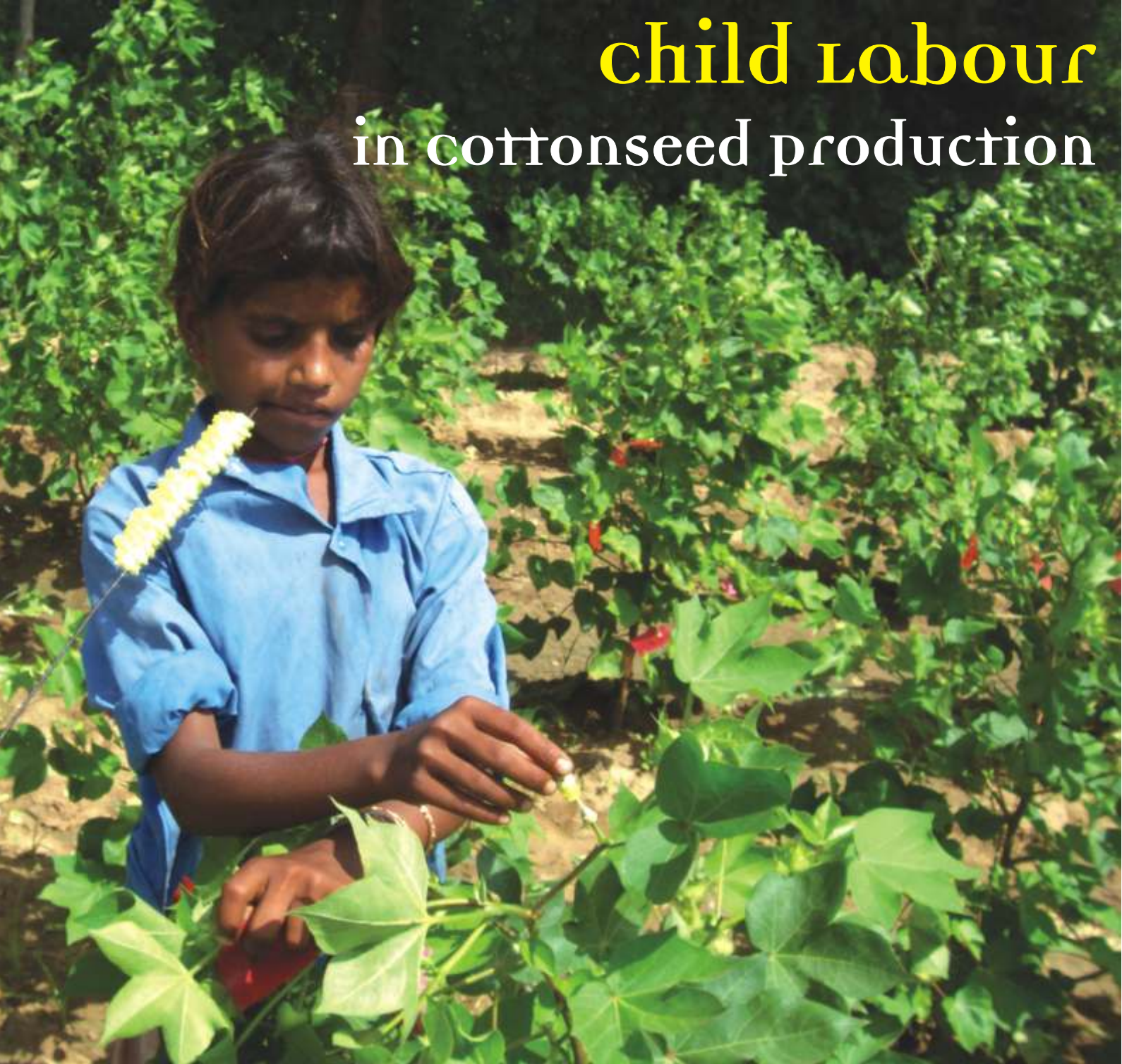


# child labour in cottonseed production



## *A Case study of Cottonseed Farms in North Gujarat*

Ashok Khandelwal  
Sudhir Katiyar  
Madan Vaishnav

Dakshini Rajasthan Mazdoor Union  
2008

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## **@ Dakshini Rajasthan Mazdoor Union**

Any part of the Report may be used in favour of labour with due acknowledgements.

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## **:: DAKSHINI RAJASTHAN MAJDOOR UNION ::**

### **An Introduction**

Seasonal migration is increasingly emerging as the chief mode of labour engagement across the country and especially in the rapidly growing Western economic cluster of Gujarat Maharashtra. Dakshini Rajasthan Majdoor Union is an organisation of seasonal tribal migrants from South Rajasthan. The Union is working to ensure decent wages, social security, and human rights for the vast mass of workers in the unorganised sector. Every year hundreds of thousands of workers from the region migrate to Gujarat, Maharashtra, and other Indian states. There are different modes of migration - individual workers, whole families, adolescent groups, and children. Recent years have seen an increase in child and adolescent female migration.

The Union was registered in April 2006. It started work in the Bt cotton migration stream that witnesses seasonal migration by tribal adolescents and children on a large scale. The Union mobilised the workers and the labour contractors who recruit workers into a Union. The Union imposed a moratorium on movement seeking an end to child labour and hike in wages paid. Two years of sustained efforts have seen wage hike up to 50 percent. The issue of child labour in Bt cottonseed farms has been highlighted at the state and national level and there is a decline in numbers of children going.

The Union has also organised workers in the migration streams of brick kilns and cotton ginning in Gujarat. Both these streams witness interstate migration from a number of other states in addition to Rajasthan. Union has mobilised workers from all the states. It has promoted formation of a new Union in Gujarat called Gujarat Ginning and Other Mill Workers' Union. Union interventions have led to a hike in salary of ginning workers by 16 percent. The highlighting of numerous fatal and non fatal accidents in the ginning factories has led to a reduction in the number of accidents. The Union facilitated work stoppages in more than 50 brick kiln quarries resulting in wage hikes of up to 20 percent in the 2007-08 season. It also got more than 100 workers from the state of Chhattisgarh released from bondage in brick kilns.

Advocacy of workers' rights amongst the civil society and the state in Gujarat is a major component of Union's work. The Union has actively raised issues of workers' rights before the state of Gujarat. It organised state level public hearings on the issue of child labour in both the states of Gujarat and Rajasthan. It has highlighted cases of extreme injustice in the media. Police help has been sought in cases of sexual exploitation of female workers. The Union realises that a pan workers' unity extending across barriers of caste, community, region, and language is necessary to carry forward the workers' struggle. It is actively working towards achieving this unity.

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## **:: ACRONYMS & ABBREVIATIONS ::**

<b>BLA</b>	:: Bonded Labour (Abolition) Act, 1976
<b>CL</b>	:: Child Labour
<b>CLA</b>	:: Child Labour (Prohibition and Regulation) Act, 1986
<b>CSP</b>	:: Cottonseed Production
<b>DRMU</b>	:: Dakshini Rajasthan Mazdoor Union
<b>ISMWA</b>	:: Inter-state Migrant Workmen (CS & RE) Act, 1979
<b>MWA</b>	:: Minimum Wages Act, 1948
<b>Mahyco</b>	:: Maharashtra Hybrid Seed Company
<b>NCPCR</b>	:: National Commission for Protection of Child Rights
<b>GEAC</b>	:: Genetic Engineering Approval Committee

## :: EXECUTIVE SUMMARY ::

The Field Study was undertaken by **Dakshini Rajasthan Majdoor Union** to understand the use of child labour in cottonseed production in north Gujarat in the year 2007. The Union has been organising the seasonal migrant tribal workers that go to work on Bt cottonseed farms from South Rajasthan to North Gujarat during the rainy season for two three months. It has come across very high incidence of child labour amongst these workers. The survey this year sought to find out the extent and depth of child labour on the cottonseed farms and link this with the companies that sponsor seed production. It also sought to understand the recruitment process and the working and living conditions of workers.

At the beginning of the survey, it was decided to cover 80 farms of different seed companies in the two main production areas of Banaskantha and Sabarkantha. However the proposed sample could not be fully covered as the seed organisers and company representatives resisted the visit of the survey team. The team was even physically attacked and schedules torn. The children working on the farms were hidden immediately at the arrival of the team. Finally a total of 42 farms were covered in the survey.

The team has documented extensive use of child labour on Bt cottonseed farms in Gujarat. Overall 32.7 percent of the workforce comprised of children below 14 years. Another 42.3 were adolescents between 15-18 years. Thus three quarters of the total workforce comprised of children and adolescents below 18 years. A high proportion of the workforce 42.7 percent comprised of females. Children were found on seed farms of all the companies. Only 4.7 percent farms did not have any children. Nearly all the workers were tribal migrants from Rajasthan and Gujarat four-fifths from Rajasthan and one-fifth from Gujarat. The use of local labour force was miniscule.

The seed production on all the seed farms visited was being carried out by the farmers on behalf of seed companies. The sample surveyed covered six companies - Monsanto, Mahyco, Nuziveedu, Vikram, Rasi and Ajit the first three accounting for 90 percent of the sample. Monsanto is a Multi National Company and the first license holder for Bt cotton. All the other companies surveyed, with the exception of Rasi, are sub license holders of Monsanto. Mahyco is its partner in India. The study found that farmers do not discriminate on the basis of the company so far as child labour use is concerned. Child labour has been observed on over 95 percent farms. Child labour is extensively used on MNC sub-contracted farms as well as the major Indian company, Nuziveedu. The companies regularly sent their staff to guide and inspect seed farms. The visits are undertaken with a view to ensure strict quality control in production process. None of the farmers surveyed reported monitoring of child labour as one of the purposes.

Nearly all the labour force is recruited through middlemen/ mates. Mates come from the same socio economic background as workers. Their economic status remains poor. Workers are brought to Gujarat against cash advances. Majority of the farmers reported giving advances to mates to secure labour supply. The amount mostly varied between Rs.

1000 to Rs. 25000, depending on the number of workers needed and the mate's equation with the employer. The workers also reported receiving advances in varying amounts. The advance is given against the condition that workers will have to work through the season. The final settlement is done at the end. The advance serves both the purposes of assured labour supply and restriction on freedom of movement for the workers.

Most of the children surveyed missed their homes. More than two thirds reported being sent by their parents. A large majority wanted work nearer home. The children work between 9 to 12 hours per day in two shifts from 5-6 AM in the morning to 11-12 AM in the forenoon and from 2- 2.30 to 6.30 7 PM in the afternoon. The commonly reported wage was Rs. 50 per day. This is less than legal entitlement that should be Rs. 75 for a 10 hour workday. The work conditions were difficult. The children slept on ground. Boys and girls shared the same living and sleeping space. They often cooked in open and rains caused problems. Around 10 percent workers reported falling ill.

The seed rate, the procurement price paid by companies to farmers, has not changed since last three years. More than fifty farmers quoted a seed rate between Rs. 230 to 250 per kg. The farmers complained that while wages have gone up by 50 percent over last three years, the seed rate has not changed. This was cited as one of the main reasons by the farmers behind their inability to raise wages and attract adult workers.

The study discusses the conditions of employment in relation to the provisions of four of the national laws, namely, Child Labour (Prohibition and Regulation) Act, 1986, Minimum Wages Act, 1948, Interstate Migrant Workers (CS & RE) Act, 1979 and Bonded Labour (Abolition) Act, 1976 and international instruments in ILO Convention 138 on Minimum Age and 182 on the worst forms of child labour. While ILO Conventions have not been ratified by the Government of India, the MNC Monsanto, the main stakeholder in business, promises strict compliance with these conventions in its Human Rights Policy. Employment of children per se in agriculture operations is not illegal according to the Child Labour Act. However most of the provisions of this Act that regulate employment of children are being violated. In fact significant provisions of all the above mentioned Acts that are oriented to welfare of the workers simply remain dead letters.

The report concludes that the workers are recruited, transported, harboured, by means of coercion, fraud, deception; abuse of power (including parental) for the purpose of exploitation through forced labour and servitude. Thus, as per the condition stipulated in ILO Convention Article 3(a), the workers are toiling under worst form of child labour. In fact the definition as given in section 3(d) is also equally applicable to the workers in question. Long hours of work, use of pesticides, sexual exploitation, snake bites, imbibing





*Girls working in Monsanto Bt cotton seed plot in village Golvi*

## **I :: INTRODUCTION**

### ***1.1 :: Rationale***

At around nine million hectares, India has the highest area under cotton cultivation in the world. With the introduction of Bt hybrid cottonseed in 2002, the area, yield and production of cotton lint in India has seen secular growth to the extent that since last two years the country has emerged as net exporter of cotton from net importer. During 1992-93 to 2002-03, the average yield of cotton in India was around 300 kg/hectare, the range being between 278 to 330 kg/hectare. In 2003, the yield saw a quantum jump of almost one-third from 302 to 399 kg. In the year 2006-07, it reached 501 kg<sup>1</sup>. Estimates for the year 2007-08 suggest that the yield has further increased to 553 kg. Within a span of five years the yield has thus grown by a whopping 82 percent. The area under cultivation has also grown from 7.3 million to over 9.53 million hectares during 2003-04 to 2007-08. Consequently, the production has surpassed the consumption requirements and India has exported cotton at an average of over 47 lakh bales of 170 kg during two years, 2005-06 and 2006-07. During 2000-01 to 2002-03, she was net importer to the tune of 62.61 lakh bales at an average of over 20 lakh bales per year<sup>2</sup>.

This increase in the cotton production is by and large accounted for largely by the state of Gujarat with supplementary contributions from the states of Punjab, Maharashtra and Andhra Pradesh (Table 1.1). The reason apparently is that farmers in Gujarat and Punjab in particular have a history of using hybrid cottonseeds and Bt trait has permeated only in hybrid varieties in India, though there is a movement to place the technology in conventional varieties as well<sup>3</sup>.

As per Government of India, country's cotton production is expected to grow at 8.3 percent annually for the next few years, because of increased usage of Bt cotton and improved cotton processing. Cotton production is expected to reach 39 million bales by 2011-12<sup>4</sup>. Obviously, the demand for Bt cottonseed is going to increase in future and so the demand for labour in Cotton Seed Production (CSP), reference point of the present report.

#### **(a) State of Gujarat: Number One Cotton Producing State**

Gujarat currently occupies number one spot in production of both cotton (Table 1.1) and cottonseed. The state produces roughly 35 percent of the total raw cotton of the country. In 2007-08, it produced 110 lakh bales (each of 170 kg) out of total estimated production of 30.1 million bales in India. Gujarat this year has recorded highest yield. Though Maharashtra continues to have highest area under cotton, Gujarat occupies number one spot in production because of much higher yield compared to Maharashtra..

The area under cotton as well yield has increased continuously over the last few years in the state. From the average cultivated area of around 15.5 lakh hectares during 96-97 to 2001-02, it reached around 25.16 lakh hectares in 2007-08, an increase of about 62.3 percent. The yield in Gujarat has seen large fluctuations in the earlier years, especially during second half of 1990s it ranged from a low of 250 kg in 2000-01 to 502 kg/hectare in 98-99. But since 2002-03 it has grown steadily, reaching its zenith at 794 kg in 2005-06, then dropping to 662 kg in 2006-07 probably due to heavy rains caused crop-loss. In 2007-08 the yield again increased to 743 kg. But despite fluctuations in productivity Gujarat for last five years remains at number one in total production. As a matter of fact, the state has moved much farther with competitor states of Maharashtra, AP and Punjab. This is certainly due to use of hybrid/Bt cottonseed.

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<sup>1</sup>Mr J.N.Singh, Commissioner, Union Textile Ministry said in a press conference that the yield per hectare has shot up to 500 kg (in 2006-07) from 340 kg (in 2003-04), mainly due to introduction of Bt cotton. See: *Financial Times*, March 16, 2007.

<sup>2</sup>All the data in this section are from the Cotton Corporation of India website.

<sup>3</sup>See: "India coming on strong in cotton production" by Elton Robinson. Posted on Net November 9, 2005. @ 2007 Penton Media.

<sup>4</sup>This view of the Government and the Industry relating to gains of BT cotton is both contested by many. There has been vehement opposition to the Bt as it is considered a cause of ruin of farmers and sustainable production. See, for instance, SISI. However, we shall not join this important debate at this point of time as our focus here is child labour.

<b>Table 1.1 :: Area, Production and Yield of Cotton in Major States</b>						
<b>State</b>	<b>2006-07</b>			<b>2007-08</b>		
	<b>Area</b>	<b>Prod</b>	<b>Yield</b>	<b>Area</b>	<b>Prod</b>	<b>Yield</b>
Punjab	6.07	26	728	6.48	24	630
Haryana	5.3	16	513	4.78	16	569
Rajasthan	3.5	8	389	3.68	9	416
<b>North Total</b>	<b>14.87</b>	<b>50</b>	<b>572</b>	<b>14.94</b>	<b>49</b>	<b>558</b>
Gujarat	23.9	101	718	25.16	110	743
Maharashtra	30.7	52	288	31.91	60	320
Madhya Pradesh	6.39	18	479	6.62	21	539
<b>Central Total</b>	<b>60.99</b>	<b>171</b>	<b>477</b>	<b>63.69</b>	<b>191</b>	<b>510</b>
Andhra Pradesh	9.72	35	612	10.96	43	667
Karnataka	3.75	6	272	3.71	8	367
Tamil Nadu	1.22	5	697	1.23	5	691
<b>South Total</b>	<b>14.69</b>	<b>46</b>	<b>532</b>	<b>15.9</b>	<b>56</b>	<b>599</b>
Others	0.87	1	195	0.77	2	442
<b>Total</b>		<b>268</b>			<b>298</b>	
Loose Lint		12			12	
<b>Grand Total</b>	<b>91.42</b>	<b>280</b>	<b>521</b>	<b>95.3</b>	<b>310</b>	<b>553</b>

Source: [www.cotcorp.com/CURRENT3.HTML](http://www.cotcorp.com/CURRENT3.HTML)

The reason for the increase in the productivity has been the extensive use of Bt cotton. “The last three years have seen a substantial spread of Bt cotton cultivation in Gujarat” (*Shah 2005*). The data suggest continuation of the story in 2005-06, 2006-07 and 2007-08 as positive impact of Bt cottonseed on survival of pest attacks and yields continued. The Union Government is also on the record to say that states of Gujarat and Punjab have been on the forefront of adopting Bt technology. (*Financial Times, 16 March 2007*). The gains in productivity have seen gradual increase in the area under cultivation leading to increased demand for cottonseed.

#### **(b) Increasing Demand for Bt Cottonseed**

“Three phases have marked the growth of the hybrid cotton seed market in India. The first phase, beginning in the early 1970s and up to the early 1990s, was the period of public sector hybrids. The second phase ending around 2003, was when the proprietary seed market established itself. The third phase, which is just beginning and has yet to play out is one where the market is being shaped by transgenic cotton” (*Murdukar et al 2007*).

As per Government of India, by end of 2006, area under Bt cotton increased to 3.8 million hectares of land from 29,000 hectares in 2002, when it was first introduced. This accounts for 41.76 percent of the total cultivated area. But in terms of total

production, Bt cotton accounts for 65 percent (*Financial Times, 2007*). As per the International Service for the Acquisition of Agri-biotech Applications (ISAAA) India had largest area in the world at 6.2 million hectares under Bt cotton in the year 2007. Compared to 2006, the area increased by 63 percent from 3.8 million to 6.2 million in a single year and left behind US (4 million) and China (3.8 Million) (*Hindu, 2008*). Naturally the demand has percolated down to CSP. Observes Venkateswarlu (2007), “In 2003-04 the cottonseed production area covered by Bt cotton hybrids was around 9 percent (5,000 acres out of 54,000 acres) which has increased to nearly 66 percent (40,000 acres out of 60,000 acres) in 2006-07”.

Though the shift from non-Bt hybrid to Bt-hybrid CSP does not impact labour demand per unit area, but the success of Bt has impacted labour in two ways. One, the absolute increase in area under Bt will naturally increase the demand for Bt cottonseed which in turn will increase the area under CSP and consequently demand for labour has also increased. Secondly, with increase in Bt cultivation the entire seed industry has shifted in the hands of corporate houses. The nature of seed industry has completely changed as discussed in Para (e) below. Shifting of CSP in the hands of organised industry under the leadership of MNCs has implications for labour, especially keeping in view the international commitment of the companies to uphold labour standards.

### **(c) Gujarat way ahead in Cottonseed Production**

Gujarat of late has been at top not only in terms of cotton production but also in the production of cottonseed hybrids. In relative terms the state has played more important role in cottonseed hybrids than raw cotton-production. The world's first hybrid variety H-4 was produced by Dr C.T.Patel in 1970 at Surat Agricultural Extension Station of Gujarat Agricultural University which was produced for commercial purposes by the farmers of North Gujarat (*Murugkar et al., 2007*). With the introduction of private sector in seed production coupled with the spurt in demand for hybrid seed some companies started producing their own cottonseed in north Gujarat<sup>5</sup>. Within a span of few years factors like campaign against child labour in AP<sup>6</sup>, spurt in demand for hybrid cottonseed initially and now Bt Cottonseed, dominance of private players and high profit margins for the producers, experience of farmers, irrigation facilities,

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<sup>5</sup>For a detailed discussion on the market structure and the changing role of private and public sector in the cotton seed market over the years, see *Murugkar et al (2007)*.

<sup>6</sup>*Nuziveedu, primarily an AP based CSP company has of late become an important player in Gujarat.*

cheap labour supply from surrounding tribal areas in the new millennium has turned north Gujarat as the main centre of hybrid CSP in India.

As per Venkateswarlu (2007), about ninety percent CSP is concentrated in four states of Gujarat, AP, Karnataka and TN. The total estimated acreage increased from 44 thousand in 2003 to little over 55 thousand acres in 2006-07. Gujarat tops with around 25000 acres followed by AP with around 16000. Karnataka and TN account for 5000 and 9000 acres. Gujarat thus accounts for about 42 percent of total acreage under CSP in India. Shah (2005) has estimated acreage as well as quantity of Bt cottonseeds for earlier year, "In the year 2004-05, Bt seeds were multiplied in 20,000 acres in Gujarat, from which 60 lakh packets<sup>7</sup> were prepared. Of these, 24 lakh to 25 lakh packets were consumed in Gujarat and the rest were sent to the other States". Monsanto has estimated CSP acreage in Gujarat to be 40,000 acres. Yet another observation states:

In Gujarat, farmers have adapted Bt varieties for their own conditions and created hybrid concoctions. These hybrids are cheaper and more locally adapted; many farmers believe they work better than the approved Bt varieties, and they are spreading rapidly.

"A Gujarat seed producers association has data indicating that 1.1 million packets of farmer-bred Bt seeds of various varieties shipped from Gujarat to Punjab last year. This shows the interest in Bt in farmers, even though this interest may not be for the licensed/legal varieties. In fact, the Gujarat seed association folks feel that Bt must be de licensed so that seed producers can use the working varieties in the public domain and continually adapt and monitor them for quality control so that they can make a legitimate business out of them, as opposed to the sword of illegality always hovering over their seeds." ('Controversy around GM Crop: Understanding Bt cotton maze', Based on interview of Prof Ronald Herring, India Together, June 1, 2006; See also Herring (2007)).

<sup>7</sup>One packet contains 450 grams of seed, the quantity needed for sowing in one acre.

<sup>8</sup>The question of legality-illegality of CSP in India is an extremely complex due to involvement of various national and international interests in a global regime and beyond the scope of the present research. We shall therefore refrain from any discussion on the issue. Suffice is to add here that for our context what is important is the concerns of the labour including, use of child labour in particular.

Thus the state of Gujarat produces large quantity of Bt cottonseed, the exact size of the production and to what an extent the production is legal or illegal and with what implications may be a debatable issue<sup>8</sup>. The fact that there is large scale production and that there is also so called-illegal production cannot be denied. Reports have been regularly appearing in print media that many companies and farmers are involved in the illegal production of cottonseed. There are no estimates of the extent of such production base. Committee dealing with Bt cotton in the Ministry of Environment and Forests has taken note of this in one of its meetings.

#### **“Illegal production of Bt cotton seeds in Gujarat.**

The Committee discussed with concern the news paper reports on the production of spurious Bt cotton seed in Gujarat. The committee was informed that:

- Chairman, GEAC has taken up the matter with the Chief Secretary, State Govt. of Gujarat.
- Packets of seeds alleged to contain Bt. gene have been forwarded to the CICR, Nagpur for verification.
- Ministry of Environment and Forest to direct the State Govt. to put in place the SLBSC/DLBSC especially in the six States where release of Bt. cotton has been permitted.
- Ministry of Environment and Forest, Department of Bio Technology & Ministry of Agriculture to organize training for the members of SLBSC/DLBSC.
- Action under Seed Act and Environment Protection Act to be initiated under erring companies/individuals.” (See: *Press Release by Ministry of Environment and Forests after 37th Meeting of the GEAC, June 13, 2003*).

As per our own estimates based on interviews of some of the big agents engaged in the production of cottonseed on behalf of multiple companies, the area in 2006 was more than 25000 acres under CSP in north Gujarat. For example, one organizer had signed contracts with ten companies to produce cottonseeds spread over 2000 acres in 2006. The discussions with the agents gave exact figures of 28,000 acres for 2005 and 25,000 acres for 2006. This figure did not include multiplication by farmers themselves. This year (2007) Venkateswarlu estimates 15-20 percent rise in the total acreage.

Consequently, the demand for labour for cottonseed production in Gujarat is very high. It is a well established fact that hybrid cottonseed production is extremely labour intensive and for one acre about 10 labourers are required for cross-pollination work. For 25000 acres the estimated labour requirement is 2.5 lakh hands. Gujarat is highly developing state and local labour is in short supply. It therefore attracts large numbers of migrant labour. And CSP is one area wherein the majority of the labour demand is met by seasonal migrants.

#### **(d) Extensive use of Child Labour**<sup>9</sup>

Due to labour intensive nature of production, demand for cheap labour is very high for CSP. The extensive use of CL in the cottonseed production came to light around turn of the last century and has been highlighted nationally as well as internationally. The Governments of AP and Rajasthan have accepted the presence of CL in CSP. Citing to statement of a Minister in AP, a business paper reports,

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<sup>9</sup> *Ample evidences are available on internet on the subject “Child Labour and Cottonseeds”.*

“The minister's statement confirms the study reports of India Committee of The Netherlands, International Labour Rights Fund of US, Eine Welt Netz NRW (One World Net, Germany) and MV Foundation about large-scale deployment of child labour for seed production in Andhra Pradesh” (*Financial Express*, 2006).

The Government of Rajasthan too provides testimony to child labour use in Gujarat.

“The district administration Dungarpur has prevented more than 300 Child Labour from migrating to Gujarat.” Claims the government of Rajasthan before the Chairperson, National Commission for Protection of Child Rights in a recent meeting held on 3rd of August 2007 (*Annexure to Agenda Papers*).

With the introduction of the Bt cottonseed in 2002 in particular and shifting of control of production in the hands of the companies, it was expected that the incidence of child labour will come down. The numbers of children are, however, increasing over the years. Venkateswarlu who has done a series of studies on the issue has in his latest study estimated 2.26 lakhs CL at all-India level in 2006-07 compared to two lakhs in 2003-04. Use of CL in CSP especially for the purposes of cross-pollination is widespread in all the major states of India where CSP takes place -Andhra Pradesh, Gujarat, Tamil Nadu and Karnataka. His latest estimate for CL in Gujarat at 85,340 is highest in the country. DRMU estimated that percentage of CL in total labour is 37 for the year 2006-07. Estimated use of CL for 25000 acres for the year 2006-07 comes to 92,500 assuming that total hired labour requirement is to the tune of 2.5 lakhs @ 10 labourers per acre and the percentage of CL is equal among all types of hired labour.

The Gujarat case is different than that of Andhra Pradesh or Karnataka in the sense that the majority of labour is inter-state migrant tribal labour from adjoining tribal belt of southern Rajasthan in particular. As per Venkateswarlu (2004), more than two-thirds of the labour force was migrant labour from tribal belt of south Rajasthan. The workers are thus inter-state tribal migrant workers and to that extent are more vulnerable.

#### **(e) Emergence of Private Sector in CSP**<sup>10</sup>

As we noted above, the first hybrid seed was produced in seventies of the last century. For two decades the public sector played a dominant role in production and diffusion of hybrids, though Mahyco introduced hybrid MECH 11 in 1979. During mid seventies and eighties a number of hybrid varieties were introduced by the public sector. It was in 1990s with the opening of the economy that many private companies introduced hybrids of their own. And since then the private sector has almost completely wiped out public sector.

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<sup>10</sup>This section draws heavily from Murugkar et al 2007.

The story of the emergence of private sector can be briefly stated as

(i) private firms entered the cottonseed market by producing and marketing of public sector hybrids, (ii) based on their marketing experiences they entered into development of their own hybrids by using services of retired public sector breeders, (iii) on successful production of new hybrids like one that had early duration and good quality fibre, they created and gradually captured the major share of CSP market, (iv) The private players shifted production and marketing of their own hybrids and abandoned the public sector hybrids for greater margins, (v) The arrival of Bt gene further improved the quality and survival and introduced terminator seed giving further push to private players, and (vi) the public sector has been unable to compete with private sector.

Observes Murdukar et al (2007), “the percentage of area under varieties and especially public hybrids has fallen consistently over these years. Proprietary (or private) hybrids that used to be the least important in 1996-97 emerged as the most popular seed source in 2004-05. In 2004-05, proprietary hybrids accounted for 5 million hectare (12.5 million acre), public hybrids for nearly 1 million hectare (2.3 million acre) and varieties for another 2.6 million hectare (6.4 million acre)”. Consequently, the Indian cotton seed market (controlled by private companies) today is biggest in the world. In value terms the public sector share has come down from 55 percent in 1996-97 has become negligible in 2004-05.

Introduction of Bt cotton, the first Genetically Modified (GM) crop introduced in India by Monsanto, has provided a great boost to the consolidation of private market. The GEAC of Government of India licensed MMB Limited, a joint venture of US multinational Monsanto and Indian seed company Mahyco<sup>11</sup> to introduce Bt cotton in India in the year 2002. Monsanto is the MNC that brought in technology. Monsanto in turn has given sub licenses to 21 Indian companies in India to produce Bt cottonseed and market it<sup>12</sup>. Some of the major companies sub-licensed by Monsanto are Nuzi Veedu, Mahyco, Vikram. The agreement between sub licensees and Monsanto remains a closely guarded trade secret though. As per one researcher (*Shah 2003*), Monsanto charged a one time royalty payment of 100 to 200 thousand US \$ in addition to 70 percent of sales price as royalty. Another puts one time fee at 50 lakhs and per packet royalty at rupees 700/- per packet of 450 grams (2004/05) (*Murdukar et al (2007)*).

Through initial field trials the company established and propagated the various benefits of the Bt Cotton. The researchers of Mahyco, R.B. Barwale et al (2004) in their research paper

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<sup>11</sup> Monsanto reportedly has 29 percent stake in Mahyco, according to an article in news magazine *Tebelka* Volume 5 Issue 6 Feb 16 2008.



reported the benefits and projected that by 2005 the area under Bt cotton will increase to five lack hectares. The researchers reported the following benefits:

“Trials conducted in several locations in 1998/99, 1999/ 2000, 2000/01, and 2001/02 demonstrated the following agronomic benefits of Bt cotton:

- Good control of bollworm species in different growing areas;
- Significantly higher yield and boll retention (compared to control or non-Bt cotton);
- Reduction in expense of insecticide application;
- Additional revenue (Rs.2,5004,000/acre) in farm income (compared to non-Bt cotton); and
- No adverse effect on non target insects or adjacent non-Bt cotton crops” (page 23)

The impact of the approval to MMB for Bt seed is reflected in the sudden spurt in the growth of the seed market. The value of the seed market, in nominal terms, remained stagnant between 1996-97 and 2002-03 but almost doubled in 2004-05. In 2004-05, the sales accounted for 1150 crores of rupees. It has been reported that about half of the increase in value of proprietary hybrids is because of the diffusion of Bt cotton (*Murugkar et al 2006 as quoted in Murugkar et al 2007*). But child labour use has increased in CSP.

Interestingly, as per Murdukar et al (2007), the reason behind the first approval to the MMB varieties(BT hybrid seed) in 2002 lies in the discovery of illegal NB 151 hybrid, registered with Government of Gujarat as conventional hybrid though in reality it had Bt gene, towards the end of 2001. This means that the farmers using NB 151 hybrid seed had already experienced the beneficial aspects of the Bt cottonseed. It was perhaps for this reason coupled with their own campaign highlighting the benefits of the Bt seed that the companies led by Monsanto could sell cottonseed at an extremely high rate Rs. 3875/- per kg. in 2005 and ask for a hefty initial premium from sub-licensees. The exorbitant rate was challenged with MRTPC which ordered the company to reduce the rate but the company preferred to file a case against the order in the Supreme Court which refused stay. The uncompromising stand of the company to reduce prices finally forced state Governments to direct the seed companies to sell the 450 gram packet at a MRP of Rs 750 in 2006 (*Manoj, 2006*).

Unlike public sector, the private companies work for only one motive- profit and more profit. Secrecy of dealings is well accepted practice in the private sector. The cultivation of seed is therefore closely controlled by seed companies and production related information perfectly guarded. The companies appoint organisers who in turn appoint agents who distribute the parent

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<sup>12</sup>*Presentation made by the Human Rights Lead of Monsanto in India to DRMU.*

seed to farmers. The farmers have to sign an agreement with the company promising to turn over all the produce back to the company and following all company regulations. The companies closely control all aspects of production process. For example the companies restrict the number of days of cross pollination that a farmer can undertake. The procurement price at which companies purchase farmers' produce is also pre decided. It is instructive to note here that the companies have not increased the procurement prices of the seed for last many years. The payment is also made very late. The payment is made to the farmers after laboratory tests. The payment is often made six to one year after the season. The agents will often advance money to the farmers for the working capital. The whole business is thus controlled by a small group of large farmers.

The close control is necessary for the private companies. Through this process the higher priced proprietary hybrid seed have been displacing lower priced public hybrids and the value of the seed market has grown quickly. Such control only helps the companies to dictate prices, which in final analysis impacts the conditions of the seed growers and the labour who toils in the field. However, the control appears to be becoming so unfavorable to the farmers that CSP may become unviable for the farmers to continue with (Jaykumar, 2007).

#### **(f) Government deny and Companies avoid reference to Child Labour Use**

Despite the large number of CL in cottonseed production, the administration as well as the MNCs on whose behalf most of the farmers undertake production have been either refuting the presence of CL or simply ignoring the claims of the activists and other social workers in the state of Gujarat. The Government and Association of Seed Industries in Andhra Pradesh have accepted the fact of child labour, but companies in Gujarat are not responding. The Government of Gujarat has flatly denied presence of CL<sup>13</sup>. Vipin Bhatt, Rural Labour Commissioner, Gujarat denies to a correspondent from Indian Express. "Children are not employed on cotton fields", he said (Suarav Kumar, 2007). Keeping this situation in mind, it was decided to undertake a quick survey in the month of September to gather fresh evidences and understand the issue of child labour in further detail in the state of Gujarat.

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<sup>13</sup> *One of the crucial reasons for consistent denial on the part of Gujarat could be out of purely political considerations. In the first place it could be for the fact that much of the CSP is illegal and is being debated at national and international level. At the same time it is beneficial to farmers. For a comprehensive discussion of the issue see Herring (2007).*

## ***1.2 :: Objectives***

1. To find out the extent and depth of child labour on the cottonseed farms
2. To find out whether farms producing cottonseed for companies including MNCs like Monsanto and its partner Mahyco are also using child labour
3. To understand the recruitment process and the form of child labour use
4. To understand the work and living conditions as also the impact of processes like advance, sprinkling of pesticides, migration on the child workers in particular

## ***1.3 :: Methodology***

The study is mainly based on primary data. Three different interview schedules were designed to collect information from farmers, contractors and workers. Prior to field survey a two day workshop was organised to train the investigators.

Given the time and resource constrains, it was decided to have a sample of 80 farms for the purpose of the study. There are two main areas Sabarkantha and Banaskantha where cottonseed production takes place. Forty farms from each of the two areas were chosen for intensive field study. First the list of villages that had farmers working for MNCs was drawn on the basis of informed sources. The sample farms were selected ensuring that these villages get covered in the sample.

For each chosen farm the owner of the farm, the contractor and three workers were selected for interview with the help of the structured instrument. From among the workers one male, one female and one child were randomly selected for interview. In addition to this, short interviews were recorded on video as well as other evidences in support of the data. Photographs have also been shot as evidence. This was required due to the sensitive nature of the child labour issue. It was imperative more so because the state government has been constantly denying use of child labour in cottonseed production.

One of the main objectives of the survey was to find out the extent and depth of the child labour on cotton seed farms. It was extremely difficult to establish this by directly asking the farmer. The farmer would immediately send the children into hiding as soon as the survey team approached the farm. Even when s/he was

not present on the farm, the children had been programmed to immediately move away at the sight of outsiders. In some cases if one approached the farm from a height, the movement of children scurrying away through standing crops could be made out. The team therefore had to rely on indirect observation methods to establish presence of children. While one member of the team would talk to the farmers and fill the schedule, others would fan out and interview the workers. Over a period of time, it would become possible to understand the age composition of the workers' group. Observations have been backed by video evidence in select cases.

Survey work was done during the second fortnight of September 2007 which is the peak period for cross-pollination work. CSP cycle in Gujarat begins in May/June with sowing. Cross-pollination work begins from late July/early August when flowering starts and lasts till mid-October. The labour in question is hired for this specific task. Two teams were formed, one each for the two areas.

### ***1.4 :: Limitation***

The study was undertaken amidst a very high pitch campaign against child labour. The field work coincided with a three-day visit of the Chairperson, National Commission for Protection of Child Rights on this very issue. This created lots of logistic problem for the team of investigators. They were attacked, manhandled and faced lots of hostility especially from a group of vested interests. The farmers who were quite cooperative in the beginning became very uncooperative and difficult to the extent that we had to wind up the data collection half way. The farmers not only refused at times but investigators realised that they have started deliberately providing wrong and misleading information.

Resistance was especially more on the Monsanto farms. Once the company field level representative became aware of the operations of the survey team, they took all possible measures to not let the survey take place. A representative of the Monsanto tracked the movement of the team and ensured that no data was made available. The researchers had no choice but to withdraw from the field and call off the data collection. Only 42 farms could be covered. In all, 42 farmers, 23 contractors and 99 workers were interviewed.

This fact need to be borne in mind while reading generalisation in terms of percentages. The size of the sample may be small but the data, however, very clearly highlight the trend. The evidences appear substantive and beyond any doubt.



*Pollination work underway in Mason village Idar area, September 14 2007, Company Nuziveedu*

## **II :: FINDINGS OF THE SURVEY<sup>14</sup>**

### ***2.1 :: Incidence of Child Labour***

#### **(a) Depth and Spread of Child Labour**

One of the important objectives of the present study is to find out the extent of CL use for cottonseed production. As we noted above in Para 1.1 (d), an independent estimate suggests that the child labour use in Gujarat is to the extent of about eighty five thousand. A large number of these are tribal migrants from southern Rajasthan<sup>15</sup>. However the Government of Gujarat has stoically maintained a contrary position and has denied presence of CL on cottonseed farms. Table 2.1 provides distribution of workers on the sample farms by age and sex as observed on the farms by the research team of the present study. On an average more than 14 labourers were employed by the farmers. The average for CL comes to 4.7. The distribution of labour including child labour by farmer is given at Annexure 4.

<b>Table 2.1 :: Distribution of Labour By Different Categories as per Farmers</b>					
<b>No</b>	<b>Category of Labour</b>	<b>Number</b>	<b>Percent</b>	<b>Maximum</b>	<b>Mean</b>
	1	2	3	4	5
1	Total Labour	604	100	52	<b>14.4</b>
2	Male Adult	100	16.6	20	3.2
3	Female Adult	51	8.4	10	2.7
4	Adolescent Boys	143	23.7	12	3.9
5	Adolescent Girls	111	18.4	10	3.5
6	Child Male	105	17.4	6	2.8
7	Child Female	94	15.6	10	3.1
8	Total Child Labour	199	<b>32.9</b>	12	<b>4.7</b>
9	Total Adolescents	254	<b>42.1</b>	18	<b>6.0</b>
10	Total Child & Adol	453	<b>75.0</b>	24	<b>10.8</b>
11	Total Adult Labour	151	25.0	30	3.6
12	Total Female Labour	256	<b>42.4</b>	20	6.1
13	Total Male Labour	348	57.6	32	8.3

**Source:** Observations of the team

**Notes:** Child Labour (CL) is up to 14 years and adolescents from 15-18 years. This is official age of child labour as per Child Labour (Prohibition and Regulation) Act, 1986. Unless otherwise stated the term child labour used in this study follows this definition.

Out of total 604 hired labourers, number of CL is 199, 32.9 percent. Estimated number of adolescents is 254 (42.1percent). If we define CL up to the age of 18 years, then the percentage increases to 75. With regard to spread, except for two farms, the team found CL on all the farms. **The survey thus undoubtedly confirms that CL continues to be used on cottonseed farms and indeed, the use is widespread.** In fact, the farmers have openly accepted the use of CL in CSP before Chairperson, NCPCR (*INFOCUS and Hindustan Times*).

A further disaggregated analysis of CL data suggests that (a) boys (105) are more than girls (94). (b) 9.5 percent farms did not employ any boy and 28.6 percent farms did not employ any girl child. This means that girls were concentrated on certain farms. In fact there were four farms that employed 7 to 10 girls each. None of the farms employed more than six boys. (c) About 89 percent farms employed up to three boys. (d) Number of CL across farms ranged from zero to 12. Fifty four point eight percent farmers employed up to four CL and 81 percent up to eight. (e) Percentage of CL in total labour across farms ranged from zero to over 85 percent. In case of two farmers, CL constituted 82-85 percent of total labour. In fact, in case of 56 percent farmers, the share of CL was 50 percent or more in total labour. **CL use is thus deep and wide.**

<sup>14</sup> Labour use data in this study relate only to hired labour for cross-pollination work.

<sup>15</sup> One of the crucial evidence of child labour use is the negotiated settlement signed by the Union and representatives of the farmers. One of the clauses in the settlement is that no farmer will recruit child labour. An English rendering of the settlement is appended at Annexure 1.

The responses by Mets relating to recruitment of labour more than confirm our observations. In fact, they recorded much higher percentage of CL at 38.14 in total recruitment (*Table 2.4*). The recruitment percentages of adolescents and total children up to 18 years come to 36.92 and 75.06 respectively.

### **(b) Estimated Number of Child Labour**

As noted above, in our estimation, on the basis of the current survey, the incidence of CL in total labour force in the year 2007-08 in the state of Gujarat on cottonseed farms comes to around one-third of the total labour force. Earlier we had observed that the total area under CSP in Gujarat is over 25,000 acres. We had also noted that for each acre about ten labourers are required. This has been substantiated by many farmers in response to a specific question on labour requirement during survey. Accordingly, the total estimated labour requirement for the year 2007-08 comes to the tune of 2.5 lakh labourers. If we apply our estimated ratio of CL to the overall estimated labour force, than the estimated number of child labour comes to 83,333. However, if we use the ratio based on the information given by Mets (38.14 percent), the estimated number, *ceteris paribus*, increases to 95,350.

For the year 2006-07, Venkateswarlu [Para 1.1 (d)] had estimated the number of child labour in Gujarat to be 85,340 compared to 92,500 estimated by DRMU. This is because of difference in estimation method. Whereas the Venkateswarlu's estimates are based on field survey, the DRMU estimates were based on the out-migration data from the source area.

Broadly speaking, it means that the **incidence of CL did not change in 2007-08**. These estimates appear rather baffling in view of certain processes and observations from the field. One, there was a massive mobilisation by DRMU<sup>16</sup> to combat child labour this year<sup>17</sup>. Second, our research team did not notice very young children in the age group of 7-9 which constituted seven percent in 2006-07 (*DRMU, 2006*). Third, there was a negotiated settlement between DRMU and farmers (*Annexure 1*). Four, media including electronic media highlighted the CL trafficking. Five, district administrations provided support to the combat CL campaign.

Let us explore in some detail this paradox. The data suggests that many farmers reported shortage of labour in general as well as in specific cases. The counting of labour on farms by the research team also found less number of labourers than required on select

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<sup>16</sup> *Dakshini Rajasthan Mazdoor Union is a registered Trade Union of seasonal migrant tribal labourers who migrate from southern Rajasthan to Gujarat.*

<sup>17</sup> *DRMU termed child labour movement as 'child trafficking' and used various strategies to combat child labour including intercepting vehicles ferrying children and sending them back home, media campaign, mass awareness and mobilisation. The district administration supported the campaign. Media has extensively reported the use of CL in CSP in Gujarat including electronic media.*

farms. There could be two different plausible explanations for this. One, if we believe that there has been a general shortage of labour this year, then our estimate of total CL is on higher side to the extent of the one-third of the gap between total wage labour requirement and total availability of labour. And such shortage can be attributed to the actions of DRMU. Alternatively, the reason for the team to find less number of labourers than required on the select farms could be because the farmers in question made the child workers run away from the field on getting hint of arrival of the research team for the survey work. In such case, our estimates are on lower side to the extent it has impacted the percentage of CL in total labour negatively. Both are distinct possibilities. And it is the former aspect of labour shortage that perhaps explains the reason why no impact of the campaign against CL reflects in the estimates. The other possible explanation could be that in the year 2007-08 area under CSP was relatively more compared to 2006-07 which pushed the demand and created general scarcity of labour.

The important point here is that the CL use is wide and deep. The exact estimate may be difficult but certainly the number of CL is large. It could range anywhere between, say, 60,000 to one lakh.

#### **(c) Feminisation of Labour**

Another important aspect of the labour use is the feminisation of labour force. About 42 percent of the total labour force constituted of females (*Table 2.1 row 12, column 3*). Agriculture is the lowest paid occupation and feminisation of agriculture labour is an all India phenomenon. The unusual aspect here is that most of the labour force here is inter-state migrants.

#### **(d) Big Companies and Child Labour**

All the farmers reported that they are producing cottonseed on behalf of one or the other company. Sample farmers are covered by six companies, namely, Monsanto, Mahyco, Nuziveedu, Vikram, Rasi and Ajit. The majority (more than 90 percent) of the sample farmers were working for one of the three companies, namely, Mahyco or Monsanto or Nuziveedu. Two of these six companies are Multinational or their partner companies. In our sample about 62 percent farmers reported to producing for Multinationals. If we compare our sample with the estimates of Venkateswarlu for the year 2006-07, then we find that our sample is overwhelmingly biased towards Multinational. He estimated total area under Multinational to be around six percent in



Gujarat. The data thus provides more decisive information about Multinationals in fulfilment of our objective [Para 1.2(2)]. The study finds that farmers do not discriminate on the basis of the company so far as child labour use is concerned. In all, child labour has been observed on over 95 percent farms. The extent of child labour use is not uniform though. Out of 26 MNC farms, only one has reported no child labour with majority up to five. Thus, CL is extensively used on MNC sub-contracted farms as well as the major Indian company, Nuziveedu (Table 2.2). The farmers' location and the companies and their agents by farmer are given at Annexure 2 and Annexure 3 respectively.

Table 2.2 : : Distribution of Farmers by Number of Child Labour and Company							
Number of CL reported	Company Name						Row Totals
	Mahyco	Rasi	Ajit	Vikram	Nuziveedu	Monsanto	
Nil	1	-	-	-	1	-	2 (4.8)*
1 to 5	11	1	1	2	7	6	28 (66.7)
6 to 10	4	-	1	-	2	2	9 (21.4)
10 +	2	-	-	-	1	-	3(7.1)
<b>Column Total</b>	<b>18(42.9)<sup>®</sup></b>	<b>1(2.4)</b>	<b>2(4.8)</b>	<b>2 (4.8)</b>	<b>11(26.2)</b>	<b>8(19.0)</b>	<b>42</b>

<sup>®</sup> figures in parentheses are percentages to row total;

\* figures in parentheses are percentages to column total

Source: Farmer Questionnaire

The MNC Monsanto that controls the business of CSP has also admitted the problem of child labour. Its own inspections revealed the presence of children on cotton seed plots (*See box below*). Of course the incidence of child labour does not match. The company teams found child labour on only 10 percent of farms while the Union survey revealed child labour on more than 90 percent of farms. The difference may arise from the fact that it is very difficult to establish presence of children even though they are working on the farm as discussed in section 1.3.

#### Box 1 :: MNC Monsanto admits to Child Labour on its Farms

The CSP is fully controlled by a single MNC Monsanto, that was the first company to get license for production of Bt cotton seed in the country. Monsanto is aware of the problem of child labour. It has instituted a Child Care Program to tackle the problem. Teams were set up to inspect the farms where company was undertaking production directly during the 2007 season. The teams inspected a total of 194 farms. Child labour was discovered on 19 of these farms. According to the information shared by the Company, prompt action was taken to remove these children.

#### (e) Southern Tribal Rajasthan: Major Labour Supply Source

Cross-pollination work is very labour intensive and requires about ten workers per acre. Local labour stock is not sufficient to meet the demand. In our study the share of local labour is negligible. In fact the history of the area suggests that use of tribal

migrant labour from southern Rajasthan for agriculture work is quite old<sup>18</sup>. For generations, tribal labour is hired for various agricultural operations. In the recent past when the cottonseed production expanded, the labour demand too increased to a large extent. The age old contacts of the farmers of the area with the tribals helped them in recruiting tribal children. Factors like lack of alternate employment, quality education, gender discrimination and so on helped initial recruitment. The lack of discrimination between child and adult work among large number of tribal families also helped in widening and deepening of child labour recruitment from the area with the expansion of labour demand. With the passage of time many vested interests have developed in perpetuating and promoting child labour like Mets, transporters and big contractors. The data (Table 2.3) clearly suggests that large number of labourers is recruited from southern Rajasthan.

Source area of workers	Number	Percentage	Maximum	Mean
1. Local Lab	4	0.7	2	Negligible
2. Gujarati Migrants	117	20.3	25	2.78
3. Rajasthan Migrants	454	79.0	52	11.52

Source: Farmer Schedule

The entire recruitment is through Met. As part of our study we interviewed the Mets of the same farmer whom we interviewed. A set of questions related to recruitment detail for the year 2007. The results are given in Table (2.4) below.

Age (In Years)		Number	Percent
<b>Below 14 Years</b>	Male	69	16.87
	Female	87	21.27
	<b>Total</b>	<b>156</b>	<b>38.14</b>
<b>15 to 18 Years</b>	Male	65	15.89
	Female	86	21.03
	<b>Total</b>	<b>151</b>	<b>36.92</b>
<b>Total up to 18 Years</b>	Male	134	32.76
	Female	153	42.3
	<b>Total</b>	<b>287</b>	<b>75.06</b>
<b>Adult</b>	Male	70	17.11
	Female	32	7.82
	<b>Total</b>	<b>102</b>	<b>24.93</b>
<b>Total N=23</b>		<b>409</b>	<b>100</b>

Source: Met Questionnaire

<sup>18</sup> This is based on our interactions with the community spread over last two years.

Venkateswarlu (2004 & 2007) in his two studies of 2003 and 2006 season estimated that out of total hired labour, around 17 percent are local and rest over 80 percent are migrants from within and outside of Gujarat, mainly from tribals from southern Rajasthan. The estimates of our present study do not match with these estimates as we find negligible presence of local labour in the total wage labour. That farmers are heavily dependent on Rajasthani tribal migrant labour for cottonseed production is clearly brought out by our study. To sum up, the related findings are:

- Fifty percent of the farmers reported that they made a visit to Rajasthan to recruit labour. It is a well known fact in the adjoining areas of districts of Dungarpur and Udaipur that farmers come to fix labour by giving advance to contractors.
- As per the farmers, out of total 578 for which distribution information is available, 454 that is 78.55 percent were Rajasthani tribals from Dungarpur and Udaipur. This figure more than matched with the figure of recruitments by Mets.
- Out of 40 farms, 32 farmers reported Rajasthani labour and 30 farmers were totally dependent on Rajasthani tribal migrant labour.
- Out of 578, only 4 were local labourers and rest were migrants either from tribal areas within Gujarat or tribal areas of adjacent Rajasthan.
- Out of 28 child labour (upto age of 14) interviewed, 25 (90 percent) percent were from Rajasthan.

Apart from this the DRMU had been in negotiation with the farmers to negotiate wage and other conditions of work for last two years. Large delegations have visited the Union office located at Dungarpur, Rajasthan one of the important source of tribal migrant labour from south Rajasthan. On 5th August 2007 the DRMU signed an agreement with representatives of the farmers at Dungarpur. One of the clauses was that no farmer will hire child labour (*Annexure 1, Clause 3*). **It is thus beyond any doubt that most of the workers are tribals from southern Rajasthan including children working on the cottonseed production farms and child labour is used historically.**

## ***2.2 :: Relation between Farmers and the Company***

### **(a) Farmer and the Company**

Farmers invariably produce cottonseed on behalf of one or the other company. The various dimensions/aspects of this relationship however are hazy and are not available in public

domain. The companies are avoiding reference to child labour especially in northern part of India. In order to understand the relation between the farmer and the company in a bit of greater detail we included a number of questions in the farmers' schedule: about name of the company, the rate at which seed is to be sold, name of the agent, about written agreement and details of the visits of the company personnel.

Responses to the various questions provide clear evidences to establish relation between farmers and the company. Without any exception, the farmers have reported that they undertake production of cottonseed on their farms on behalf of one or the other companies. As mentioned above (*Table 2.2*), a large number of farmers, over 46 percent, are producing cottonseed for Mahyco. Next is Nuziveedu followed by Monsanto. This in itself is compelling evidence of a definite relation between the farmer and the company. Moreover, over 40 per cent farmers said that there is a written agreement and over 26 percent said they have a copy of the agreement. This figure is low considering that all farms visited were producing seeds for specific companies and existence of a written contract can be presumed. The reason is that farmers were not willing to share the details of the contract as that company representatives might object to sharing of this information. With great difficulty, we could procure one such agreement. The same is enclosed as Annexure (5).

#### **(b) Company Representative Visits to Farms**

It is a known practice that the companies regularly send their staff to guide and inspect farms where cottonseed crop is standing on their behalf. In response to our specific query about visits of the representatives of the company, barring one all the respondent farmers reported that **company representatives have visited their farms**, though the reported frequency of visits varied with maximum of 15. The representatives of the company visit farms for the purpose of supervision or other crop related purposes. The company representatives begin their visits with the sowing of the crop and continuously visit till the end of the crop period. The visit is for multiple of purposes. As per farmers, the purposes include, (i) counting of plants and flowers/buds, (ii) recording wages of workers, (iii) finding out plant diseases and suggestion/advise about use and quantity of plant medicines, (iv) weeding out of diseased plants, (v) assessment of production and (vi) checking of and finding out/identifying mistakes. Many

farmers have made a general statement that the company representatives provide all kinds of help, advice and information. Not a single farmer however reported that the purpose of the visit of the representatives of the company is to check child labour. Child labour is perhaps not on the agenda of the companies. They perhaps are taking refuge in the government of Gujarat position that there is no child labour on cottonseed farms.

### **(c) The Seed Rate**

It will be pertinent to note here that use of child labour, attached/bonded labour and feminisation of labour are some of the well-known strategies on the part of the employers for profit maximisation as these age-sex specific groups of labourers are cheap and docile. Almost invariably such groups are also the ones who belong to remote/backward areas and/or communities. The companies decide about the rate of the seed. The farmers have very little say over the rate. A little over fifty percent said that rate is between rupees 230 to 250 per kg. Thirty five point seven percent reported Rs 240 per kg. This range covers all the six companies. The rate at which companies buy seed from farmers is the same for last three seasons at least (*Box 2*) hitting adversely the profits of the farmers as the cost of production has gone up.

#### **Box 2 : : Farmers Profits take a hit, Companies Make Super Profits**

30 year old Vishnu Bhai S/o Chandu Bhai, a postgraduate is resident of village Virpur, Eder, Sabarkantha has been in the business of producing cottonseeds for last ten years. Talking about changes over the years, he says that the most important cottonseed production is becoming increasingly less profitable because of increasing cost of the inputs and stagnant rate of cottonseed. For instance, three year back wage rate was 40, now it is rupees 60 per day. But companies have not increased the rates of the seeds. It was rupees 230 in 2005 and rupees 240 this year. Companies on the other hand sell seeds at rupees 1000 per 450 grams. The companies must increase the rates (Interview with farmer on 12 September 2007).

**Jayaram (2007) has observed that distress in cotton cultivation has reached CSP due to exploitative policies of the seed companies.** Even the low wage child labour use may probably not save the farmers. The indiscriminate exploitation of farmers through reckless profit maximisation strategy of the seed companies in buying cheap selling dear has been the major cause of distress. So it appears.

That the seed companies pay to the farmers a low price and charge high prices has been noticed and criticised even by Minister in AP. In fact, the AP state has filed a case against the MNC Monsanto. Reports a news paper,

“ Mr Reddy also complained of the high price of Bt cotton seeds paid by farmers on account of high trait value charged by the global seed multinational Monsanto. It is for this reason that the state government has sued the seed multinational before the Monopolies & Restrictive Trade Practices Commission (MRTPC), he said. The minister said where the actual cost of the seeds is Rs 450 per 450-gm pack, the trait value charged by Monsanto amounts to Rs 1,250. Thus, the farmers paid Rs 1,700 per 450-gm pack in kharif 2004. This year the farmers paid Rs 1,850 per 450-gm pack. Mr Reddy also was not happy with the low prices paid to the farmer-seed growers by the seed Companies. He said the farmers were paid a paltry Rs 250” (*Financial Express*, 2006).

In our considered opinion low rate of seed procurement by the companies from the farmers is definitely one crucial determining reason for widespread child labour use. During personal discussions, the farmers have related the issue of low wages to the prices of seeds<sup>19</sup>. The companies however are extremely touchy about the price issue and do not want any discussion on it. D Venkateswarulu (2004a) in his study observes,

“However, in all the initiatives undertaken by ASI, one crucial aspect missing, which the seed companies alone can address, is procurement price policy. ASI holds the view that the employment of child labour in cottonseed production is in no way linked to procurement price policy adopted by the companies. It argues that cottonseed farmers have relatively better profit margins compared to other farmers and the procurement rates offered invariably exceed the cost of production considering the wages paid to adult labourers, and provide enough margin. *But the findings of the present study and also earlier study by the author reveal a clear linkage between procurement pricing and employment of child labour in cottonseed production.* In the ICN report published in 2003, the author analyzed data on cost of cultivation, procurement prices and wages structure in cottonseed production and argued that low procurement prices paid by the companies is one of the contributing factors for the extensive use of child labour in cottonseed production. Even though companies obtain a huge profit margin, they do not seem to be making any rational calculation about the cost of cultivation while fixing the procurement price to be paid to their seed farmers. With the current procurement prices of companies, seed farmers cannot afford to pay better wages to the labourers and still make reasonable profits. Unless better wages are paid, farmers would not be in a position to attract adult labourers to work in their fields in sufficient numbers”. (Page 17) (Emphasis Added).

#### **(d) Company, Agent and Farmer**

As we noted above, each farmer knows the parent company for which he is growing cottonseed. However, no seed company operates directly with farmers. They appoint organisers who in turn appoint agents. The job of an 'agent' is to liaison between farmers and seed organiser. He is the main link who also performs task of labour recruitment many a times. Many advance money to farmers and even sell pesticides.

Organisers usually own dedicated ginning factories for CSP. For

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<sup>19</sup>*The importance of MNC price is not diluted even if we assume that their production base is insignificant compared to other Indian companies as they are responsible in setting the upper limit.*

instance, Ambica Ginning at Raiya, Deodhar, an important organiser for multiple seed companies processes only that cotton which is part of CSP and belonging to its sub-contracted farmers. Sometimes, the line between the agent as a person and organiser of the company becomes too thin to be recognised by farmers. One of the questions we asked the farmers was to name the agent. 88.1 percent farmers provided information about the agent through which they operate with companies. Many of the names of the agents included company names or names of the firms that perhaps work as organiser for the seed companies, such as, Tirupati Ginning, Ambica Ginning, and so on (Table 2.5). The agents, like any other middle men, are the most important vested interest in the business of CSP, for obvious reasons.

No	Company Name	Location	Contact Persons
1	MAHESHWARI SEEDS COMPANY	EDER	
2	J. K. SEEDS	EDER	
3	BANSIDHAR AGRO	HIMMAT NAGAR	
4	SHRI RAM AGRO	EDER	
5	SARVODAYA GIN	EDER	Dilip Bhai
6	MAHA LAXMI AGRO	EDER	
7	AWAKAAR SEEDS	EDER	
8	AKS FERTILIZER	KHEDBRAHMA	Kirit Bhai
9	AMBICA GIN	RAIYA	Niranjan Bhai
10	TIRUPATI GIN	SIHORI	Jayanti & Teja Bhai
11	ARBUDA GIN	BILDI	Ramesh Bhai

Source: Farmers Schedule

### (e) Seed Type

Seed type sown by a farmer is another indicator that provides linkages with the company. In response to our pointed question most of the farmers gave the name of the seed used. The most common seed variety figured in responses was number 532. This seed was reported by the farmers who were raising cottonseed crop for Mahyco. Others included 12A, 3k99, 6A, 1053 and so on. We have not been able to match these with approved samples as we have not been able to get the full list of available approved hybrids. By 2006, 58 cotton hybrids had been approved by the GEAC. Out of these 44 cotton hybrids (from 14 seed companies) were based on one gene by MMB and other 14 (from five seed companies) were based on three other genes.

**We have thus more than sufficient evidences to conclude that the principal employers of the workers including the child**

labour are the companies on whose behalf the farmers undertake cultivation of hybrid cottonseeds.

### ***2.3 :: Mode of Recruitment***

Mode of recruitment has three important aspects. One, the recruitment is by middlemen from within the community. Second, recruitment is linked with payment of advance, whatever may be the amount of advance. Third, many workers are very young and parents take final decision whether the young one will go for work or not. It is this process of recruitment that largely determines the employment conditions of the workers.

#### **(a) The role of Middlemen:**

Where as the outer limits may be set by the principal employers through the rate of the seed, the role of middlemen is also one crucial determining factor in deciding and regulating terms and conditions between farmers and companies as well as farmers and workers. Barring some stray exceptions, the workers are hired through the middlemen, locally known as Mets. The present study very clearly brings this out. Over 87 percent workers reported that Mets contacted them for work. In case of farmers, about 95 percent said that they hired labour through Mets, directly or through the agent.

The role of Mets in use of child labour thus becomes quite critical. It is more critical in case of inter-state tribal migrants as the Mets are from within the tribal community and by and large come from similar backward socio-economic conditions. The socio-economic conditions of sample Mets under present study substantiate this (*Table 2.6*). Many of them have experience of working as labourers. In fact, labour is important part of their occupation. Over 22 percent have reported labour as only source of earning. Educationally they are equally backward; almost half of them being illiterate and none of them is school pass. Apart from one exception, all live in *kaccha* houses without electricity and water facility. Asset wise, they hardly own anything.

Many of them recruit labour from within families of their own or close kin and kith and friends and relatives. In the present study 29 percent children reported that the Met is either an immediate or a close relative. It indicates towards the extreme case of socio-economic backwardness. Because of their socio-economic backwardness many a times the Mets become a victim of non-tribal Agent (*Annexure 6, Case 5*).



<b>Table: 2.6 :: Socio-Economic Profile of Mets</b>		
<b>Part A: Living Conditions</b>	<b>Number</b>	<b>Percent</b>
Kachha House	22	95.65
Electricity Connection	2	8.70
Drinking Water Availability	0	0.00
Kitchen	2	8.70
Radio	1	4.35
Watch	4	17.39
Cycle	2	8.70
Water pump, Radio & Cycle	2	8.70
Water pump, Sewing Machine & Cycle	2	8.70
Radio, Watch, Cycle	5	21.74
None of the above	7	30.43
<b>Part B: Family Occupation</b>		
Labour work in other State	1	4.35
Labour work in State & other State	4	17.39
Agriculture, Labour work in State & other State	16	69.57
Agriculture & Labour work in other State	2	8.70
<b>Part C: Education Level</b>		
Illiterate	10	43.48
Below Primary	6	26.09
Below Secondary	6	26.09
<b>Part D: Perception About Child Labour</b>		
It affects development adversely	21	91.30
It affects education adversely	20	86.96

Source: Met Questionnaire N=23

A reading of the Part D of the Table 2.6 suggest that in perception of almost all the Mets doing labour is harmful for the children yet they recruit them and take the children for work. Why? Answer to this is complex. The motivation may lie in broader social environment wherein historically the tribals have been a serving community and they continue to imbibe those social norms which many vested interests continue to reinforce.

Moreover, the job of a Met is relatively lucrative in a jobless situation<sup>20</sup>. It has brought riches to many households. There are few known big contractors who earn hundreds of thousands of rupees each season and for easy money promote child labour to fatten their purse. These are non-tribals but serve as role models for many aspiring tribal Mets. The pecuniary interest in today's world is prime motive that seem to be permeating deep right into remote rural people's psyche. For this reason it seems every village in the labour catchment areas like Dungarpur, for instance, has several Mets. Each year there number seems to be increasing. In common perception of the people the job of a Met is

<sup>20</sup>This para is based on the experiences of the authours who are working in the area for last two years.

an opening of opportunities for becoming rich. A new breed of young adults, with modicum of education and aspirations, a group that may not take liking for menial jobs, seem to be joining the stream of Mets. The area of labour supply is replete with old, new and prospective Mets. Unemployed boys; friends, relatives and progeny of old or existing Mets; experienced workers who have come of age; all want to become Met. Women are also working as Mets, though in smaller numbers. Advance here plays an important role in hiring young workers.

The low rate of wages and labour shortage becomes another important reason for recruitment of child labour and girls. Tribal girls are easiest prey. Around 55 percent farmers reported shortage of labour ranging from one to 23 with a total of 159 labourers at an average of 6.9 labourers per reporting farm. There may be some exaggeration in it, but many farmers have felt acute shortage of labour, for instance, Dhiru Bhai (*see Box 3*). Our team also counted only 4-6 labourers per acre in case of select farmers, compared to many other farms where the counted number was more than ten 11 and 12 per acre. This labour shortage situation makes farmers use money power to entice Mets to recruit as many labourers as possible irrespective of age and sex and without any social concerns.

It is the responsibility of the Mets to talk to the parents of the children, fix the labourers, give them the advance, collect them at one place, take them to the place of destination, make them settle there, supervise their work, settle accounts and ensure safe passage back home. Yet another task of the Mets is to ensure timely supply and required numbers of labourers. If some labourers leave work in between then it is the responsibility of the Mets to replenish the stock of labour (*Annexure 6, Case 4*). Thirty year old Chandu Bhai son of Daya Bhai Patel, a farmer from village Damadi, District Sabakantha, laments that the “Workers have left. I informed the Met but nothing has happened”.

Because of the specific nature of the workforce, a large number of them being very young and a good number being girls, and the fact that Mets are from the same socio-economic background adds to many other responsibilities like settling accounts with the employer, arrange for food of workers, make purchases for the workers, take them to hospitals and so on.

The Mets, in most of the cases, work on commission basis. As per 71.4 percent of the farmers, the rate of commission this year

ranged between rupees eight to ten per worker per day. Fifty percent quoted rupees eight and rest said rupees ten. Others who got labour through agents perhaps did not exactly know about the commission of the Mets. Some Mets are working on daily wage rate also. In one case the farmer reported that Met is being paid a wage of rupees 120/- per day and not a commission. As a matter of fact, this was a practice not very long ago in part of the Eder area.

### **(b) Advance Payments**

In order to ensure uninterrupted labour supply, the farmers or their agents pay advances to contractors/middlemen to recruit labour. About two-thirds of the farmers said that they gave advance money. In response to another specific query, the farmers said that the advance was given to Mets. In rest of the cases the agent of the company may have given advance to big contractors for hiring labour.

Amount of advance given by farmers varies a great deal. Thirty one percent farmers did not report any advance, 11.9 percent reported up to one thousand rupees, 33.4 percent between one and a half to five thousand rupees, 7.2 percent between 8 to 10 thousand rupees, and 12 percent between 12 to 25 thousands. There were two exceptional cases wherein the reported advanced was as high as rupees over 36 thousands and 150 thousands. Per worker advance for Rajasthani migrants is also quite varied. Fifty percent of the farmers lent an advance at the rate of rupees 160 per Rajasthani worker working on the field. Rest of the farmers gave an advance between more than 160 rupees and up to 769 per worker. It is obvious that the amount of advance is not very high in majority of cases. The variation in advance is for many reasons. The one basic reason is the number of labour required and the relations farmers have with the labour suppliers. The others reasons include demand by labour, skills, need and pressure of Mets, urgency and previous experiences of the employers.

Variation has been observed in the responses of the workers as well as. They reported taking an advance ranging from rupees 20 to 2000. In response to another question relating to demand for advance, the range is from rupees one hundred to two thousand. This certainly indicates towards the fact that the scenario is changing and Mets and workers are now becoming more assertive in demanding advance. In another query related to basis of advance, 25 percent said that they received advance on the basis of demand raised by them. Report of the DRMU for the year 2006

has reported that the workers are usually given rupees 100 to 200 as advance. This seems to be now changing.

Another reason for high average amount of advance this year lies in the gap between promise and actual recruitment of labour. In many cases the advance given was for more labourers than the actual recruitment (*Box 3*). The advance is in fact meant to serve the purposes more of the Mets than the workers. Since the Mets are organically linked with the workers, the low advance to workers in general serves the purposes of the employers. The situation however appears to be changing quite fast as is revealed by the large variations in both the per worker advance by the farmers and per worker advance received by the workers as well as in placing demand for advance before the Mets. The situation as of today appears to be in a state of flux.

### **Box 3 :: Case of Dhiru Bhai**

Dhiru Bhai son of Bechar Bhai Patel is 53 years old. He is educated up to secondary level. For last 15 years he has been cultivating cottonseeds. He owns 5 acres of irrigated land. This year he had sown cottonseed on all his five acres of land. He had an agreement with Dilip Bhai of Sarvodaya Ginning, Eder, Sabarkantha. The rate of seed agreed upon was Rs 240/- per kg. The company representative came at the time of sowing. A deed was signed. To ensure labour supply, much before the start of season he visited Rajasthan and as per general practice advanced a sum of rupees 36,665 to one Kodar Bhai, a Met to recruit 50 labourers. The conditions of employment included a wage of rupees 52 per labour per day, rupees eight as commission for Mets per labour per day and that the workers will work for 60 days. The workers were to reach plot by second week of August. However only 17 workers reached his plot. They also ran away after a while. He was forced to turn the plot into a commercial cotton crop.

While giving the advance general understanding is that workers will work through out the season. Through advance not only the timely labour supply is ensured but it is also ensured that labourers will work for full term. This understanding permeates both among Mets as well as workers. In our present survey most of the farmers in their response to the conditions of employment through advance very clearly stated, “*plot pura hone tak karya*” i.e. the workers will work till the work of cross-pollination is over. While taking advance Mets know that they have the responsibility of not only ensuring timely supply of required number of labourers but also ensuring that labour stays and works for full tenure of cross-pollination work. The labour or parents of the children also take advance on this understanding that the workers will work there till the season lasts. If workers leave work for any reason they are not paid even if they have worked for many days (*Annexure 6, Cases 1 & 2*).

Thus, the amount of advance, though small in majority cases, the basis of it has been the fact that historically it has served both the purposes of assured labour supply and restriction on freedom of movement for the young workers who are overwhelmingly present in the total labour stock engaged in cottonseed production. We shall deal with this aspect in more detail in Part III of this report.

## 2.4 :: *Employment Conditions*

Present study interviewed 99 workers. Out of total workers, 31 were children up to 14 years (*Table 2.7*) and 47 in the age group of 15-18 years. Thus, 78.8 percent were children, if we take age of the child as 18 years. Eighty five percent of the total workers were inter-state migrant workers from Rajasthan. Over 80 percent farmers reported only Rajasthan Tribal Migrant labour. The average duration of stay for workers is more than 60 days. This varies from a minimum of 45 days to a maximum of 90 days. However, as per farmers, most workers stay for around two months. Workers live in groups ranging from 3 to 30.

Age (In Years)	Boys	Girls	Total
10	16.67	15.38	16.1
11	16.67	7.69	12.9
12	27.78	27.78	32.3
13	27.78	15.38	22.6
14	11.11	23.08	16.1
Total N=31	18	13	100

Source: Worker Questionnaire

### (a) Miss Home, Give Work at Home

Most of the children who came for work on cottonseed farms did not come of their own choice. 67.7 percent said that their fathers took decision to send them for work. Many children reported that they miss home and many others said they don't like work. Three-fourths desired to get employment at home town (*Table 2.8*).

Item	Valid Responses	Positive Responses	Percent
Miss Home	31	11	35.3
Do not like Work	31	12	38.7
Want to go home	30	3	10
Want work at home	27	21	77.77
Father sent me here for work	31	21	67.7

Source: Worker Questionnaire

The reason for this is that most of the children travel alone. Table 2.9 provides details about the composition of groups. It is obvious that more than two-thirds of the children are with new faces. For them to miss home, longing for going back home is understandable.

<b>Table 2.9 :: Distribution of Group members of children</b>			
<b>Sl No</b>	<b>Category</b>	<b>Frequency</b>	<b>Percent</b>
1	Immediate Family	1	3.2
2	Close Relative	8	25.8
3	Neighbour	1	3.2
4	Unknown	3	9.7
5	Others	18	58.1

**Source:** Worker Questionnaire

The child workers at the same time also feel and think like adults. Therefore, when asked about need for an alternate employment they did not deny but a majority wanted that they should be given employment at their place of origin. On the face of the fact that the Government of India has not banned child labour altogether, why then the children are not given employment under various government schemes under employment guarantee? The government should either open employment for children or ban child labour altogether with required safeguard put in place.

### **(b) Working Hours**

Children work in two shifts. The first shift starts early in the morning. As per farmers the children start working between 5 to 6 AM. Some of the workers reported that they are in fields at four, four-thirty in the morning. They work till 11 to 12 in the noon. During early hours they pluck male flowers, granulate them and then manually cross fertilize each of the female flowers emasculated and marked the previous day. The number of plucked flowers, as per the workers range between 200-300 and cross pollination is four to five times more than this as with each male flower four to five female flowers are usually crossed. Once the crossing work is over by 11.30 to 12 noon, workers break for lunch. The break is for two to three hours during which time they cook and eat lunch, take bath and wash clothes as well. About 84 percent reported that the rest hour during day time range between 2-3 hours. By 2- 2.30 PM they are up again to go to fields. They work till evening up to 6.30- 7 PM. During this period they do emasculation work. The working hours range between 9 to 12 hours depending upon the quantum of work. Many farmers and over fifty eight percent of the child workers confirmed this in

their responses. The work hours are the same for all the workers. Long hours of work put in by the workers including child workers have been reported by many other studies like that of Custer, RMoL, Bhargav.

Hours	Boys	Girls	Total
Upto 8 hours		14	6
9-12 hours	100	86	94

Source: Bhargav (2006)

### **(c) Wages**

Most of the farmers as well as workers said that per day wage rate fixed this year is around fifty rupees per day per worker. Some of the farmers have reported 44 also and some rupees 60. All the children said the wage rate is rupees 50.

If we compare this wage rate to the legal minimum wage, we find that average of rupees fifty comes to only two-thirds of the legal minimum wage for a 10-hour work day, which is the usual work day for the workers. Agriculture wage rate in the state of Gujarat is 50 rupees for eight hour work-day. The overtime rate is one-and-a-half-times. Thus the rate for ten-hour work in a day comes to rupees 75. The wage rate of rupees 50 is thus much less than the legal entitlements of the workers.

Moreover workers get the wages only at the end of the work some time towards middle of the October. During intervening period, workers get some petty advance from time to time for daily essentials. This too is in violation of laws as legally the workers are entitled to wages every month. Not only this, every year there are cases of workers walking back hundreds of kilometres to reach home after the season as their wages do not get paid for various reasons. One such case is given in the box below

#### **Box 4 :: Child Labour Denied Wages and Forced to walk Back Home**

Prakash Chandra Padmat s/o Virma ji age 12 years is a resident of Padmat phala, Navaghara, village Kanba, block Bichhiwada, District Dungarpur in Rajasthan. He lives with his mother, father, one younger brother, and one younger sister in a hut dwelling. Wage labour is the chief mode of sustenance for this five member tribal family. Prakash has studied up to class IV. He dropped out after class IV as he has to go with his parents to Gujarat to work. Prakash worked on the Bt cotton seed farms of Nagji bhai Vira bhai Chaudhry of village Paldi Taluka Deodar, District Banaskantha, Gujarat. The plot owner was under contract to supply cottonseed for the MNC Monsanto.

Prakash is a tribal. He has been going to BT cottonseed plots of Gujarat for the last three years - sometimes with other family members and sometimes alone. He went to Gujarat first time in the year 2005. Since then he has been going every year. This year Prakash went to Gujarat in mid July to work in village Bhehna of

Deodar taluka of district Banaskantha on Gujarat state. There were five other workers from his village including his father. They were recruited by labor contractor Ganesh Lal Gameti of village Chhapi, block Bichhiwada, District Dungarpur. Some days after starting work, they were shifted to another cotton seed plot. According to Prakash, the contractor went back to Rajasthan after shifting workers and did not come again to the plot. After some days, father of Prakash, Virama ji also went back. While working on the plot, the workers were paid living expenses by the plot owner. The plot on which Prakash was working was producing seed for the American MNC Monsanto.

The plot owner was Nagji bhai Vira bhai Chaudhry of village Paldi Taluka Deodar, District Banaskantha, Gujarat. After the work was over, the plot owner refused to pay anything to Prakash. He said that the contractor has already taken more advance than the accumulated wages and in fact he has to get his money back. In such a situation, Prakash and his five co workers had to start walking back on foot. They walked back to the town of Palanpur and then onwards to Amba ji, some 100 kms away. There they met a truck driver from District Dungarpur. The truck driver Sohan Lal s/o Thavra ji r/o Paldeval District Dungarpur fed them food and brought them back in his truck to District Dungarpur. Thus Prakash and his five companions reached back home in first week of October, tired and without their wage being paid.

#### **(d) Conditions of Work**

Table 2.11 provides responses related to some of the important aspects of work and living conditions. Toilet facility lacks completely despite the fact that a large number of workers are girls and women. Many of the workers (33.67percent) report that even drinking water facility is not available on and off fields.

<b>Table 2.11 :: Work and Living Conditions as reported by Workers</b>						
	<b>Child Labour</b>			<b>All Workers</b>		
<b>Item</b>	<b>Valid Response</b>	<b>Positive Response</b>	<b>Percent</b>	<b>Valid Response</b>	<b>Positive Response</b>	<b>Percent</b>
Cook in Open	22	21	95.45	67	59	88.06
Girls & Boys Live Together	19	10	52.63	64	45	70.31
Live in Kachha Houses	27	10	58.82	79	26	32.91
No Toilet Facility	23	23	100	51	49	96
No Drinking Water	30	11	33.67	89	25	28.09
Fell Sick	30	3	10	92	23	25
Problem due to Pesticides	31	6	19.4	97	18	18.55
Work during sickness	3	1	33.33	20	1	5
Time lag in arrival and work	31	22	70.96	99	62	62.6

**Source:** Worker Questionnaire

Because of the time-bound nature of the work, many a times the workers have to work even during rains and in muddle. For this reason young workers develop some sort of problems in their feet. For the same reason many times they inhale pesticides if their work coincides with spray of pesticides.



### **(e) Living Conditions**

The living conditions do vary from farm to farm. In some places pakka rooms are available which are usually used as store houses for storing goods like fertiliser and most of the time the electric metres are also installed there. In many place accommodation is in a make shift arrangement. There have been reports that the children sleep in open.

Workers invariably sleep on the ground which becomes problematic especially if it is a makeshift shelter on the farms as during rains the ground gets soggy and water logged.

The cooking is invariably in the open (95.45 percent) and rain makes it difficult to cook. Moreover, on most of the farms there are no separate arrangements for boys and girls. They have to share same space (53.63 percent).

### **(f) Health**

Workers face many kinds of health problems including deaths for reasons of snake bites. This is quite common and has been reported earlier studies as well. As per Bhargav, breathing problem due to pest sprays, which are frequently done, pain in the finger tips and joints were reported by almost all children interviewed. It further says that no medical facility was available near 76 per cent worksites and in 96 per cent cases the labourers had to bear medical expenses during illness.

In the present study no serious health problem was reported. However, ten percent of the children reported that they fell sick. One child reported that he worked even during sickness. Outside the present study DRMU recorded deaths due to snake bites this year. The Union has been recording work related deaths every season since the two years that it has begun work. Rarely does any compensation get paid in cases of death. The typical response of the farmers is to load the body in a vehicle and send it off back home.

### **(g) Transportation of Workers**

Barring exceptions, the cross pollination work does not start before first week of August. But labour movement starts much earlier from first week of July. There are a number of reasons for this one being the sheer number of labour that has to be transported. The transporters and contractors in order to maximise their earnings try to make as many trips as possible and therefore start taking and placing labourers much before the

work proper. The most important of all the reasons is criticality of labour coupled with shortage of labour and involvement of large number of child labour behind the early transportation and placement of the labour on the fields. Invariably most of the labour that is posted in the fields much before the start of the actual work is young. In the present study 71 percent children said that work did not start immediately after their arrival. These workers are not paid any wages during the wait-period. The owners also encourage this to ensure the cheap labour supply. And therefore they don't mind providing certain facilities like cooked vegetables to idle workers.

The workers travel a distance of many hundred kilometres for work. Private jeeps are the most important means of transport. Most of these vehicles operate illegally. Most of the movement is in the dead of the night through interior routes. In response to the mode of transportation 93.5 percent workers said that they travelled by jeeps.

#### **(h) Work Environment**

Farmers often complain that workers do not work properly and make many kinds of mistakes. In response to our question as to what kind of mistakes workers make and what action they take, there were in all 45 responses. They listed total nine kinds of mistakes that the children make (*Table 2.12*). The most common mistakes the workers make relate to improper crossing. This is either in terms of improper rubbing or crossing without granules. Another common mistake identified related to spoiling of female buds. Many times when child worker slits the female bud for emasculation, the bud gets spoiled by the nail. This leads to the third problem of plucking flowers or buds. Sometimes the workers forget to put tag on the emasculated female flower. Farmers also complain that the workers many times simply break part of a plant. It appears that because of the problems the farmers face they abuse children and their misplaced anger get diverted towards such obnoxious intolerable behaviour which may ultimately lead to running away. On specific question included in worker's schedule, two child workers out of 29 valid responses reported running away of workers this year. We however could not get any further details about these left-work-in-between workers - whether they got their wages or not, what made them leave work and so on.

S.No	Mistakes	Number	Percent
1	Improper crossing	15	33.33
2	Not Putting Tag	2	4.44
3	Run Away	3	6.67
4	Leave Flowers	5	11.11
5	Spoil Female by Nails	10	22.22
6	Pluck Flowers/buds	5	11.11
7	Do not work in Time	1	2.2
8	Improper Emasculation	1	2.2
9	Break Part of Plant	3	6.67
		<b>45</b>	<b>100</b>

Source: Farmer Questionnaire

Children suffer verbal and sometimes even physical abuse because of these mistakes (See Annexure 6, Case 2). In our study in response to various question children did say that they face problem with Mets (6.5 percent), in work (3.2 percent) as well as in living (12.9 percent). However, the overall incidence has not been high. Study by Bhargav (2006) however suggests that thirty six per cent of the children reported verbal abuse at the worksite by the employers or the supervisors appointed at the BT cotton field. In addition to this girls face sexual harassment at worksite. Two other studies Custer and RMoL- on the subject have also reported similar findings.

	Boys	Girls	Total
Verbal abuse	42.9	27.3	36.0
Physical abuse	21.4		12.0

Source: Bhargav (2006)

Interestingly one of the problems mentioned by the farmers is that workers run away. What is the problem for farmers is perhaps the salvation for the workers if we consider the facts of earlier studies as also the desires, likes and dislikes and preferences of the children (Table 2.8).

#### **(i) Work Relationships**

For cottonseed work, the workers move in groups but majority of the workers including child labour travel without families. Only one child reported that he has accompanied an immediate family member. 25 percent however reported presence of close relatives. The group may have brothers and sisters, parent or other relatives may be or may not be part of the said group.

However, a ten or even 15 year old tribal child is no good in accounts. Therefore, the large number of workers is dependent on the Mets for settlement of accounts or any other problems. In most of the cases of child labour, the wages are paid to parents by the Mets. The child labour is therefore heavily dependent on Mets. Work Relationships are therefore unequal to the disadvantage of the child labour. For this reason many a times the Mets exploit the child workers.



*Girl child at work on Monsanto cotton seed farm, village Golvi North Gujarat, 14th September 07*

## **III :: NATURE OF EMPLOYMENT AND THE LEGAL PROVISIONS**

### ***3.1 :: Indian Labour Laws and Cottonseed Workers***

Two aspects of labour have prominently come out in part two of the report. One, a sizable number of workers is young. About one-third is up to 14 years of age. Second, the wages are low and working and living conditions are tough. In this section we shall examine the ground reality vis-à-vis the legal framework within the country as well as ILO labour standards. In particular, we shall discuss the conditions of employment in relation to the provisions of four of the national laws, namely, Child Labour (Prohibition and Regulation) Act, 1986, Minimum Wages Act, 1948, Interstate Migrant Workers (CS & RE) Act, 1979 and Bonded Labour (Abolition) Act, 1976 and international instruments in ILO Convention 138 on Minimum Age and 182 on the worst forms of child labour. Because the ILO Conventions have not been ratified by the Government of India, there is no corresponding legal frame available in the country to implement its provisions. However we deem it necessary to discuss the

provisions of this convention as the multinational companies are involved in the production of cottonseeds. In our considered opinion all those multinationals companies whose parent country has ratified the ILO Convention must be bound to follow the provisions of the convention.

**(a) Child Labour (Prohibition and Regulation) Act, 1986 (CLA)**

As we noted above about one-third of the labour force comprises of less than fourteen years of age in the Bt Cotton Seed work. The employment conditions of this age group of workers are regulated by the CLA. **In the first place we would like to state that farm work including work related to cottonseed production, our current reference point, is not prohibited u/s 3 of the Act. Therefore the hiring of CL that is the children up to the age of 14 is not illegal. The CLA also does not specify any minimum wage for work.** Thus a five or seven year old can work on farm as wage worker. However, Part III of the Act (containing sections 6 to 13) spells out the provisions with regard to regulation of conditions of work of children is relevant. The most important sections are Section 7 Relating to hours and period of work; Section 8 regarding Weekly holiday; Section 9 regarding Notice to Inspectors; Section 10 about Disputes as to age; Section 11 on Maintenance of register; Section 12 about Display of notice and finally Section 13 on Health and safety aspects. If we compare the provisions of the concerned labour law with the facts (*Table 3.1, column 3 & 4*), the gross violation of provisions of the Law becomes crystal clear. **The provisions of the Act simply remain a dead letter so far as the poor migrant child workers of southern Rajasthan are concerned.**

<b>Table 3.1 :: The Provisions and the Facts of Child Labour (P&amp;R) Act, 1986</b>				
<b>S.No</b>	<b>Sec.</b>	<b>Provision</b>	<b>Facts</b>	<b>Comments</b>
1	2	3	4	5
1	<b>7(2)</b>	“The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for the rest for at least one hour.”	Workers work from early morning till late evening.	Total work hours comes five.
2	<b>7(3)</b>	“The period of work of a child shall be so arranged that inclusive of his of his interval for the rest,....., <b>it shall not be spread over more than six hours</b> , including the time spent in waiting for work on any day.”	Total Work Hours: 9 to 12. Each day. <b>The work is spread over 14 hours from 5 AM to 7 PM.</b>	If we read this with S 7(2), it is obvious that as per the law no child will work for more than five hours.

3	7(4)	"No child shall be permitted or required to work <b>between 7 p.m. and 8 a.m.</b> "	<b>Work for every child starts by 5-6 in the morning.</b> All the farmers have invariably accepted that workers including child labour start work before 8 AM.	The children have to start work early to pluck male flowers which cannot be plucked later when sun becomes strong.
4	7(5)	"No child shall be required or permitted to work overtime"	Every child works 9 to 12 hours every day as against six hours stipulated in the law including rest period.	The child works for more than double the legal time which is prohibited in law.
5	9(2)	Under this section it is obligatory for each employer of child labour to give written notice to the designated Inspectors containing certain details about the employer, nature of work etc.	None of the thousands of employers have ever informed inspectors about the fact that children are working on his farm.	
6	11	This sections makes employers bound to keep registers giving details about the child labour and their work	No employer keeps/maintains this register.	
7	13	This section specifies the provisions to be made by the employers for health and safety of child labour.	No health facilities, improper accommodation, lack of protective clothing can be widely observed.	

### **(b) Minimum Wages Act, 1948 (MWA)**

The MWA is considered to be the first important social legislation that was promulgated immediately after the transfer of power in 1947. The MWA has provision not only to ensure payment of minimum wage and overtime but it also has the provision for revision of wage every five years. Our present study as well as earlier reports provides enough evidences to the effect that the provisions of the MWA stand violated by the employers so far as payment of the wage and over time is concerned. The State machinery has also been found lacking in ensuring wages to workers as per the provisions of the MWA. The state of Gujarat has also failed to revise the minimum wages. The losers are the poor tribals in question.

With regard to rate of minimum wage in the study area, it is pertinent to note the low rate of minimum wage in the state of

Gujarat in the agriculture sector. It is ironical that in one of the most developed state with highest growth rates the current (October 2007) rate of Minimum Wage at Rs 50/- is one of the lowest<sup>21</sup>. This wage rate was fixed in April 2002 and since then it continues to be the same as it is not linked with the price index. Moreover, as per the MWA, wage rates should be revised every five years. But the revision is still pending. Section 3(1)(b) stipulates “*The appropriate Government shall, in the manner hereinafter provided, review at such intervals as it may think fit, such intervals not exceeding five years, the minimum wages so fixed and revise the minimum rates,--*”.

In 2005 the actual wages were 35-40 rupees a day. In 2006, majority of the workers in cottonseed production were paid Rs 40/- in Sabarkantha and Rs 44/- rupees per day in Banaskantha for 10-12 hours of work for a day as against minimum wage of rupees 50 for eight-hour work. **This year (2007) the workers have been paid a wage of Rs 50 per day.** The farmers themselves have said that they will pay between 50-52 rupees per day. For a ten-hour work-day minimum wage comes to Rs 75/- per day. (The overtime rate is one-and-half times of the usual rate). **Thus the wage paid is two-thirds of the legal minimum wage.**

### **(c) Interstate Migrant Workmen (CS & RE) Act, 1979 (ISMWA)**

This Act was enacted to safe-guard the interests of the inter-state migrant workmen. Majority of workers covered under our study are inter-state migrants as per the ISMWA and therefore the workers are entitled to the benefits under ISMWA. They satisfy all the conditions stipulated in the Act. We have discussed the issue in great detail with a large number of Mets in the state who recruit labour in the state of Rajasthan on behalf of the Gujarat employers and each one of them agreed that the workers they are taking to Gujarat are Migrants as per ISMWA. The following facts of the case do not leave any scope for any ambiguity on the issue: (a) workers are recruited by the Mets on the instructions of the employers. Many employers have signed form VI. (b) The number of workers employed in each establishment is more than five. (c) The employers are already paying one-way (onward) journey cost to workers. (d) Accommodation is provided free of cost to all the workers. (e) The workers are from the state of Rajasthan and the employers and the establishments are located in the state of Gujarat.

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<sup>21</sup>*In the state of Rajasthan to which workers hail the rate is Rs 73/-. In comparatively lesser developed state of A.P. and Haryana the wage rate is around Rs. 100/-.*



The employers, however, are escaping the provisions on the basis of certain documentary requirement from the employers as stipulated in the Act/Rules. The employers do not get themselves registered. Because of the non-implementation of ISMWA workers are deprived of the benefit of various welfare provisions included in the Act and Rules. For instance, workers do not get displacement allowance (Section 14); journey allowance (Section 15); suitable accommodation, free of charge medical facilities, protective clothing, etc (Section 16).

**(d) Bonded Labour (Abolition) Act, 1976 (BLA)**

As we have already noted above (Part II) that without any exception all the workers irrespective of age, sex or region are recruited through middlemen **against an advance**. The size of the advance may vary from a very nominal sum of rupees one hundred to thousand or more, but the **purpose and effect of the advance is the same, ensuring labour availability for full work-tenure**. Invariably all, employers, contractors and workers, admit candidly that the work has to be completed. This is the established norm. There is not an iota of a doubt among any one of the three main stakeholders with regard to this.

How is this enforced at ground level? How are the aberrations dealt with? Though there are not many cases of violation of the norm, yet there are cases wherein workers leave without completing the work. Without going into the reasons which could be many, suffice it here to understand the modus operandi of enforcement of this norm. There are three important ways in which this is ensured:

**(a) by making contractors responsible for maintaining required labour supply at all time** (*Annexure 6, Case 4*): The contractors have reported that one of the important functions of theirs is to replenish labour as and when the labourers leave in between. They have reported that quite often they make trips for this purpose.

**(b) By refusing payment to workers who leave in-between:** There are many reported cases wherein the workers who left in-between were not paid anything (*Annexure 6, Case 1 & 2*). There are cases wherein the workers had to cover long distance on foot. As a matter of fact we during our discussions could not record a single case wherein workers left in-between and they received wages for days of work. This may happen in some cases where the workers have been replenished by the contractors.

**(c) By settling accounts at the end of the work-period** (*Annexure 6, Case 5*): The payment to workers is made only after the work is over. The payment of wages, in total violation of payment of wages act, is made only after the full term of employment is over. During rest of the period the workers get, from time to time, only a small amount for day-to-day expenses. All these three conditions of employment apply to all the workers and contractors.

The other important aspect of the employment is that the **workers are paid about two-thirds of the minimum wage.**

The provisions the BLA suggest that there are four important stipulations that need to be satisfied to be bonded labour as per the Act. First, there should be an advance. Second, the worker should be doing work in lieu of that advance. Third, the wages paid are less than the minimum wage prescribed by the competent authority. Fourth, worker loses the right to move freely through out the country. All these stipulations, as we noted above, are satisfied in case of the BT cotton workers irrespective of age, caste region and religion of the workers. In fact, the only one fact that workers are paid less than the minimum wage make them bonded labour as per the ruling of the Supreme Court of India in the well known Asian Games case. Non-payment of minimum wage has been held to be in violation of Article 23 of the Constitution of India. Thus, as per Bonded Labour Act read independently as well as in conjunction with the Supreme Court ruling, the **workers are bonded labour.**

### ***3.2 :: ILO Convention and Cottonseed Workers***

We shall confine our discussion in this section to two ILO Conventions 138 on 'Minimum Wage of Employment' and 182 on 'Worst form of Child Labour'. Accordingly Indian labour laws including child labour related legislation is not consistent with the provisions of the ILO Conventions.

#### **(a) ILO Convention 138 on Minimum Wage**

Article 2(3) of the Convention states: *“The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years”*. Article 3(1) further states, *“The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years”*. Keeping in view the conditions of work discussed above in relation to cottonseed workers, Article 3(1) is certainly more relevant.

The CLA in India, on the other hand, does not specify minimum wage of work. Therefore it is legal for a seven-year old to work on farms like cottonseed. It is not illegal as per CLA. The ILO Convention sets a minimum age of 13 years in certain cases of light

work provided the work does not interfere in the development and attending school or training of the child concerned. It is obviously not relevant in the present case (Article 7(1)).

### **(b) ILO Convention 182**

Let us first understand what the ILO Convention defines as worst form of child labour. Article 3 of the ILO Convention 182 states:

“For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

Article 2 of the convention defines the age of child as 18 years.

Section (a) and (d) are relevant in the present case. With regard to trafficking, the UN Convention says:

“The recruitment, transportation, transfer, harbouring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.” (*UN protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000*).

If we examine mode of recruitment and conditions of employment of cottonseed workers of southern Rajasthan in relation to above mentioned definition of trafficking, then definitely young workers from southern Rajasthan are trafficked to work in the Bt cotton fields. **The workers are recruited, transported, harboured, by means of coercion, fraud, deception; abuse of power (including parental) for the purpose of exploitation through forced labour and servitude.** Thus, as per the condition stipulated in ILO Convention Article 3(a), the workers are toiling under worst form of child labour. In fact the definition as given in section 3(d) is also equally applicable to the workers in question. **Long hours of work, use of pesticides, sexual exploitation, snake bites, imbibing of bad**

**habits amounting to moral degradation too make this work worst form of child labour.**

As mentioned in the beginning of this section, the Government of India has not ratified this convention and thus government is not legally bound to implement its provisions. But there are other reasons that provide sufficient cause to ensure that the provisions of the Conventions are effected. First, legally the State may not be bound but morally she is. As a matter of fact each of the enlightened citizens is. Secondly, the CSP is fully controlled by the MNC Monsanto. The Company has clearly stated in its human rights policy that, 'Monsanto will not tolerate any form of exploitative child labour as defined in ILO Convention 182 Article 3' (Human Rights Policy of Monsanto). Thirdly, if country of origin of the concerned MNC has been following the given labour standards, it must be obligatory for the concerned MNC to follow the same standards everywhere. This is the only true spirit of the globalization. Globalisation must be for betterment of the human society and not otherwise.



*Tribal children from Rajasthan being trafficked to Bt cottonseed plots in Gujarat - July 07*

## IV :: IMPACT OF MIGRATION

As we noted above most of the child labourers are inter-state seasonal migrants. They are temporarily displaced from homes. In this section we will primarily discuss the consequences of such dislocation.

### (a) Bondage

As we noted above {Part III (d)} that workers are bonded labourers as per the relevant labour law as well as rulings of the Supreme Court. Loss of freedom is complete due to their vulnerability as inter-state migrant workers. Uprooted from comforts of homes, the young workers are at the mercy of contractors and employers. **Such bondage is not possible in case of local labourers. It is enforceable because they are migrant and tribals.** The young workers hail from a homogeneous community who are born and brought up in an atmosphere of freedom. The words like bondage are alien to them. The force of circumstances pushes these young workers into bondage.

### (b) Inter-Generation Transfer of Poverty and Misery

The cross-pollination work begins sometime in the month of August and lasts till middle of October. However, the movement of workers from south

Rajasthan to Gujarat starts some time in the middle of July itself or even earlier than that. Schools in north India open in the first week of July after long summer vacation. This is the time for new academic session. **Therefore all those children who migrate to Gujarat for CSP work, do so at the expense of their formal school education.**

Studies suggest that the education level of children who migrate is very low. Many may be enrolled, but rarely do they join back once back from Gujarat. Custer (Page 80) reports that out of 73 drop out, 29 wished to return to school but only three percent actually were found attending schools. Study by Bhargav (2006) observed that 37 per cent of child workers were illiterates. Sixty six per cent girls never attended school. Present study provides data for all age workers. There is not much difference in the situation. However the data relating to illiterates/never to school indicate that the children now days, especially boys do enroll in school and attend for a few years before they drop out<sup>22</sup> (Table 4.1). And this drop out is permanent.

<b>Table 4.1 :: Educational status of Workers by sex (Per cent)</b>						
	<b>Bhargav 2006</b>			<b>Present Study</b>		
	<b>Boys</b>	<b>Girls</b>	<b>Total</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
Illiterate/never to school	13.3	66.7	37.0	25.7	60.9	39.6 (29.4)
Below Primary	46.7	33.3	40.7	51.4	30.4	43.2 (52.9)
Primary	40.0	0.0	22.2	22.9	8.7	17.2 (17.7)
Numbers	26	24	50	35	23	58 (17)

**Notes:** Present study include all workers.  
 Figures in parentheses relate to child labour up to 14 years.

Work experience related data provide some deeper understanding of the permanent drop out phenomenon. The present Study finds that only 13 workers out of the total 99 started working after attaining the age of 18. This means 87 percent started living adult life before becoming adults. More stunning is the fact that two-thirds of the total workers started working before completing age of 14 years. One ten year old said that he is working since last five years. Another eleven year old said the same. In fact, barring one child, all reported work experience in the range of one to eight years. This is an important indicator to suggest that once a child drops out and starts working, the child is out of formal education forever. **The working children are thus the ones who either have never gone to school or who have dropped out never to go again.**

<sup>22</sup> *The government has launched a massive campaign to enrol all the school going children from July 2007 onwards. The recent Rajasthan state government data claim that in the entire state of Rajasthan there are only 61,000 children who are out of school, all others are enrolled. The ground reality, reveals our study, is vastly different.*

There are multiple reasons - economic, social, lack of quality and meaningful education - for drop out including permanent drop outs. Some of the statements of the children from a recent RMoL study<sup>23</sup> which succinctly summarise the reasons are worth quoting here:

*“Master beats us, what will we do at school, and if we go to school, how will we earn?”*

*“If we don't earn what will we eat?”*

*“I don't like to go to school, I get bored there.”*

*“My parents have sent me here, so how can I go to school?”*

*“There is no studying (or learning) at school”*

Custer have studied and analysed the drop out in details. The identified reasons include boredom, failure, fear, housework, productive work, money for household, parental pressure, corporal punishment. The most important reasons in case of girls have been work at home and field and for boys, boredom, money for household, and fieldwork (Table 4.2). **But the end result of the drop out is the same. Lifetime loss of opportunity of further development as once drop out they never are back to school though many may desire to.**

<b>Reason</b>	<b>percent Male (N=17)</b>	<b>percent Female (N=56)</b>
Boredom	23.5	42.9
Failure	11.8	32.1
Fees	5.9	5.4
Fieldwork	29.4	23.2
Housework	29.4	8.9
Money for HH	11.8	21.4
Parental Pressure	0	7.1
Teacher Beating	0	3.6

**Source:** Custer (2005) P. 41

<sup>23</sup>*RMoL Study, P. 20. This study exclusively focuses on the tribal migrant child labour from south Rajasthan to Gujarat and among others cover children in cottonseed work. The above quotes are from the section relating to child labour in cottonseed farms.*

The migration moreover does not add any kind of skill or knowledge. The young migrants are thus condemned to low-wage menial work for the life time. An illiterate parent who for historical reasons and because of social circumstances imbibes an attitude of 'server' (see section below) makes his ward drop out from the school for whatever reason and sends him/her for work to Gujarat for few months without realising that the fate of the child is sealed as a cheap menial labour. More importantly the parent unknowingly and inadvertently transfers the hierarchical

attitude to the ward which the work-site experiences reinforce on the child. This is so tellingly obvious from the work and living conditions we have noted in Para 2.4 above. And ironically the welfare State of India by its policy of legitimising CL only helps the parents in the entire social process of transfer and perpetuation of poverty from one generation to another. We have also noted above that the use of CL does not move a household out of poverty on sustainable basis. On the contrary CL only sustains poverty in the household. Thus, from the logic of moving households out of poverty on sustainable basis the attitude of the State in legitimising CL is unsustainable. **Therefore from the strategic point of view, it is imperative that for any effective strategy of elimination of poverty, elimination of CL is inevitable. A legal frame legitimising CL is in contradiction with any poverty elimination strategy and thus it requires to be changed forthwith. Continuation of CL by households will only perpetuate cycle of poverty, transferring it from father to son, from one generation to another.**

### **(c) Psycho-Socio Impact**

The out migration by adolescents has significant psycho-socio implications. The most serious impact is psychological when the children become adults without getting any opportunity to development thereby imbibing the value of a servant. They become alienated from concepts of equality and freedom, so innate to tribals. When abused, beaten, sexually harassed, driven away without being paid, and finds no one to protect them, they resign to a life of condemnation and drudgery. Lose whatever self-confidence they have. They become silent sufferers. Helplessness has been found writ large on their faces and psyche when they said father has sent them. We have not found them agitated when they narrate stories after stories of ill-treatment, abuses and beatings. **Their acceptance of the inhuman treatment without any revolt or anger speaks volumes about the psychological impact in defeatist personality and resigned fate. Unprotected, unheard and spurned they become part of 'culture of silence'.**

Learning bad habits like chewing tobacco, smoking and drinking and picking other vices are too small in the face of the social costs mentioned above. Community members lament, "In 2-3 months the children don't learn anything good, just bad habits" (*Custer, Page 82*).



Not only that the rights of these tens of thousands of such toiling children get violated but it also drains the economy of hundreds of millions of rupees affecting the social development adversely. ILO (2004) has estimated that abolition of child labour from the globe will provide net financial gain of US\$ 4132.5 billion. **Asia alone will stand to gain US\$ 2736.6 billion. Thus the social as well as economic cost of child rights violation is enormous.**

#### **(d) Use of Pesticides and its Impact on Health**

It is a well recognised fact that hybrid cotton cultivation requires a very high dose of pesticides with implications for health. The farmers reported using a variety of pesticides: Confidor, Monokroto, Reget, Pride, Thresar, Emedo, Admark, Haskiyarn, Spark, Thaideen, Admayar (See Table 4.3 for scientific names and chemicals). They are used in combinations. The reported frequency of the spray and quantity has not been uniform. All the farmers without any exception accepted that spray is through a pump but none is trained.

#### **Box 5 :: Impact of Pesticides**

Vinod Bhai son of Bhura Bhai, a resident of village Umanagar in Himmatnagar Taluka, District Sabarkantha is a graduate. The twenty seven year old chose to become a farmer. He owns three acres of land and has been sowing cottonseed since year 2000. This year he put cottonseed crop in one acre on behalf of multinational Mahyco at a predetermined rate of rupees 240 per kg. For the same seed he has to pay rupees 1000 for a 450 gram packet. He uses two pesticides, namely, Tresar and Monakota. Each of the pesticide is sprayed ten times and had already sprayed five times till 14th September, the day when the survey team interviewed him. Though he is not trained but has learnt to operate Shikhar pump to spray pesticides and he does it himself on his farm. He agrees that the pesticide use is harmful and problematic. Says he, "Have to cover the mouth. Eyes burn. The strong pesticide makes him feel uncomfortable and dizzy".

In the present study twenty percent of the child workers said that they face problems due to use of pesticides. Itching, boils, burning in eyes are the common problems reported. Other studies have also reported the pesticide related problems including loss of life. "Roshen's hands have become inflamed with boils, which also itch and he is very upset. He says these are due to the medicines that are sprayed on the cotton plants" (*RMoL Study, P.15*). Greenpeace India (2004) study finds that use of pesticides lead to severely impaired analytical abilities, motor skills, concentration and memory in children. Another study by Physicians for Human Rights done in 2001 finds that headaches, dizziness and skin and eye irritation are common complaints after spray. In severe cases children fainted, vomited or had convulsions.

Andhra Pradesh has reported even deaths due to use of pesticides by the children (*K. Venkateswarlu, 2004*). A separate study is needed to understand the impact of pesticides on workers, as workers are sent home by employers immediately when they fall sick.

<b>Table 4.3 :: Scientific Names of the Pesticides used in Bt Cotton</b>		
<b>S. No.</b>	<b>Common/Trade name</b>	<b>Scientific/Chemical name</b>
1	Confidor/ Confidence/ Imidagold	Imidacloprid 17.8 percent SL
2	Regent	Fiprouil 5 percent SL
3	Spintor	Spinosad 45 percent SL
4	Rogor 30E	Dimethoate 30 percent EC
5	Tata manik	Acetampride 20 percent SP
6	Marshal 25E	Carbosulfan 25 percent EC-5
7	Eldrin - T6	Chlorpairiphos
8	ACETA	Acetamiprid 20 percent SP
9	Extrasuper	Thiamethoxam 25 percent WG
10	BT - Biozyme	Ascophyllumnodusum
11	Doom	Diacalkhos 76 percent EC
12	Andotaf 35E	Andosulfan 35 percent EC
13	Monokrotophos 36percent SL	Koskyl
14	Folicure 250EC	Tabufonozol



*A group of girl workers in village Khimana, North Gujarat 'Mabyco plot'*

## **V :: CONCLUSIONS AND THE EMERGING AGENDA**

### *Conclusions*

The study finds that the child labour is extensively used for cross-pollination work by cottonseed producing farmers in north Gujarat. The estimated share of child labour is about one-third of the total labour force and the total number of child labour, depending upon the total size of the labour force, could be in the range of 60 thousand to one lakh. A little over forty percent workforce comprises of girls and women. Most of the farmers produce cottonseed for companies including MNC. The study has been able to establish linkages between the farmers and the companies. The study further establishes that most of the workers including child labour are tribals from southern Rajasthan.

The employers not only require large timely labour supply but also at cheap rate as the prices of the seeds are almost stagnant over the years. The employers ensure cheap tribal labour supply by paying small amount of advance

channelled through local contractors. Because of low wage rates adult male do not prefer this work. Over the years many vested interests like big contractors, transporters have emerged in supply of child labour. The state of Gujarat is equal partner in keeping the wage rate low as the minimum wage continues to be same at Rs 50/- since April 2002. The terms of advance include work for full tenure of cross-pollination season which lasts for around 60 days. The accounts are settled only after the work is over and if workers leave in-between they lose wages.

The workers work in two shifts, working hours are long and range between 9 to 12 hours depending upon the quantum of work with more than 10 hours of average work. This season (2007) workers received a wage of Rs 50/- per day as against legal minimum wage of rupees 75 for 10-hour work day. Thus the wages received come to about two-thirds of the legal minimum wage.

Workers stay on farm for the entire duration of 2-3 months. The living conditions are bad, abuses are common and so is sickness. Workers cook in open, girls and boys share common place in many cases. There is no toilet facility for girls. At many places even drinking water facility is not available. There are cases of sexual harassment as well sexual assault.

**Unfortunately child labour work in question is a legal activity as agricultural work is not prohibited u/s 3 of the Act.** The CLA however specify regulation which remains flouted by the employers. The provisions of the various labour Acts like MWA, CLA, ISMWA, BLA simply remain a dead letter so far as the poor migrant child workers of southern Rajasthan are concerned. By flouting labour laws employers stand to gain over 500 millions of rupees each year.

Because of payment of advance the migrant workers lose freedom of movement. **This with payment of less than minimum wage makes most of the workers bonded labour as per BLA.** Such bondage is not possible in case of local labourers. It is enforceable because they are migrant and tribals. The young workers hail from a homogeneous community who are born and brought up in an atmosphere of freedom. The words like bondage are alien to them. The force of circumstances pushes these young workers into bondage. Workers also fall under worst forms of child labour as defined in ILO Convention 182.

The educational level of workers is very low. They are either illiterates or below primary. The working children are the ones who either have never gone to school or who have dropped out never to go again. For children seasonal migration for work is lifetime loss of opportunity of further development as once drop out they never are back to school. **They are condemned to a low-paid menial worker for the entire life and become carriers of inter-generational poverty.**

The inhuman treatment has the psychological impact on the children as they develop a defeatist personality with resigned fate. Unprotected, unheard and spurned they become part of 'culture of silence' which is amply reflected in the silent suffering of abuses.

The failure of the state is also obvious from the study. The Gujarat government's apathy and denial of child labour stands exposed. Failure of the State in protecting the rights of the tribals prominently comes out of the study.

### *Emerging Agenda*

- The most serious concern that emerges in our study relate to extensive use of child labour. Various factors promote this. However, two important stake-holders in companies as principal employers and the state government of Gujarat as protector of rights of deprived and marginalised groups have been shirking their duties. **Legal ban on child labour use in CSP and revision of Minimum Wages in agriculture in Gujarat are two important measures that the state government should immediately take-up along with effective implementation of wage law.**
- In order to effectively check child labour abuse, **it is necessary that recruitment of child labour for inter-state placement should be declared trafficking.** Even parents cannot be allowed to permit a 10-12 year old to work in an alien environment far away from the home. Side by side, **the state of Rajasthan should increase the number of days of employment under NREGA to 200 day in tribal areas of southern Rajasthan.**

- The MNC Monsanto needs to be held squarely responsible for prevalence of child labour in CSP. The Company has so far taken the excuse that it is not responsible for child labour as majority of the area under cultivation is operated by Indian Companies. However the fact that all these companies have been sub licensed by Monsanto and it charges a huge sales royalty from these companies, makes it fully responsible as the Principal Employer.
- The procurement price of the seed by the companies also remains a major issue to be sorted out. The companies apparently are not even ready to initiate a dialogue on the issue. **The agricultural prices commission should undertake a study to understand the economics of the cottonseed production by the farmers and should come out with an appropriate recommendation so as to ensure adult wage for cross-pollination work.**
- In order to realise these goals, lobbying with the governments, media advocacy and public action will be necessary. Primary stake holders in workers and farmers groups will need to take this issue up.
- Ensuring formal education to the children is yet another important agenda item that needs to be taken up with urgency. **Rajasthan state should bring in compulsory education bill.** It is necessary that a special mission is set up for implementing compulsory quality education among tribals in southern Rajasthan. In this connection it is necessary that the **government provide facility of residential schools to migrating tribal households.**
- **The Government of India should ratify ILO Conventions 138 and 182.**

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## **:: ANNEXURE 1 ::**

### **AGREEMENT BETWEEN PRATINIDHI MANDAL OF BANASKANTHA COTTONSEED PRODUCERS AND DAKSHINI RAJASTHAN MAZDOOR UNION**

*(English rendering of the agreement signed by  
employers from Gujarat and DRMU)*

This agreement concluded today on 5th day of August 2007 between Dakshini Rajasthan Mazdoor Union and representatives of cottonseed producers of district Banaskantha at 7, M.S.Building, Link Road, Adarsh Nagar, Dungarpur, Rajasthan.

1. This year daily wage rate for cross-pollination work will not be less than Rs 52/-
2. Met's commission of Rupees Eight will be in addition to wage of the worker.
3. Any child who is less than 14 years of age will not work in cotton cross-pollination work
4. The traditional practice of providing onward journey allowance and free cooked vegetable, tea, lodging accommodation and firewood will be maintained.
5. The farmers will get the accident insurance done for all the workers. The Union will find out suitable insurance scheme for the purpose.
6. For determining next year's wage rate meeting will be held in March 2008.
7. The Met will remain at the site till the completion of the work. He could go home only when there is some pressing work.
8. Payment of wages will be done with the signatures of the Mets on wage slips.
9. Banaskantha Pratinidhi Mandal will provide the list of all the agents by 20th of August 2007.
10. Union representative can visit farms to oversee the conditions of workers. The farmers will not oppose this.
11. In case of any dispute, the Union and Pratinidhi Mandal will settle it through dialogue.

#### **Signatures of Parties to Agreement**

**Dakshini Rajasthan Mazdoor Union**

**Banaskantha Kapas Beej Utpadak Pratinidhi Mandal**

- |    |       |
|----|-------|
| 1. | 1.Sd/ |
| 2. | 2.Sd/ |
| 3. | 3.Sd/ |
| 4. | 4.Sd/ |
| 5. | 5.Sd/ |



## :: ANNEXURE 2 ::

### SAMPLE FARMERS LOCATION

Sl No	Village	Taluka	District
1	Raiya	Deodhar	Banaskantha
2	Raiya	Deodhar	Banaskantha
3	Raiya	Deodhar	Banaskantha
4	Auda	Deodhar	Banaskantha
5	Golave Galiya	Deodhar	Banaskantha
6	Golavi Galiya	Deodhar	Banaskantha
7	Raiya	Deodhar	Banaskantha
8	Khimana	Shihori	Banaskantha
9	Khimana	Shihori	Banaskantha
10	Tuwankha	Kakrej	Banaskantha
11	Chikhala	Kakrej	Banaskantha
12	Gangol	Deodhar	Banaskantha
13	Kotada	Deodhar	Banaskantha
14	Paladi	Deodhar	Banaskantha
15	Jovidabas	Deodhar	Banaskantha
16	Paladi	Deodhar	Banaskantha
17	KotadaKarna	Deodhar	Banaskantha
18	Satsang	Dantiwara	Banaskantha
19	Virpur	Eder	Sabarkantha
20	Virpur	Eder	Sabarkantha
21	Virpur	Eder	Sabarkantha
22	Virpur	Eder	Sabarkantha
23	Virpur	Eder	Sabarkantha
24	Sherpur	Eder	Sabarkantha
25	Sherpur	Eder	Sabarkantha
26	Laloda	Eder	Sabarkantha
27	Budiya	Eder	Sabarkantha
28	Lalpur	Eder	Sabarkantha
29	Umianagar	Himmatnagar	Sabarkantha
30	Netramali	Eder	Sabarkantha
31	Umianagar	Himmatnagar	Sabarkantha
32	Umianagar	Himmatnagar	Sabarkantha
33	Barwav	Eder	Sabarkantha
34	Mesan	Eder	Sabarkantha
35	Mesan	Eder	Sabarkantha
36	Mesan	Eder	Sabarkantha
37	Panol	Eder	Sabarkantha
38	Jaitpur	Eder	Sabarkantha
39	Vadali	Eder	Sabarkantha
40	Damadi	Vadali	Sabarkantha
41	Chitroda	Eder	Sabarkantha
42	Rasulpura	Kharalu	Mehsana

## :: ANNEXURE 3 ::

### FARMER AND AGENT DETAILS

Farmer Sl No	Company	Agent Entreprise	Person	Village
1	Monsanto		Vela bhai	
2	Mahyco		Raju bhai	
3	Mahyco		Dhana bhai	
4	Nuziveedu		Kalyan bhai patel	
5	Monsanto		Jagdeesh bhai patel	
6	Monsanto		Niranjan bhai patel	
7	Monsanto		Vela bhai	
8	Mahyco		Jayanti bhai	
9	Mahyco		Pira bhai	
10	Mahyco		Jayanti bhai	
11	Mahyco	Tirupati Gin	Jayanti bhai	
12	Vikram		Shiva bhai	
13	Nuziveedu		Raju bhai	
14	Mahyco		Bhaga bhai patel	
15	Monsanto	Ambica Gin	Bakka bhai	
16	Monsanto		Baneshwar bhai	
17	Nuziveedu		Ramesh bhai	
18	Monsanto		Prema bhai	
19	Mahyco		Owner himself is agent	
20	Vikram	Local Direct Co	Gunwant bhai	
21	Mahyco		Rajesh bhai	
22	Mahyco	Maheshwari Seeds		
23	Mahyco	J K Seeds		
24	Ajit		Paresh bhai	
25	Vikram		Soma bhai	
26	Mahyco	J K Seeds		
27	Nuziveedu		Ramesh bhai	
28	Ajit	Nawkaar Seeds	Ganpat bhai	
29	Mahyco	Bansidhar Agro	Shailesh Bhai/HansMukh Bhai	
30	Nuziveedu	Sarvoday Ginning	Dilip Bhai	Netrawali
31	Mahyco	Bansidhar Agro		
32	Mahyco	Bansidhar Agro		
33	Nuziveedu	Shree Ram Agro		
34	Nuziveedu	Sarvoday Ginning	Dilip Bhai	
35	Nuziveedu	Mahalaxmi Agro		
36	Nuziveedu	Sarvoday Ginning	Dilip Bhai	
37	Nuziveedu	Awkaar Seeds,Anupam Gin		
38	Mahyco			
39	Mahyco			
40	Nuziveedu	Aks Fertilizer	Kirit Bhai	
41	Mahyco		Narayan Bhai	
42	Monsanto		Niranjan Bhai Patel	

## :: ANNEXURE 4 ::

### DISTRIBUTION OF LABOURERS BY FARMER, AGE, SEX & REGION

Farmer Sl No	M 18+	F 18+	M 15-18	F 15-18	M CH	F CH	TLL No.	LL No.	GML No.	RML No.
1	8	6	2	6	1	0	23	0	0	23
2	0	0	2	2	2	0	6	0	0	6
3	1	0	1	3	0	3	8	0	0	8
4	0	3	11	2	6	1	23	0	0	23
5	1	0	0	1	5	5	12	0	0	12
6	6	3	2	3	1	1	16	0	16	0
7	1	0	2	2	1	0	6	0	0	6
8	5	1	3	7	2	7	25	0	0	25
9	0	0	4	5	4	5	18	0	19	0
10	2	1	5	1	1	2	12	0	0	12
11	5	6	9	8	4	3	35	0	0	35
12	1	0	4	4	2	1	12	0	0	12
13	1	0	2	2	3	2	10	0	0	10
14	0	0	3	0	2	0	5	0	0	5
15	3	2	1	0	2	0	8	0	4	4
16	1	0	1	1	3	0	6	0	0	6
17	0	0	2	3	3	2	10	0	0	10
18	0	0	10	8	3	3	24	0	0	24
19	7	3	6	4	3	2	25	0	25	0
20	1	0	3	4	2	0	10	0	0	10
21	6	5	3	0	0	0	14	0	0	14
22	2	1	3	2	3	1	12	0	0	12
23	2	0	4	2	5	4	17	0	17	0
24	2	1	0	0	3	1	7	0	0	7
25	2	1	5	10	3	1	22	2	3	17
26	2	1	1	0	4	1	9	0	9	0
27	0	1	2	0	2	2	7	0	0	7
28	1	0	0	2	3	5	11	0	0	11
29	0	1	1	0	5	7	14	0	0	14
30	0	0	3	7	3	2	15	0	0	15
31	1	0	5	2	1	2	11	0	0	11
32	1	0	1	2	2	3	9	0	0	9
33	2	2	3	0	6	5	18	0	0	18
34	1	0	12	4	0	0	17	0	0	17
35	20	10	12	0	0	10	52	0	0	52
36	0	0	3	2	1	0	6	0	6	0
37	0	2	3	3	2	0	10	2	8	0
38	4	0	0	2	1	1	8			
39	2	0	4	4	2	10	22			
40	3	1	2	0	1	1	8	0	0	8
41	2	0	0	2	6	1	11	0	0	11
42	4	0	3	1	2	0	10	0	10	0
<b>Total</b>	100	51	143	111	105	94	604	4	117	454

Notes: M=Male; F=Female; TTL=Total Labour; LL=Local Labour; GML=Gujarati Migrants Labour;  
RML=Rajasthani Migrant Labour; CH=Child up to 14 years.

## :: ANNEXURE 5 ::

### AGREEMENT BETWEEN FARMER AND THE COMPANY

No. \_\_\_\_\_

Date \_\_\_\_\_

Guarantee Bond to be given by farmer for the programme of PRODUCTION OF HYBRID COTTONSEED

By this I (name) \_\_\_\_\_ Hindu/Moslem/Christian Aged \_\_\_\_\_ and professionally a farmer residing at \_\_\_\_\_ Taluka \_\_\_\_\_ District \_\_\_\_\_ of Gujarat state. I give guarantee binding me for the current year 2007-2008 that during this year Nuzeewidu Seeds Ltd Secundrabad, Andhra Pradesh (the so called "company" and their successors, asigners, and organizers etc included in these conditions) company's hybrid cotton seed production programme \_\_\_\_\_ kind \_\_\_\_\_ in \_\_\_\_\_ acres done under following conditions are binding. The conditions stated below are accepted and binding to me and for which this bond in writing is done with full knowledge and without any pressure and free of any fear willingly and happily done :

#### CONDITIONS:

1. I have received male \_\_\_\_\_ and female \_\_\_\_\_ seeding from the company organizer at village \_\_\_\_\_ Taluka \_\_\_\_\_ District \_\_\_\_\_ of \_\_\_\_\_ variety/kind for seed production programme for \_\_\_\_\_ kind for \_\_\_\_\_ acres. This basic seed is made available to me for which the company has offered (or decided) a price of Rs \_\_\_\_\_ per acre is acceptable to me. I am bound to supply the whole seed production to the company and for this production whatever chemicals, medicine, fertilizers, water, labor etc required will be provided by me at my cost and expense. Besides I am wholly bound to supply the best of the best hybrid seed production to the company. The labor etc required for the "seed" production in the plot is already organized by me. I am ready to produce this for as long a period (70 to 80 days) required. This condition is acceptable & binding to me.

2. I will very carefully & responsibly plant \_\_\_\_\_ gram female (approx 6000 to 6500 seeds) and \_\_\_\_\_ gram male (approx 3000 seeds) basic seeds and use it for production of hybrid cotton seed. These basic seeds will be supplied by the company.

If the plantation is done in subplot (Khata) distances of 5 X 4 feet the female plants will be 2200 per acre and if the subplot (khata) the distances are 4.5 X 3 feet the female plants will be 3000 per acre. If the company finds that for female seeds the subplots (Khata) are less than stated above I will abide and bear by whatever penalties and fine that the company may think fit and proper.

3. The cotton seeds produced from basic seed given by the company will be paid for at purchase price of Rs \_\_\_\_\_ per kilo after the company is satisfied about the genetic purity and other tests and reducing 7% Grading loss from the Ginning weight. I agree to this payment condition. I also agree that the payment will be taken from the organizer. I cannot claim more than the purchase price decided by the company because I am not entitled for such demand under any circumstances.

4. I also agree that the growth tests and sprouting capabilities and other value-gradation will be done as stated below

(a) Traditional Qualities - Genetic Purity - 90% minimum  
- Sprouting capability 75% Maximum

(b) GMS Qualities - Genetic Purity - 98% minimum  
- Sprouting capability 75% Maximum

5. As per the advice of the company I will have to compulsorily remove the "flower" from the male & female plants (till the plants do not \_\_\_\_\_) from my seed plots. Moreover from my plot regular fruit (mango) - (the unfertilized pod) will have to be removed.

Without expecting any compensation from the company I will have to immediately remove from my seed plot the male plant as soon as (and on the same day) crossing is done.

6. During crossing the female plant will be done male-less only in the afternoon and evening. This process will never be done during the morning time but I will break the bunds.
7. I will use the insecticide, pesticide, medicinal vitamins, and liquid fertilizer which are supplied by the company as per the instructions of the company and the organizer.
8. In order to produce good quality of seed I will do not topping and pruning strictly as per the instructions of the company from my seed plot as stated below :
  - (a) Topping : From the branches of female plant the "growth"  $\frac{1}{4}$  Mqafkks  $\frac{1}{2}$  will be cut as per the height of the plant between 90 and 110 days.
  - (b) Pruning : without damaging the pods in any manner I will remove useless branches, flowerettes and leaves as soon as the "crossing" work is finished.
9. I assure you that I shall not use the male and female seeds given by the company for any cross breeding of any other kind.
10. I abide and assure that the total seeds produced from my seed plot will be sold to the company. If I am found to do otherwise I will be liable for criminal and civil offence legally and whatever the company desires to punish me for.
11. I assure you that I will not part the knowledge about seed plot to anybody else.
12. I will only supply the right & proper seeds produced by me to the company. In my supply of the seed lot if any adulteration is found as per the standards based on genetic purity etc then it will make me liable to be punished and legally liable to the company and whatever legal demands or find as desired by the company will be acceptable to me.
13. I will arrange and manage to have more plants in my farm as per the advice of the company - whereby during the flowering season there will be no monetary loss even when 10 to 15% Rawging (different kind of plants) is done. I will have to see to this arrangement and do accordingly.
14. I will maintain the right & desirable distance of 30 meters for my cotton seed plot.
15. I will not use child labor for work. This is my assurance to the company.
16. I will use clean / good bardan for the cotton seed storing / delivering.
17. I will bring cotton seed produced by me to the ginning place on time at my expense. It is my responsibility to be present without fail as the time and place for Ginning and sampling on scheduled date.
18. From the hybrid pod cotton produced in my seed plot will be selected and the piliyn or stem will be detached and the cotton after cleaning and drying will be brought to the ginning place.

The above mentioned conditions / suggestions are read and understood by me and binding to me. After careful study I am ready to make the seed plot fo the company. Thus I give my ascent to the written agreement.

Seed Producer's Signature \_\_\_\_\_

Seed Producer's Name \_\_\_\_\_

Village \_\_\_\_\_ Taluka \_\_\_\_\_ District \_\_\_\_\_

Organizer's Signature \_\_\_\_\_

Organizer's Name \_\_\_\_\_

Signatures of witnesses

(1) \_\_\_\_\_ (2) \_\_\_\_\_

Place: \_\_\_\_\_ Date: \_\_\_\_\_

## **:: ANNEXURE 6 ::**

### **SELECT CASE-SUDIES**

#### **Case 1 :: Sexual harassment at worksite; Non-payment of Wages**

Ramila, 14 years old is a resident of village Barna in Kherwara block of Udaipur district. She has 8 brothers and sisters. She had gone for BT cotton pollination work for the first time. At the time of her leaving for Gujarat her father had refused her due to insecurities associated with migration but her mother allowed her to go with the mate along with 10 other children from the village. Ramila said that the employer and supervisor often used four letter words and made vulgar gestures during work in the fields. She also asserted that they used to send the Met back home so that they could have freedom to exploit the workers. When Met had gone to the village on Rakshabandhan, the supervisor and employer harassed them. One midnight both the employers came to sheds, where girls used to sleep and asked two of the girls to come out with them. The girls, Nanaki and Jeevali refused to come out and then they entered the room uttering four letter words. They pulled Nanaki by her wrist and asked her to sleep on another cot. When she refused, they returned. And next day onwards, in their frustration, they started beating young children for next three days. On return of the Met, Ramila and others shared their dilemma with him. Consequently, the children had to leave the farm without even receiving their due wages.

#### **Case 2 :: Physical Abuse; Non-Payment**

13 year old Hanja son of Bhairarot is resident of village Jhouthari (Hadmatia Halmet), Block and District Dungarpur. There are seven members in his family. Besides parents he has five brothers and sisters. At an age when children are expected to play and have fun, young Hansa has been going for cross-pollination work for last five years. This year he left for Gujarat along with his younger brother on 31st July 2006 with his Funfa Mani Lal Kalasua for cross-pollination work and reached Village Khatasana of Varhnagar block of Mehsana to work on thr fields of Popat Bhai and Mahendra Bhai. He started working from 2nd August. He used to get up at five in the morning and used to work till seven in the evening. He toiled hard on the fields for upto 11 hours a day so that he could eat and save some money. Just a few days later, on 9th August, the festive day of Rakshabhandan, Mani Lal left for home. Immediately after that the owners Popat, Mahendra Bhai and one Jeeva Bhai started troubling the children. For no reason they used to beat them up. The girls among whom his cousin Jeevali was also there were made to wake up in the night. On 12th August, Mahendra bhai thrashed Hanja's brother. The provocation for the employers was that he left out one flower and did not pluck it.

Mani Lal returned on 14th August. But there was no relief or the child workers as there was no change in the behaviour of employers. Abuses and harassment continued. On 24th August, when Mani Lal was present, Hanja was beaten up mercilessly with a pipe by Popat Bhai. The reason, he left out a flower. On 25th Hanja and all other labourers including Met refused to do work. They sat on the plot whole day for payment but Popat Lal threw them out without any payment. They were not paid their due wages. Hanja and others walked all the way back home and it took three days for them to reach back home.

### **Case 3 :: Transporters Attack Union Activists**

From mid-July to mid-August 2007, Union launched a campaign against child labour trafficking with the cooperation of district administration in Dungarpur and Udaipur districts. In just in about 15 days 116 vehicles were stopped and more than 400 hundred children were rescued and sent back home. This was done by intercepting the vehicles used for transportation. This pitted the Union activists against a group of nefarious transporters involved in trafficking of the child labour for undue monetary benefits.

On 27th July vehicle No RJ 12C 1914 (a jeep) was intercepted and children were rescued and sent back home. On 4th August a group of persons in the same vehicle chased the vehicle in which union activists were travelling and at around 11.30 AM they overtook the union activists' vehicle near Syntex crossing (at District headquarter Dungarpur) and stopped the union's vehicle and started throwing empty bear bottles. Thereafter they started hitting and dragging out one of the Union worker. The worker badly hit on chest and got fainted. The driver rushed and escaped. The District Collector was immediately informed. At around 12.30 the same vehicle again chased our same team and stopped our vehicle in front of Dr Shyama Prasad Mukherjee Hall on Ratanpur Road. Three-four persons got down from that vehicle and another person joined standing outside a shop. They all rushed towards the vehicle of the union activists and started hitting one of the

Union activists and tried to drag him out of the vehicle. The front wind-screen of the vehicle was smashed. Driver however could escape soon. Because of severe beating the Union worker became unconscious and had to be admitted to the hospital. An FIR was filed.

### **Case 4 :: Profile and Role of a Met**

23 year old Prabhulal Rot son of Galadi is a Scheduled Tribe and hails from village Sansarpur (Hamlet: Kharvinda), Dungarpur Block in District Dungarpur, Rajasthan. In 2002 he passed 8th standard in second division when his father put a stop to his further education. Instead of continuing education he became a Met. He became a contractor and not a labourer because he was 8th pass.

There are 18 members in his family out of which eight are adults and except old parents, all six others, three males and three females work and earn. He lives with his family in a four room house built of mud-walls and tiled roof. There is no electric connection in his house. Water is available at nearby hand pump and a well. The family owns three bicycles, three wrist-watches and one sewing machine and one radio.

The joint family owns 14 bighas (one acre is equal to 2.5 bighas) of land. Six bighas are irrigated, four bighas are unirrigated and another four bighas are uncultivable waste land. During Rabi season they grow wheat and gram on six bigha irrigated land and during kharif maize and small millets along with urad are sown. Some vegetables are also grown for self-consumption. The family expenses are met half by the income from labour and half by agriculture.

Out of six earners, three remain at home to take care of agriculture and three migrate to Gujarat to earn. He works as labour contractor and his brother and bhabhi (sister-in-law) goes to Himmatnagar where brother earns about rupees 150 a day as mason and bhabhi earns a daily wage of rupees 120 a day of work as casual labour. Though he himself has never worked as a labourer, he supplies labour to cottonseed farms and ginning industries ever since he left job in 2002.

In 2005 he supplied 30 labourers (14 males and 16 males) to three employers, all from the same village Narana. Out of 30, one-third were above 18, says he. He recruited labour from three villages- his own village and two nearby Patala and Viri. He had to go to each house and talked to parents for recruiting labour. Mostly the labourers were from extended family. The labourers were transported in three batches, on 30th June, 4-5 July and 10-12 July 2005 (It is pertinent to note here that the work in the field starts in the first week of August, not earlier than third week of July in any case). The labourers stayed for about three months and returned in the first week of October. They worked at three different places one month at one place, 15 days at another place and one month 20 days at third place. In his lot of labourers one-third were new faces. The learn work soon, says he.

When asked how got the information about employers as he was new to the work, he informed that his brother-in-law who worked in that village as share-cropper, introduced him to the employer farmers. (This is a very common route used by employers to recruit labour). On asked on what basis you recruit labour he said that the employers put demand. To another pointed question, he said that in 2005 he could not supply labour as per demand. There were 20 labourers short. He further qualifies that there are many employers who ask to bring labour but there are no labourers available.

When asked about preference of labour in terms of age and sex, he replied that “challis main Mazdoor nahin ata, 13-14 saal ke hi aten hain,” meaning that at wage rate of rupees 40, adults do not come. Only 13-14 year olds come.

In year 2005 he took an advance of rupees 5000 against booking of 80 labourers. In 2006 he took an advance for 40 labourers only. Usually advance is @ of rupees 100 per labourer. He distributed rs. 40000 to workers and rest he kept for himself. The employer gives advance to Met only. Met bears expenses of children during travel.

As per him, wages are paid to workers at the end of the work. In between workers are paid 10-20 rupees for expenses. The payment is made to Met who settles the account and makes payments to parents. He has not been cheated till date. In 2005, he earned rupees 14,000. He did not have to spend any money on food etc as the employer provides that. When asked what all he has to do. He counted as his task: **Before departure:** (i) bana lena aur batana (take and distribute advance) (ii) visit houses of labour (iii) bacchon ko ekattha karana (to gather children at one place) (iv) hire jeep; **During journey:** provide food to children; **At work-place:** (i) supervision of work (ii) take sick to the doctor. Last year 4-5 children fell sick who were taken to doctor with employers; **After Return:** Distribute money, the same day.

Met face problems too from labour. The labour takes advance from one Met and leaves for work with another Met. But over all he is happy with his work. He feels that must be to the liking of children otherwise why they will agree to come. But he is not happy with the wage rate. As per him it should be minimum rupees 60 which the farmers can easily afford to pay given the income. It won't have any adverse impact on employment.

When asked about the working hours he said that workers get up at 4-5 in the morning. Work till 10-12. Tea is given by pattidar (employer farmer), Cook food after coming and take two hour rest. At around 2.30 PM go back for work and return by six in the evening. No other work is taken apart from cross-pollination. No local labour does this work, claims Prabhulal Rot. He considers himself a small Met who received rupees five as commission per day per child in the year 2005. He accompanies the labour and stay with them.



### Case 5 :: Cheating by Agent

Natha son of Bhemji lives in village Kasawariys, Thehsil Sagwara in district Dungarpur. He is regularly going for CSP far last many years. He is simple uneducated person in his thirties. In the year 2006 he worked for a local agent Mr Bharat Kalal, a non-advansi. He is a known notorious person with police records but is otherwise moneyed and powerful. Own a jeep and combines work of a transporter and agent to supply labour.

Natha was paid an advance of rupees 53, 000/- in all and he recruited 65 labourers which were placed with three employers, namely, Praveen Singh, Bhav Singh and Ranchor Bhai from village Oganwara in Banaskantha district.

Natha left home for work along with his son who helped him as Met on 23rd July 2006. He stayed with workers on farms. In 2nd week of October Natha went home for some urgent work. Work on cottonseed farms was almost complete. Before returned, Bharat Kalal, agent and owner of the Jeep which transported workers reached the work-place. Immediately on arrival he sent Natha's son back home to call Natha back so that accounts could be settle. However, before Natha could arrive, Bharat Kala told workers that the accounts have been settled and payments will be made by Natha, the Met. The workers were literally rushed back home. Unaware of these developments Natha reached work-place and when employers told him that Bharat has settled accounts, he immediately returned and went straight to Bharat's house for settlement of accounts. To the utter shock and surprise of Natha Bharat said that Natha has to pay him 15,000/-.

On 28th October Natha approached Union. Union fixed a meeting in Jaisala village. After deliberation it was decided to approach Bharat before taking any recourse to other action. After the meeting a delegation reached Bharat's house. Upon seeing the delegation, Bharat became offensive and started hurling abuses on Natha and then attacked the team with family members.

Very next day the Union went to police station to file compliant. At police station the Union activists were told that Natha is known bad character and it would be better if the accounts could be settled with mutual discussions. He assured that Bharat will be called next day and accordingly asked Union workers to come next day. Union workers along with Natha and all the 65 workers reached police station at 10 in the morning and kept on waiting for Bharat till 3 p.m. but he did not turn despite being called by police official. The story repeated many times and despite having been made Paband by police Bharat did not turn up. SHO failed to call him. Finally case was filed in SDM court. The matter is still pending.

As per Natha Bharat has to pay rupees 1,26,685 as per the following details:

Total Wage days of 65 workers: 3267

Wage Rate: Rs 50/- per day

Total Wage earned: 1,63,350/-

Met Commission: 16,335/- @ rupees five per day

Total Dues: 1,79,685/-



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