represent the employers of the Province, including at least one woman; and

(d) Three members to represent the workers of the Province, including at least one woman.

Provided that for the purpose of discharging the function of

a Board specified in section 5, the following two more members appointed by the Provincial Government shall be added, namely --

One member to represent the employers connected with the industry concerned; and one member to represent the workers engaged in such industry.

(2) The Chairman of the Board and the independent member shall be appointed from persons with adequate knowledge of industrial labour and economic conditions of the Province who are not connected with any industry or associated with any employers' or workers' organization.

(3) The member to represent the employers of the Province and the member to

Represent the workers of the Province under sub-section (1) shall be appointed after

Considering nominations, if any, of such organizations as the Provincial Government

Considersto be representative organizations of such employers and workers respectively.

(4) The members referred to in the proviso to sub-section (1) to represent the employers connected with and the workers engaged in the industry concerned shall be appointed after considering nominations, if any, of such organizations as the Provincial Government considers being representative organizations of such employers and

workers respectively.

(5) The term of office of the members of the Board, the manner of filling casual vacancies therein, the appointment of its committees, if any, the procedure and conduct of the meetings of the Board and its committees and all matters connected therewith, including the fees and allowances to be paid for attending such meetings, and other expenses, including expenses for the services of experts and advisers obtained by the Board, shall be such as may be prescribed by rules made under section 17.

4. Recommendation of Minimum Wages for unskilled and juvenile workers.-

(1) A Board shall, upon a reference made to it by the Provincial Government, recommend to such Government, after such enquiry as the Board thinks fit, the minimum rates of wages for adult unskilled workers and juvenile workers employed in industrial undertakings in the Province.

(2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout the Province or with such local variations for such localities as are specified therein.

5. Recommendation of minimum rates of wages for workers with respect to particular industries.-

(1) Where in respect of any particular industry in the

Province for which no adequate machinery exists for effective regulation of wages, the Provincial Government is of the opinion that, having regard to the wages of the workers employed in the undertakings engaged in such industry, it is expedient to fix the minimum rates of wages of such workers, it may direct the Board to recommend, after such enquiry as the Board thinks fit, the minimum rates of wages either for all such workers or for such of them as are specified in the direction.

(2) In pursuance of a direction under sub-section (I), the Board may recommend minimum rates of wages for all classes of workers in any grade, and in such recommendation, may specify;-

(a) The minimum rates of wages for;-

(i) Time work;

(ii) Piece work;

(iii) Overtime work; and

(iv) Work on the weekly day of rest and for paid holidays; and the minimum time rates for workers employed on piece work so as to guarantee minimum wages on a time basis for such workers.

(3)The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

(4)The rates recommended under this section for overtime work and work on paid holidays shall not be less than the

minimum rates fixed for such work under any other law for the time being in force.

6. Power to declare minimum rates of wages.-

(1) Upon receipt of a recommendation of the Board under section 4 or section 5, the Provincial Government may; -
(a) by notification in the official Gazette, declare that the minimum rates of wages recommended by the Board for the various workers shall, subject to such exceptions as may be specified in the notification, be the minimum rates of wages for such workers; or

(b) If it considers that the recommendation is not, in any respect, equitable to the employers or the workers within thirty days of such receipt, refer it back to the Board, for reconsideration with such comments thereon and giving such information relating thereto, as the Provincial Government may think fit to make or give.

(2) Where a recommendation is referred back to the Board under clause (b) of sub-section (1), the Board shall reconsider it after taking into account the comments made and information given by the Provincial Government and, if necessary, shall hold further enquiry and submit to such Government; - (a) a revised recommendation, or (b) if it considers that no revision or change in the recommendation is called for, make report to that effect stating reasons therefore.

(3) Upon receipt of the recommendation of the Board

under sub section (2), the Provincial Government may, by notification in the official Gazette, declare that the minimum rates of wages recommended under that sub-section by the Board for various workers shall, subject to such modifications and exceptions as may be specified in the notification, be the minimum rates of wages for such workers.

(4) Unless any date is specified for the purpose in the notification under sub-section (1) or sub-section (3), the declaration there-under shall take effect on the date of publication of such notification.

(5) Where after the publication of a notification under sub-section (1) or sub-section (3), or after the minimum rates of wages declared there-under have taken effect, it comes to the notice of the Provincial Government that there is a mistake in the minimum rates of wages so declared, or that any such rate is inequitable to the employers or the workers, it may refer the matter to the Board and any such reference shall be deemed to be a reference under sub-section (2).

(7) The minimum rates of wages declared under this section shall be final and shall not in any manner be questioned by any person in any court or before any authority.

7. Periodical review of minimum rates of wages.-

(1) The Board shall review its recommendations if any

change in the economic conditions and cost of living and other relevant factors so demand, and recommend to the Provincial Government, any amendment, modification or revision of the minimum rates of wages declared under section 6: Provided that no recommendation shall be reviewed earlier than one year from the date on which it was made, unless the special circumstances of a case so require, and later than three years from such date.

(2) Review and recommendation under this section shall be deemed to be an enquiry and recommendation under section 4 or, as the case may be, under section 5, and, so far as may be, the provisions of this Ordinance shall, to such review and recommendation, apply accordingly.

9. Prohibition to pay wages at a rate below the minimum rate of wages.-

(1) Subject only to such deductions as may be authorized under this Ordinance or under any other law for the time being in force, no employer shall pay any worker wages at a rate lower than the rate declared under this Ordinance to be the minimum rate of wages for such worker.

Annex-2

- DCO Toba Tek Singh imposes Section 144.

Phone # 046-2511522
Fax # 046-2519541



No. 991 DCO/HCG.
DISTRICT GOVERNMENT
TOBA TEK SINGH.
DATED: 06-05-2015.

ORDER.

WHEREAS, it has been made to appear to the District Government, Toba Tek Singh that the Owners of the Brick Kilns are not paying wages to Pathaiwala/Brick Layer (Brick Labour) employed in Brick kiln sector in the District Toba Tek Singh i.e. Rs. 888/- per thousand bricks as approved by the Government of the Punjab Labour and Human Resource Department, Lahore vide Notification No. SO(D-II)MW/2011(P-II) dated 11-09-2014 and thus creating law & order situation in District. Hence there exists threat to law & order situation, public peace, security and tranquility in District Toba Tek Singh.

WHEREAS, activities of such like persons are suggestive of the fact that there is likelihood of breach of peace in the District.

AND WHEREAS, in my opinion immediate prevention is desirable and there are sufficient grounds for proceeding under/section 144 Cr. P.C. 1898 and an immediate remedy is desirable and the direction hereinafter appearing are necessary in order to prevent danger to human life, property and disturbance of public peace and tranquility.

NOW THEREFORE, I, WAQAS ALAM, Administrator District Government/ District Coordination Officer, Toba Tek Singh in exercise of the power conferred upon me u/s 144 Cr.P.C. 1898, do hereby order that no Owner of the Brick Kilns will deviate with the Government of the Punjab Labour and Human Resource Department, Lahore Notification No. SO(D-II)MW/2011(P-II) dated 11-09-2014 and is bound to pay wages to Pathaiwala/Brick Layer (Brick Labour) employed in Brick kiln sector in the District Toba Tek Singh i.e. Rs. 888/- per thousand according to the said notification in District Toba Tek Singh.

THIS ORDER shall come into force with effect from 7th May 2015 and shall remain in for two days i.e. 7th May 2015 and 8th May 2015 in the revenue limits of District Toba Tek Singh.

NOT WITHSTANDING the expiry of this order, everything done, action taken obligations, liabilities, penalties or punishments incurred, investigations enquiries or proceedings against offenders in the court of law having 1st Class Magisterial Powers under Criminal Procedure Code 1898 and their punishments in respect of the offences committed during the enforcement of this order shall be continued as if this order has not expired.

THIS ORDER shall be given wide publicity in Toba Tek Singh District by beat of drums through press, by publication in the official gazette and affixing copies thereof on the Notice Boards of various government offices, District Courts office of the District Police Officer, Market Committees, TMAs, Tehsil Officers, Union Councils, Police Stations and other places and through Radio Pakistan Faisalabad.

Given under my hand and seal this 6th May 2015.

Annex- 3

Notification on minimum wages by Labour and
Human Resources Department, Punjab



RFAX

No.50 (Dev-II) 734/2011(P-4)
GOVERNMENT OF THE PUNJAB
LABOUR & HUMAN RESOURCE DEPARTMENT

Dated Lahore the 1st June, 2015

To: 
The All District Officers Labour,
in Punjab

Subject: IMPLEMENTATION OF MINIMUM WAGES

It has been noted with concern that large many complaints are pouring in that minimum wages fixed by the Government are not being implemented specially in the brick kiln industry. This issue has been also taken in a meeting with the workers representatives from brick kiln held under the Chairmanship of Secretary Labour & HR Department on 01.06.2015.

2. In view of the above, it is hereby directed that due legal action should be initiated where violation of the law / rules is observed. Further, the cases under the Workmen's Compensation Act, 1923 must be disposed off on urgent basis but after adopting due legal procedure.

3. A weekly report should be submitted in this regard.


(SYED MUBASHIR HUSSAIN)
 ADDITIONAL SECRETARY
 LABOUR & HR DEPARTMENT

Cc:

1. The Director General Labour Welfare, Punjab Lahore with the request to have a follow-up on the issue.
2. PSO to Secretary Labour & HR Department.
3. The Section Officer (Dev-II) with direction to collect the report

Glossary

AC.....	Assistant Commissioner
APLWU...	Allied Power Loom Workers Union
Bareywala...	Carries the raw bricks from the mud beds to the kiln
BLAA.....	Bonded Labour Abolition Act, 1992
BLLF.....	Bonded Labour Liberation Front
Coilawala...	Feeds the kiln with fuel
DCO.....	District Coordination Officer
Dhol.....	A large drum strapped to the chest like Northern Ireland's lambeg drum
DIG.....	Deputy Inspector General
DPO.....	District Police Officer
EDO.....	Executive District Officer
GSP Plus...	Generalized System of Preferences
GWU.....	Garments Workers Union
Haris.....	Communities of tenants, bonded to landlords
HRCP.....	Human Rights Commission of Pakistan
Jamadar...	Acts as a foreman, supervising the workers and their operations
Kairywala...	Spreads earth over bricks in the kiln, to separate the layers
LQM.....	LabourQaumi Movement
Mistri.....	Conducts quality control and checks that the bricks are ready

Morgha.....	Force someone down into a squatting position and make them stick their hands between their legs, back to front, to grab their ears
Munshi.....	Keeps the records of production and payments
NADRA...	National Database & Registration Authority
Naqasiwala	Removes the bricks from the kiln when they are baked
PAT.....	Pakistan AwamiTehreek
Pathair.....	Makes raw bricks from the mud
Peshgi.....	Advance payments to labour
PMLN.....	Pakistan Muslim League Nawaz
PTI.....	Pakistan Tehreek-e-Insaf
PWU.....	Power loom Workers Union
Safaiwala...	Cleaner
SSP.....	Senior Superintendent Police