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# **EFFICACY OF SOCIAL SECURITY LAW IN THE UNORGANISED SECTOR: A STUDY OF BRICK KILN WORKERS IN THIRUVALLUR DISTRICT, TAMIL NADU**

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## **Abstract**

The unorganised sector constitutes the backbone of India's labour market, employing an overwhelming majority of the workforce while remaining structurally excluded from formal labour protections and comprehensive social security coverage. Brick kiln workers represent one of the most vulnerable segments within this sector, marked by seasonal migration, hazardous working conditions, informal wage systems, and persistent debt bondage. This paper critically examines the efficacy of social security laws in protecting brick kiln workers in Thiruvallur District, Tamil Nadu, with particular reference to the Code on Social Security, 2020 and allied labour codes.

Adopting a mixed-method research design, the study draws upon primary data collected through field surveys and semi-structured interviews with brick kiln workers, contractors, kiln owners, and labour officials, complemented by doctrinal analysis of statutory provisions and judicial precedents. The findings reveal a substantial gap between legislative intent and ground-level implementation, reflected in low registration levels, weak enforcement, limited employer accountability, and poor awareness among workers. Despite progressive judicial interpretations expanding the scope of social security under Articles 21 and 23 of the Constitution, social protection for brick kiln workers remains largely symbolic.

The paper argues that without sector-specific legislation, mandatory employer contributions, and decentralised welfare institutions, social security for brick kiln workers will continue to be ineffective. Drawing comparative insights from Brazil's rights-based labour and social security regime, the study proposes concrete policy reforms aimed at transforming social security from a discretionary welfare model into an enforceable labour right. The study contributes to labour law scholarship by foregrounding the lived realities of unorganised workers and highlighting

the structural deficiencies of India's contemporary labour codes.

**Keywords:** Unorganised sector, Brick kiln workers, Social security law, Labour Codes, Migrant labour, Thiruvallur District

## 1. Introduction

The unorganised sector occupies a central position in India's socio-economic landscape, accounting for nearly 93 per cent of the total workforce and contributing substantially to national production and service delivery. Despite this dominance, employment in the unorganised sector is characterised by informality, absence of written contracts, irregular wages, unsafe working conditions, and limited access to statutory social security benefits. The persistence of such conditions exposes a structural contradiction in India's development model, wherein economic growth coexists with widespread labour precarity.

Among unorganised industries, the brick kiln sector stands out for its intensive reliance on manual labour and its deeply exploitative employment practices. India is the second-largest producer of bricks globally, with an estimated 140,000 brick kilns employing nearly 10 million workers. These workers are predominantly migrants from economically marginalised regions, engaged in physically demanding tasks such as clay moulding, brick stacking, and kiln firing under extreme climatic conditions. Payment through piece-rate systems, advance labour deposits, and contractor-mediated recruitment frequently results in debt bondage and forced labour-like conditions.

Tamil Nadu is a major brick-producing state, driven by rapid urbanisation and construction demand, particularly in and around Chennai. Thiruvallur District has emerged as a significant brick kiln cluster, hosting approximately 400 kilns and employing thousands of migrant and local workers on a seasonal basis. Despite the economic importance of this sector, brick kiln workers remain largely excluded from effective social security coverage, including health insurance, accident compensation, maternity benefits, and old-age pensions.

The enactment of the Code on Social Security, 2020, along with the Code on Wages, 2019 and the Occupational Safety, Health and Working Conditions Code, 2020, was intended to consolidate and extend labour protections to unorganised workers. However, the extent to which these legislative reforms have translated into tangible benefits for brick kiln workers

remains deeply contested. This paper situates the experience of brick kiln workers in Thiruvallur within this broader legal and policy framework, critically analysing the efficacy of India's social security regime in addressing unorganised labour vulnerability.

## 2. Review of Literature

- Inbaraj, L. R., Haebbar, O. J., Saj, F., Dawson, S., Paul, P., Prabhakar, A. K., Mohan, V. R., & Alex, R. G. (2013). *Prevalence of musculoskeletal disorders among brick kiln workers in rural Southern India*. **Indian Journal of Occupational and Environmental Medicine**, 17(2), 71–75. Inbaraj et al. (2013) examined the prevalence of musculoskeletal disorders among brick kiln workers in rural Southern India and reported a high incidence of lower back, shoulder, and knee pain. The study attributed these disorders to repetitive manual labour, prolonged bending postures, and frequent lifting of heavy loads inherent in brick kiln work. The findings highlight the hazardous nature of working conditions and the absence of ergonomic and occupational health safeguards. However, the study is limited by its cross-sectional design and regional focus, restricting broader generalization.
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**Environmental Medicine**, 17(2), 71–75 Inbaraj et al. (2013) reported a high prevalence of musculoskeletal disorders among brick kiln workers in rural Southern India, particularly affecting the lower back, shoulders, and knees. The study linked these disorders to repetitive, physically demanding tasks and prolonged bending postures inherent to brick kiln work. It highlighted the absence of ergonomic measures and occupational health safeguards.

### **3. Objectives of the Study**

1. To examine the statutory framework governing social security for unorganised sector workers in India, with specific reference to brick kiln workers.
2. To assess the extent of access to and utilisation of social security benefits by brick kiln workers in Thiruvallur District.
3. To evaluate the effectiveness of implementation and enforcement mechanisms under the Labour Codes at the district level.
4. To identify legal, institutional, and practical barriers to social security coverage and propose policy reforms.

### **4. Research Problems**

1. Inadequate coverage of social security laws among brick kiln workers despite legislative recognition.
2. Weak enforcement and inspection mechanisms in the brick kiln sector.
3. Low awareness and procedural barriers limiting access to social security benefits.

### **5. Hypotheses**

Despite legislative recognition under the Labour Codes, brick kiln workers in Thiruvallur District experience low levels of effective social security coverage. Weak enforcement mechanisms significantly reduce the effectiveness of social security protection.

### **6. Research Methodology**

The study adopts a mixed-method research design combining doctrinal and empirical approaches. Primary data was collected through field surveys conducted among brick kiln workers in Thiruvallur District during the 2024–2025 brick manufacturing season. A purposive sample of workers was selected to capture variations in age, gender, migration status, and

nature of employment. Semi-structured interviews were also conducted with kiln owners, contractors, and officials from the Labour and Revenue Departments.

Secondary data sources include statutory provisions, government reports, judicial decisions, and academic literature. Qualitative data was analysed thematically, while quantitative survey responses were analysed descriptively. The study is limited by access constraints and the seasonal mobility of workers, which restricted longitudinal observation.

## **7. Legislative Framework Governing Brick Kiln Workers**

From a comparative and rights-based perspective, the Labour Codes—particularly the Code on Social Security, 2020—exhibit structural limitations that constrain their effectiveness for brick kiln workers. While the Codes formally acknowledge unorganised and migrant workers, they stop short of transforming this recognition into enforceable legal entitlements. Social security remains largely mediated through schemes and delegated legislation, resulting in uneven implementation and weak justiciability. This design departs from rights-based labour regulation models that treat social security as a statutory obligation rather than a policy choice. A central limitation lies in the absence of clearly defined and mandatory employer contribution mechanisms for unorganised sector employment. In labour-intensive industries such as brick kilns, where production is organised through contractors and informal wage arrangements, this omission enables employers to evade responsibility while transferring social risks to workers and the State. Empirical evidence from Thiruvallur District indicates that kiln owners rarely perceive social security compliance as a legal duty, reinforcing patterns of informality rather than correcting them.

Further, the reliance on digital registration platforms such as the e-Shram portal reflects an assumption that formal visibility will automatically lead to substantive protection. However, registration without corresponding enforcement, benefit portability, and grievance redressal mechanisms has limited practical value for migrant and seasonal workers. The Labour Codes also dilute labour inspection powers in favour of facilitation-based compliance, which has proven ineffective in sectors characterised by power asymmetry and labour dependency.

In constitutional terms, this gap between recognition and enforceability raises concerns regarding the realisation of social security as an extension of the right to life and dignity under Article 21 and the prohibition of forced labour under Article 23. Judicial interpretations have

consistently treated minimum wages, humane working conditions, and freedom from bondage as non-negotiable constitutional guarantees. The current Labour Codes, while rhetorically progressive, fall short of aligning statutory design with this constitutional jurisprudence. Consequently, the Codes risk institutionalising a model of regulated informality rather than achieving substantive labour protection, limiting their transformative potential for brick kiln workers.<sup>1</sup>

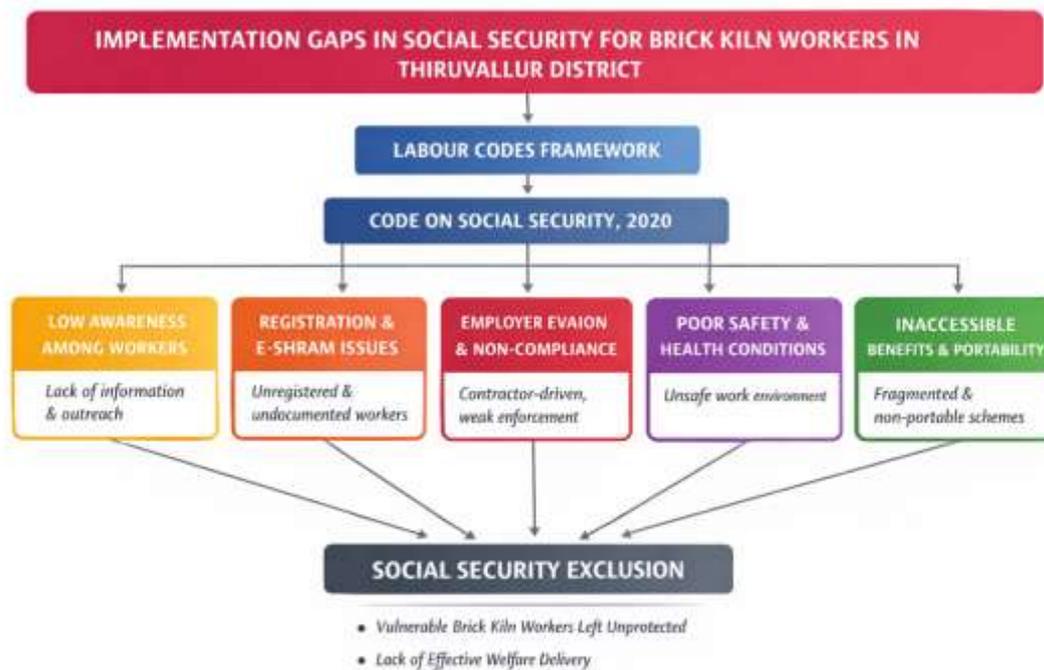
From an international labour law perspective, India's Labour Codes also diverge from core International Labour Organization (ILO) standards relevant to brick kiln workers. ILO Convention No 102 on Social Security (Minimum Standards), Convention No 155 on Occupational Safety and Health, and Convention No 138 on Minimum Age collectively mandate comprehensive social security coverage, workplace safety, and protection against child labour—issues that remain endemic in the brick kiln sector. Additionally, ILO Convention No 29 on Forced Labour directly addresses debt bondage and coercive labour practices, which are structurally embedded in advance-based recruitment systems prevalent in brick kilns.

While India has not ratified several of these conventions, the Supreme Court has repeatedly relied upon international labour standards as interpretive aids in expanding fundamental rights protections.

The persistent non-alignment between domestic labour regulation and international norms underscores the normative weakness of the Labour Codes. By prioritising flexibility and facilitation over enforceability and accountability, the Codes fall short of India's international commitments and dilute the protective intent underlying global labour standards. This misalignment further weakens the capacity of the legal framework to address systemic exploitation in the brick kiln industry.

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<sup>1</sup> **The Code on Social Security, 2020**, No. 36 of 2020, 2(86), 109–114 (India)



**Table 1: Comparative Analysis of Legislative Framework Governing Brick Kiln Workers**

Aspect	Pre-Labour Code Legislations	Labour Codes Regime	Implications
Legal Status	Fragmented coverage	Explicit recognition	Symbolic inclusion
Wages	Minimum Wages Act, 1948	Code on Wages, 2019	Poor compliance
Social Security	UWSSA, 2008	Code on Social Security, 2020	Discretionary benefits
Registration	No national database	e-Shram portal	Low coverage
Migrant Protection	ISMW Act, 1979	OSHWC Code, 2020	Weak portability
OSH	Minimal standards	Expanded coverage	Poor enforcement
Employer Liability	Diffused	Non-mandatory	Evasion persists

## 8. Judicial Interpretation on Social Security

### 1. People's Union for Democratic Rights v. Union of India

(1982) 3 SCC 235

The Supreme Court held that **non-payment of minimum wages amounts to “forced labour” under Article 23** of the Constitution. This principle is directly applicable to brick kiln workers who are often paid below statutory minimum wages or through exploitative piece-rate systems.

### 2. Bandhua Mukti Morcha v. Union of India

(1984) 3 SCC 161

A landmark judgment on **bonded labour**, where the Court directed State authorities to identify, release, and rehabilitate bonded labourers. The ruling is highly relevant to brick kilns, where advance payments frequently lead to debt bondage and denial of social security.

### 3. Sanjit Roy v. State of Rajasthan

(1983) 1 SCC 525

The Court reaffirmed that **payment below minimum wages violates Articles 21 and 23**, even in welfare or public employment. This judgment strengthens wage-based social security claims of brick kiln workers.

### 4. Consumer Education and Research Centre v. Union of India

(1995) 3 SCC 42

The Court expanded the scope of **Article 21** to include the **right to health, safety, and social security of workers**, holding that social protection is an integral component of a dignified life.

### 5. People's Union for Civil Liberties (PUCL) v. State of Tamil Nadu

(2004) 4 MLJ 1 (Mad)

The Madras High Court directed district authorities to **identify bonded labourers in brick kilns and other unorganised sectors** and ensure rehabilitation under the **Bonded Labour System (Abolition) Act, 1976**.

### 6. Court on Its Own Motion v. State of Tamil Nadu

(2015 SCC OnLine Mad 12468)

The Court emphasised the State's obligation to protect **migrant and inter-State workers**, including access to welfare schemes, housing, and social security benefits.

### 7. M. Murugesan v. State of Tamil Nadu

(2012 SCC OnLine Mad 4065)

The Madras High Court held that failure to extend welfare benefits to unorganised workers amounts to a violation of **Articles 21 and 23**, reinforcing the State’s duty to ensure social security.

**8. Tamil Nadu Building Construction Workers Welfare Board v. Presiding Officer**  
(2016 SCC OnLine Mad 19187)

Though relating to construction workers, the Court affirmed that **unorganised workers are entitled to statutory welfare benefits**, a principle equally applicable to brick kiln workers.

**8A. International Labour Organisation (ILO) Conventions Relevant to Brick Kiln Workers**

The International Labour Organisation (ILO) has adopted several conventions that are directly relevant to the working conditions, social security, and labour rights of brick kiln workers. Although ILO conventions are not automatically enforceable in India unless incorporated into domestic law, Indian courts have frequently relied upon these international standards while interpreting constitutional rights and labour welfare legislation.

**Table 3A: ILO Conventions Relevant to Brick Kiln Workers**

<b>ILO Convention</b>	<b>Year</b>	<b>Subject Matter</b>	<b>Relevance to Brick Kiln Workers</b>	<b>India’s Ratification Status</b>
Convention No 29	1930	Forced Labour	Addresses debt bondage arising from advance payments and coercive work practices prevalent in brick kilns	Ratified
Convention No 105	1957	Abolition of Forced Labour	Prohibits forced or compulsory labour for economic exploitation	Ratified
Convention No 138	1973	Minimum Age	Relevant due to the involvement of children in brick moulding and ancillary kiln work	Ratified

Convention No 182	1999	Worst Forms of Child Labour	Covers hazardous forms of child labour, including work in brick kilns	Ratified
Convention No 155	1981	Occupational Safety and Health	Applicable to unsafe kiln conditions, heat exposure, and respiratory hazards	Not Ratified
Convention No 102	1952	Social Security (Minimum Standards)	Provides standards for health care, maternity benefits, employment injury and old-age security	Not Ratified
Convention No 97	1949	Migration for Employment	Relevant to inter-State and seasonal migrant brick kiln workers	Not Ratified

These conventions collectively establish international minimum standards relating to freedom from forced labour, prohibition of child labour, occupational safety, migrant worker protection, and social security. They provide an important international normative framework for evaluating the adequacy of domestic labour and social security laws applicable to brick kiln workers in India.

### 9. Empirical Findings and Implementation Gaps in Thiruvallur District

**Table 3: Socio-Demographic Profile of Brick Kiln Workers (Field Survey)**

Variable	Category	Percentage
Gender	Male	62%
	Female	38%
Age Group	18–30	41%
	31–45	44%
	Above 45	15%
Migration Status	Migrant	71%
	Local	29%
Nature of Employment	Seasonal	83%
	Permanent	17%

The socio-demographic profile of respondents reveals a workforce dominated by migrant and

seasonal labour, reinforcing the structural vulnerability inherent in the brick kiln sector. A significant proportion of workers fall within the economically productive age group, yet experience chronic income insecurity due to the absence of continuous employment and social protection. Female workers, though fewer in number, are disproportionately engaged in low-paid and physically intensive tasks such as brick moulding, often without maternity or healthcare benefits.

**Table 4: Awareness and Registration under Social Security Schemes**

Indicator	Yes	No
Awareness of Labour Codes	18%	82%
e-Shram Registration	26%	74%
Access to Health Insurance	21%	79%
Accident Compensation	9%	91%

Field data indicates a critical disconnect between statutory recognition and practical access to benefits. Despite the introduction of the e-Shram portal as a national database for unorganised workers, registration levels remain low. Even among registered workers, awareness of entitlements is minimal, rendering registration largely symbolic. This undermines the effectiveness of the Labour Codes, which rely heavily on digital registration as the gateway to social security.

**Table 5: Working Conditions and Occupational Safety**

Parameter	Observed Compliance
Protective Equipment	11%
Drinking Water	47%
Sanitation Facilities	19%
Medical Facilities	14%

Occupational safety standards in brick kilns are routinely ignored. Workers reported prolonged exposure to heat, dust, and toxic emissions without protective gear. The absence of basic sanitation and medical facilities violates both domestic labour standards and international occupational safety norms. The facilitation-based inspection framework under the Labour Codes has failed to correct these violations.

**Table 6: Wage Structure and Payment Practices**

Aspect	Finding
Mode of Payment	Piece-rate
Written Wage Records	Rare
Minimum Wage Compliance	23%
Advance Payments (Debt)	68%

The predominance of piece-rate wages and advance-based recruitment systems entrenches economic dependency. Wage deductions and delayed payments were commonly reported, with little recourse available to workers due to fear of retaliation and lack of grievance mechanisms. These practices closely resemble conditions of forced labour prohibited under constitutional and international law.

**Table 7: Access to Welfare and Grievance Redressal**

Benefit	Access Rate
Maternity Benefit	12%
Old Age Pension	17%
Grievance Redressal	8%

The data highlights the near absence of effective grievance redressal mechanisms at the district level. Workers expressed distrust in labour authorities and cited language barriers, documentation requirements, and fear of job loss as major deterrents. The absence of sector-specific welfare boards further exacerbates exclusion.

Overall, the empirical findings from Thiruvallur District demonstrate that implementation failures are not incidental but systemic. The Labour Codes, as currently designed and enforced, are ill-equipped to address the lived realities of brick kiln workers. The reliance on voluntary compliance, digital registration, and diluted inspections perpetuates informality rather than remedying it, reinforcing the need for enforceable, sector-specific interventions.

Field findings reveal that most brick kiln workers remain unregistered under e-Shram and are unaware of available welfare schemes. Labour inspections are infrequent, and occupational safety standards are largely ignored. Migrant workers face severe barriers in accessing healthcare, compensation, and grievance redressal due to documentation and language constraints.

## 10. Comparative Perspective: India and Brazil

**Table 2: Social Security for Brick Kiln Workers – India and Brazil**

Aspect	India	Brazil
Legal Status	Unorganised workers	Formal workers
Social Security	Scheme-based	Rights-based
Registration	Voluntary	Mandatory
Employer Contribution	Minimal	Compulsory
Healthcare	Limited schemes	Universal
Enforcement	Weak	Strong

## 11. Policy Recommendations

1. Enact sector-specific legislation for brick kiln workers.
2. Mandate employer registration and social security contributions.
3. Establish Brick Kiln Workers Welfare Boards.
4. Strengthen district-level labour inspections.
5. Ensure portability of benefits for migrant workers.
6. Enforce occupational safety and health standards.
7. Introduce fast-track grievance redressal mechanisms.

## 12. Conclusion

The study demonstrates that India’s contemporary labour codes have failed to deliver effective social security protection to brick kiln workers in Thiruvallur District. The persistent gap between legislative recognition and implementation reflects deeper structural weaknesses in India’s approach to unorganised labour regulation. Drawing lessons from Brazil’s rights-based model, the paper concludes that enforceable employer liability, sector-specific legislation, and decentralised welfare institutions are essential to transform social security from a symbolic promise into a lived reality for brick kiln workers.

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