Women’s Labor Rights in Islam: Plight of Female Bonded Laborers in Brickkiln Industry of Kasur

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Abstract

Labor rights have been an area of keen interest across the globe. Islam, which is a widely practiced religion, provides a comprehensive framework regarding employer-employee relationships and hence, can be of value in this regard. Clear injunctions of Islam on the matter are further endorsed by the hadith of Holy Prophet (P.B.U.H). The present study is interested in exploring women’s labor rights in the Islamic tradition. It further investigates the plight of female bonded Laborers in the brickkiln industry of Kasur and compares it to Islamic injunctions. To execute the study plan, pure qualitative methods were used. Fifteen female Laborers from five brick kilns of Kasur were recruited as study participants. An in-depth interview guide was used as the tool for data collection, and the collected data were analyzed through narrative analysis technique. The study results revealed that in spite of Pakistan being a Muslim country, Islamic injunctions on labor rights are not being followed in the brickkiln industry. Forced Labor, debt bondage, wage discrimination, and double burden on female laborers were found to be quite prevalent. Amongst practices contrary to Islamic guidelines, it was also observed that female laborers have no control over any kind of financial resources and decision-making. Additionally, women were seen to be a prey of double marginality due intersectionality of their gender identity with their status as bonded laborers. Low nutritional levels, poor hygiene conditions, and absence of health facilities had made their lives more miserable. The fear of sexual assault was also quite pervasive, which had led many families to involve their underage girl children into labor at brick kilns. Girl children were even forced to work in illness due to fear of sexual assault at home. On the basis of study results, it is concluded that there is a dire
need to incorporate Islamic injunctions in labor laws of Pakistan. In this regard, an awareness campaign about Islamic teachings concerning labor should be initiated. Most importantly, implementation mechanisms of already existing laws should be improved with an emphasis on improving the status of women laborers and freeing them from inhumane existence as bonded Laborers.

Keywords: Islam, labor rights, bonded labor, women, Kasur.

1. Introduction:

The present study analyzes the lived experiences of female bonded laborers working in the brick kilns of Kasur. It further compares the plight of women brick kiln laborers in the light of guarantees offered to them by Islamic Republic of Pakistan. Here it is pertinent to develop a foundational understanding of conception of labor and women rights in Islam, so that the reader can ease into the discussion that follows. Islam strictly negates the financial system based on worker exploitation; it has categorically banned servitude and usury (Riba), which entangled individuals and families in the vicious circle of poverty. Quran clearly forbids utilization of usury. It is said:

Those who consume riba cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, “Trade is [just] like riba.” But God has permitted trade and has forbidden riba. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with God. But whoever returns to [dealing in riba] - those are the companions of the Fire; they will abide eternally therein. (Surah al Baqarah, 2: 275).

Similarly, Islam believes in equality of men and women. In this regard, the following Quranic verses are of immense significance:

O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate, and from this pair scattered (like seeds) countless men and women. Reverence Allah, through whom you demand your mutual (rights), and reverence the wombs (that bore you); for Allah ever watches over you. (4:1)

And for women are rights over men similar to those of men over women. (2:226)

For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward. (33:35)
It is evident through these Quranic directives that Islam strives for the equality among mankind; it endorses the idea of gender equality in creation, roles, and reward and punishment. The patterns of discrimination can then be seen to be created later on in Islamic societies and are hence an aberration.

1.1 Women’s right to work and labor rights in Islam:

Islam clearly recognizes women’s autonomous position in each and every sphere of life (Espisito, 1975). It establishes women’s legal status by assuring their right to work, right to own property, right to inherit and all matrimonial rights (Shaheen, 2000). It is also clearly stated in the Quran that women are not only allowed to follow the work or profession of their choice but also have sole authority over utilization of their incomes (Parveen and Rubab, 2014). In the fourth chapter of the Quran it is said:

For men there is a reward for what they have earned (and likewise) for women there is reward for what they have earned. (An-Nisā: 32)

Elsewhere it is stated:

At another place it is said that: Never will I suffer to be lost the work of any of you, be he male or female. (Aal-E-Imraan 3:195)

Similarly, Prophetic traditions also reiterate these teaching of the Quran. In this regard, an oft quoted incident goes:

Jabir Ibn ‘Abdullah (Allah be pleased with them) reported: My maternal aunt was divorced, and she intended to pluck her dates [from palm trees]. A person scolded her for having come out (during her waiting period). She came to the Prophet (peace and blessings be upon him) and he told her: "Certainly you can pluck (dates) from your palm trees, for perhaps you may give out charity or do an act of kindness." [Muslim, Sahih]

If we look through the annals of Islamic history, we find notable women who worked outside the domains of their home during the lifetime of the Holy Prophet (P.B.U.H). It should be noted that those women were encouraged and praised. The wife of Holy Prophet, Hazrat Khadija, was a successful businesswoman. In the lifetime of Prophet Muhammad Umm al-Munzir binti Qays, and Asmah binti Makhzemah bin Jandal were two of the most prominent women traders. In the time of second caliph Hazrat Umar (R.A) a woman trader Al-Shifa binti Muawiz was elected “commandant” of the Medina market (Abbas, 2012). Another of Prophet Muhammad’s (P.B.U.H) wife Sudah was involved in the work of leather tanning skins. She utilized her skill of leather tanning by selling its wares throughout Medina (Ghadanfar, 2006). These instances not only highlight the legitimacy of women’s right to work but also exhibit Prophet and his followers’ reliance on women’s expertise. It is pertinent to note that all labor rights prescribed by Islam
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are equally applicable for women laborers too, including fair and timely ages along with favorable working conditions. It was due to these equitable rights granted to women laborers that historically many women were involved in different kinds of work during late medieval Islamic societies (Shatzmiller, Maya 1998).

1.2 National and international protections for women laborers:

Pakistan, being an Islamic state, fully endorses the rights and guidelines provided by Islam. Pakistan’s constitution fully recognizes the component of gender equality, women’s right to work and protection to women laborers. In this regard Article 11 forbids all forms of slavery, forced labor and child labor; Article 17 allows for freedom of association and the right to form unions; Article 18 allows its citizens to join any lawful profession or occupation and to start any kind of lawful business and trade. Articles 25 and 27 of the constitution deal with the component of gender equality. Similarly, there are several constitutional provisions, which undertake the responsibility on the part of the state to alleviate the status of women through their successful inclusion in economic life. Article 25(3) states, “Nothing in this Article shall prevent the state from making any special provision for the protection of women and children” (Ali, S. 2000). Similarly, Article 37(e) states: The state shall make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or gender, and for maternity benefits for women in employment. Similar provisions are there in Pakistan’s labor laws. There is an important provision to protect women from working “unsuitable or odd hours of job” in The Mines Act 1923 – Section 23(C) and The Factories Act 1934 -Section 45. Similarly, Hazardous Occupation Rules 1963 prohibit women’s work in particular hazardous areas, e.g. chemical factories. Maternity benefit laws (e.g. The West Pakistan Maternity Benefit Rules 1961) and social security laws (e.g. The Provincial Social Security Ordinance 1965) provide for maternity benefits to all working mothers for three months. Pakistan being a signatory of many international covenants and conventions, including UDHR, ICCPR, ICESCR, 8 ILO’s fundamental conventions, and CEDAW, is bound to follow through its commitments to assuring women and worker rights (OHCHR, 2020; Rubab & Parveen, 2020). All these international instruments argue about the safe and conducive working conditions for women along with all social security measures. Despite the fact that Islamic injunctions as well as Pakistan’s national and international obligations all make a case for assuring women’s labor rights, the growing evidence about the conditions of female brick kiln laborers reports otherwise (Jawad Syed, Faiaza Ali, 2013)
1.3 How bonded Labor and Peshgi System work in Pakistan?

Despite the clear guidance of Islam, national and international bindings of Pakistan, Brick kiln industry operates on the exploitative and oppressive ‘Peshgi’ system. It is a system in which brickkiln owners offer loans to the laborer’s family and the whole family is bound to work at the kiln. Usually wage against their labor is very low so it becomes nearly impossible for the family to return that loan. Later on interest rate imposed by the brick kiln owner on the actual amount of loan makes their life even more miserable (Rubab and Parveen, 2020). Malik Nadeem (2016) has rightly argued that bonded labor prevalent in brickkiln industry of Pakistan is a kind of modern day slavery, which is based upon and further perpetuates severe physical and psychological violence. Families entangled in bonded labor are not allowed to work elsewhere. Similarly, their social interaction is also controlled. In the past decade the government of Punjab took serious steps to regularize this industry. The government wanted to uproot this system based on laborers’ exploitation and suppression; however when one looks at the situation in Kasur, little seems to have changed.

2. Research Methodology

The study was aimed to analyze the lived experiences of women indulged in bonded labor with their families. The pure qualitative genre under the philosophical stance of interpretive paradigm was used to execute the study plan. From the pure qualitative genre, phenomenological research design was selected as it is the most suitable design to gauge the lived experiences (Bryen and Michelle, 2001).

2.1 Site Selection and Participant recruitment & ethical data collection

District Kasur was selected as a study site due to the prevalence of brick kilns business in the area where 581 brick kilns are operational (Labor & Human Resource Department, 2014). Recruitment of such specific participants was a difficult task. Initial identification of the participants was done through quantitative survey. Women laborers who consented for in depth interviews were contacted later on. After taking verbal and written consent, in-depth interviews were arranged (Arfin & Siti, 2018). A total of 15 women laborers from 5 brick kilns of Kasur were recruited as study participants through purposive sampling technique. All interviews were conducted by female research Assistants. Prior to interviews both research assistants were trained and sensitized about research ethics (Pietilä, etal, 2020). In depth interview guide was used to collect data. All female participants were compensated for their time. Some interviews were digitally recorded while the rest were manually noted down in field diaries.
2.2 Data analysis

All recorded interviews were transcribed into word to word verbatim. Those verbatim transcripts and field notes were carefully analyzed through narrative analysis technique. Each interview was coded first. Later on all coded interviews were compared and similar codes were organized under broader themes. Throughout the analysis researcher bias was minimized through reflexivity. Similarly, validity of study findings was assured through the reconfirmation of the results by study participants (Henrik, Hutter, 2020).

3. Study findings and Discussion

The present study was conducted to analyze the women’s labor rights in Islam. It further aimed to gauge the lived experiences of women brick kiln laborers. All data was collected through in-depth interviews and carefully analyzed later on. On the basis of the data collected following findings have been reached.

3.1 Duties of Women Laborers in Brick kilns and prevalent wage discrimination:

The study results revealed that the brick making process involved following steps:

1. Clay Preparation for bricks Step 2. Transforming clay into balls - pera making step

It was also found that strict gender division of labor was practiced in the brick kiln industry of Kasur. Women Laborers and children were involved in the first three steps of brick making. It is also pertinent to note that completion of these three initial steps required unskilled Labor, which indicates the clear lack of opportunities for women Laborers to develop required skill sets. Gender wage gap has been a prevalent practice across the globe. Feminist scholarship has deeply analyzed the issue and felt that underlying cause of this discrimination is the result of unjust patriarchal structures and institutionalization of patriarchy (Sylvia Walby, 1990). The findings of the study also support Walby's argument. Female brick kiln laborers not only complained about the unfair wage discrimination but also raised their concerns about the ownership of their wage. The Study participants blamed custom, culture and their fate for their miserable circumstances.
3.2 Long and tedious hours of work:

Women participants of the study registered their concerns about the long and tedious hours of work. In order to fulfill these tasks they have to get up before the sun rises. Although their duties at brick kilns are fixed to first three steps of clay preparation for bricks, transforming clay into balls- pera making and casting clay balls into the brick mould, but sometimes they have to help their male family members in next steps of mud brick preparation by taking it out of the mould and putting these mud bricks for sun drying in open spaces. Female laborers reported that all domestic chores like cleanliness, washing of cloths, cooking and child care were solely their responsibility, so their working hours were very long. A quantitative survey conducted at the brick kilns of Kasur to identify the gender segregated hours of work has clearly noted the same tedious patterns of work were followed as reported by the female participants of the study.

![Gender segregation of work hours across age groups](image)

Figure 1.1: Gender segregated data of hours of works among different age groups of brickkiln workers in Kasur

3.3 Poor health conditions and fear of Sexual assault:

The study results found that families living in the brick kilns were a prey of abject poverty. Female laborers living in the premises of brick kilns were facing deplorable circumstances. Due to the absence of proper sanitation, their small
homes were hubs of mosquitoes and other insects. Women were facing more issues due to their reproductive biology. It was difficult for them to maintain hygienic conditions during the menstruation cycle. In case of pregnancy the environment of brick kilns was more harmful for expecting mothers. Female brick kiln laborers were totally deprived of government health facilities and social welfare cards.

A female brick kiln worker shared her miseries while divulging another dimension of the brick kiln workers. She informed that the life of a female brick kiln worker is full of miseries as they have to face hard working conditions, abusive behavior of the jammadar (the person responsible for dealing with labor at a brickkiln), and have to safeguard their children from atrocities of the brickkiln staff in terms of all forms of harassment. She was desperate to pay off the loan and buy her freedom and did not want to continue working at the kiln. She expressed her concern regarding harassment:

We prefer to bring our sick girls with us on work rather than leaving them alone at home.

These adverse living conditions were a source of perpetual psychological distress for the study participants.

3.4 Prevalence of Spousal violence:

Gender based violence has been a norm of human society; it is pandemic in nature, specially violence against women, which is a global human rights violation and public health concern prevalent across the globe irrespective of socio economic and religious diversities (Garcia-Moreno, Jansen, Ellsberg, Heise, & Watts, 2005). The growing body of literature highlights the prevalence of severe forms of spousal violence and over all violence against women in Pakistan (crittlie, 2012). Similarly instances of violence are said to multiply in face of economic distress (Ashraf, S., M. Abrar-ul-Haq, and S. Ashraf, 2017). The study findings also endorsed the prevalence of the same violence patterns in brick kiln Laborer’s families of Kasur.

The data collected through in-depth interviews revealed that spousal violence was quite common in brick kiln families and most of the female laborers reported the instances of spousal violence. The forms of spousal violence prevalent in the selected brick kilns of Kasur include the common use of abusive language, threats of divorce and physical beating. Twelve out of total fifteen study participants reported their concerns about spousal violence. Three participants remained silent on the probing questions regarding spousal violence. It was also observed that they have internalized these instances of violence as routine matter as one of the study participants justified her husband’s violent behavior by saying:
While he doesn’t have enough money to feed the children and has to face abusive treatment of Brick kiln munshi all day long, then obviously he will become violent with me and children sometimes.

It was also felt that female laborers’ minimum interaction with wider society and state institutions led them to live in the same abusive conditions.

3.5 Deprivation out of bounds: Complete social exclusion and absence of social security nets:

Alongside economic and domestic issues, brickkiln workers are also plunged in problems when it comes to engaging with wider society, needless to say which in turn further aggravate the former. Class-based social stratification means that they are afforded little respect, if any; coupled with the stigma of being strung in bonded Labor and an itinerant life, this means that they lack immensely in social capital. This plays a major role in their social isolation – they face severance from all community-based support so to speak. Given how they are prevented from organizing and unionizing within the kiln community as well, these workers are perpetually on their own. These factors make the deprivation of brick kiln workers quite immense even when compared to other working groups. In case of women kiln Laborers, the situation is deplorable as they live a life marked by not only working class oppression but also patriarchy – study results indicate that women are deskilled, additionally burdened with domestic and child rearing responsibilities, and at a greater risk of experiencing sexual and other forms of violence. Additionally, despite the fact that bonded Labor is no longer physically restricted in environs of the kiln they still cannot seek additional work elsewhere. Unlike their male counterparts, restricted mobility due to lack of economic inducement and patriarchal social structures means that women are rarely afforded the opportunity of escaping the suffocating kiln environment, even simple things like going outside the brick kiln seem impossible. In this regard, a study respondent put the point across quite succinctly:

My daughter wants to study but we do not have the money or even the permission to send her to school.

This complex situation was the result of multiple marginalities female Laborers were facing at the brick kilns. Intersection of their gender, low socio economic conditions and exclusionary nature of their jobs left them with no real choices when it came to transforming their lives. Study results also revealed that despite various claims were made by the Government of Punjab to connect brick kiln Laborers with social security departments, however, nothing of the sort has been achieved yet. Female Laborers shared that they were never provided social security cards. Many
of them even did not have national identity cards. The role of vigilance committees was also found ineffective. Female Laborers were unaware of any kind of legal help offered to them by the government. Although, some civil society organizations were found active in this regard but their circumference to address the issue was minimal.

4. Conclusions and Recommendations

The study findings reveal that the situation of female brickkiln workers in Kasur is in complete contrast to Islamic law and Pakistan’s other commitments. More importantly, these harrowing conditions are not unique to the industry in Kasur; these are part and parcel of brickkiln operations all over Pakistan. An appraisal of past law-making in this regard further reveals that the state itself is aware of the situation on ground, so it is a clear marker of the government’s apathy towards the plight of people trapped in bonded labor. It is high time that the Government of Pakistan takes its responsibility towards it citizens seriously and not only abolishes bonded labor in all forms but also works towards ensuring the reintegration of these laborers into society, especially women laborers and children who currently fare much worse than men and have little hoping of making it out. In order to accomplish this, the state needs to work on the implementation of the vast law and policy making it has already done. Apart from strict law enforcement, awareness campaigns can be used to highlight the need to abide by Islamic commandments; in this regard, the Quranic verses and hadith mentioned in this article can be utilized as they are quite precise and concise in their messaging. However, it should be noted that awareness campaigns cannot bear much fruit if the state does not work towards effective structural changes.

References


10. Sahih Muslim 1483 (Hadith reported by Jabbir bin Abdullah)


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