



Investigating Incidence of Child Labor in Cotton Ginning Factories of Gujarat



Anil Mangla, a 12 year old tribal boy lost his right hand working in Umapati Ginning and Oil Mills, at Kadi town in Gujarat on 13th February 2012, ironically the very day that a state Labor Department team carried out inspections and found no child labor in ginning factories of Kadi.

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Study carried out by

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Study supported by

International Labor Rights Forum, Washington DC, USA

Summary

Prayas carried out the study to find out labor conditions in cotton ginning industry in Gujarat with a focus on employment of children and adolescents in the work season 2011-12. It was in continuation of a similar study carried out in 2010-11 with ILRF support. The studies have generated information on (i) socio-economic profile of labor force (ii) incidence of child labor (iii) wages and working and living conditions (iv) pattern of recruitment. The study findings have provided valuable material for undertaking advocacy work with the state and the ginning industry to improve work conditions and reduce incidence of child labor in the industry.

The study was undertaken in 15 cotton ginning factories of Kadi, Manavadar and Gondal clusters. The three districts in which these clusters are located together account for almost half the number of functional ginning units in the state. A total of 347 workers have been mapped. A new cluster of Manavadar in District Junagadh was added this year to broaden the scope. As expected, the survey faced difficulty in ascertaining the child workers in the work force. The owners did their best to ensure that the survey team does not come into contact with child and adolescent workers.

The labor force in cotton ginning industry comprises of seasonal migrants and local poor communities. Though child labor was found primarily amongst the charkha workers, the team observed child labor in oil mills also. In factories where age mapping was possible, almost half the workforce on charkha machines comprises of children and adolescents below 18 years of age. The proportion of female workers is also high amongst charkha workers.

Factories run seasonally from November to April- May depending upon stock availability. The factories operate 12 hour shifts (at times 14 hours). Two shifts are done when required. The charkha workers are not paid minimum wages. In fact the wage rate works out to less than a third of the statutory declared minimum wage if overtime is accounted for. In the other two major work categories, work is contracted out as opposed to charkha where only the labor recruitment is contracted out. The loader workers are paid on a per day basis by the contractor.

The migrant workers live in accommodation provided by the factory owners within the premises. Up to 10 workers may share rooms a 100 square feet room. The rooms are not properly ventilated. Even though there is electricity in the premises, there are no fans in the rooms. Water is normally taken from a public tap. There are no sanitation facilities.

The work conditions continue to be highly unsafe, especially for charkha workers who operate the machines. Untrained and very young workforce from the villages is straight away deployed in 12 hour shifts. As a result accidents are frequent. However these do not come to light. The owners do not report the accidents to the Directorate of Industrial Safety and Health as they are required to. It is only in Kadi cluster, where Prayas has been working for a number of years and developed good contacts amongst the work force, labor contractors, and local civil society; that an accident mapping was possible. There were a total of 10 accidents including two deaths. In a serious accident, a child worker lost his right hand.

All the workers are recruited through labor contractors. In unloading and pressing, work contract is given. In charkha, the contract is for supply of labor only. The contractor gets a commission on per day basis. He is also given a separate attendance. The contractors are from the same community. They source labor from the villages on the basis of kinship networks. The contractors are responsible for bringing in the workers. Normally the incoming fare is provided by the employer. There is not much evidence of significant advances being given to secure labor supply. This again shows that in the context of ginning, there is no shortage of labor.

Prayas CLRA undertook advocacy on behalf of workers. It gave memorandum to state authorities on the issue of child labor. Media was used successfully to put pressure on the state authorities to respond in the case of serious accident of Anil Mangla. For the first time, a police report was filed against the owner leading to his eventual arrest.

The cotton ginning industry is making profits by exploiting the cheap labor of children and adolescent, and especially female adolescents whose opportunity cost of labor is zero. In Indian conditions, adolescent female girls often drop out from school and stay at home till they get

married. It is this cheap labor forces that is mobilized by the ginning industry through its extensive network of labor contractors. Employment of children, high rate of accidents and payment of wages much below the statutory minimum wages are major concern areas for civil society and grounds for future intervention.

Chapter 1

Introduction



Child workers in Tirupati ginning, near Bijapur town, January 10, 2012

The problem of child labour exploitation is a major challenge to the progress of developing countries. Children work at the cost of their right to education which leaves them permanently trapped in the poverty cycle, sadly without the education and literacy required for better-paying jobs. This is particularly serious in India as it tops the list with the highest number of child labourers in the world. The 2001 national census of India estimated the total number of child labour, aged 5–14, to be at 17 million. Out of the 12.6 million, 0.12 million engages in hazardous job. However, according to informal labour force statistics, the problem seems to be more severe than reflected. Child labour is estimated to be as large as 60 million in India, as many children are "hidden workers" working in homes or in the underground economy. In the long run, this phenomenon will evolve to be both a social and an economic problem as economic disparities widen between the poor and educationally backward states and that of the faster-growing states. India has the highest number of labourers in the world less than 14 years of age. Child labour is

prevalent in almost all informal sectors of the Indian economy. Companies including Gap, Primark, Monsanto and others have been criticised for using child labour in either their operations in India or by their suppliers in India.

Causes: Many Indian families send their children to work, with some living away from home. Reasons are often associated with poverty, keeping up with the large-size family subsistence and inadequate public education infrastructure. Families generally are also unable to afford their children's education.

“Families will have to go without their children's income for several years, a choice many poor parents will be unable to make without help.” -BBC news

Attending school means forgoing a source of income for the family. This is a common problem, especially in the low caste and minorities of India. The demand for child labour further aggravates the situation. Many manufacturing firms and sweatshops are strategically located at poverty-stricken areas to attract children to work as labourers.

Cotton Production and Gins in Gujarat: Cotton production has registered a remarkable growth in India in recent years - from 13.6 million bales in 2002-03 to 32.9 million bales in 2011-12. Gujarat accounts for a major share of this production – almost one third as can be seen from the table below.

Table: State wise production of cotton in India (Year 2011-12)

Sl	State	Production (100,000 bales)
1	Punjab	17.00
2	Haryana	17.00
3	Rajasthan	16.00
4	Gujarat	114.00
5	Maharashtra	69.00
6	Madhya Pradesh	17.00
7	Andhra Pradesh	48.00
8	Karnataka	12.00
9	Tamil Nadu	5.00
10	Orissa	2.00

11	Others	2.00
12	Loose Supply	26.10
	Total	345.10

Source: Central Institute for Cotton Research

Gujarat is a major centre of cotton ginning industry. It not only gins its own cotton produced, but even receives cotton from other states, notably Maharashtra, for ginning. One hundred and ten new cotton gins were established in 2007 to take advantage of the increase in cotton cultivation area and production. There were 982 cotton gins in Gujarat out of which 762 were functional according to data provided by Directorate Industrial Safety and Health. The district wise distribution of functional ginning factories is given in the following table. Sabarkantha, Banaskantha, Bharuch, Vadodara, Kutchh, Patan, Rajkot, Bhavanagar, Ahmedabad and Surendranagar are 10 major districts growing cotton. However, Kadi, a town of Mehsana district in North Gujarat, is the biggest centre for cotton ginning. There are 122 gins in Kadi. Interestingly, Mehsana is not among 10 major cotton producing districts in Gujarat. Cotton from neighboring states like Maharashtra and Madhya Pradesh is also processed in Gujarati gins.

The cotton ginning industry in Gujarat is monopolised by the Patel community which is politically, socially, and economically very powerful. This makes it very easy for the gin owners to undermine the law and avoid government supervision and inspection without being caught. They rarely face legal action for violations committed in their gins including absence of adequate safety precautions and post-injury measures. There are no accurate estimates of number of workers in these gins because there are official records are not accurate. Majority of the workers working at the gins are casual and never put on a roster. There is no official record of attendance or nature of work allotted or payment slips and registers. However, the number of ginning factories in Gujarat is known. The following table provides district wise distribution of cotton ginning factories in Gujarat. It is sourced from Directorate of Industrial Safety and Health and should be accurate as registration is mandatory. The table shows the total number of cotton ginning factories to be 762. Estimating that the smallest gin consist of 10-12 *charkhas* and employs 50-60 workers while bigger units employ 36-40 *charkhas* and 125-130 workers,

considering that 70 percent are small units and 30 percent big units, the estimated number of workers would come to a total of approximately 55,000, which is a large workforce.

Table: List of cotton ginning factories in Gujarat

<i>Sl</i>	<i>District</i>	<i>No. of open mills</i>
1	Ahmedabad	77
2	Patan	27
3	Mehsana	137
4	Vadodara	40
5	Sabarkantha	33
6	Amreli	28
7	Bhavnagar	47
8	Junagadh	92
9	Rajkot	144
10	Bharuch	24
11	Surendranagar	72
12	Other districts	41
		762

Source: Directorate of Industrial Safety and Health

Legal Provisions for Cotton Gins

Cotton ginning is a seasonal industry because cotton is not available throughout the year. However, some gins also undertake extraction of cotton seed oil which is not a seasonal business. Oil extracting factories are excluded from seasonal status and are, therefore, covered by the Employment Social Insurance Scheme Act (ESIS Act), while the cotton gins are only covered by the Factories Act.

The Factories Act provides for the basic rights for health and safety to protect workers. Important provisions are limits on working hours (9 hours a day and 48 hours per week), limits on overtime work (50 hours in a quarter) the provision for double the wages for overtime work, weekly rest allocation, worker identity cards, attendance cards, leave cards, leave with wages, regulation for tight fitting clothes, machine guarding etc. Unfortunately, all these provisions are blatantly violated.

The Minimum Wages Act is also applicable to cotton gins but the general observation has been that workers are not paid minimum wages. The Interstate Migrant Workers (Protection and

Regulation) Act and the Contract Labour (Abolition and Regulation) Act are also designed to protect workers including the gin workers. Further, the Workmen's Compensation Act of 1923 applies to injured gin workers. Unfortunately, none of these labour laws are implemented well and, as a result, the workers, who are largely unorganized, are exploited in all manners.

Child Labor (Regulation and Prevention) Act governs employment of children in India. Children are classified as below 14 years of age. The Act regulates employment of children in certain occupations and prohibits in other occupations. Thus there is a list of prohibited occupations. Cotton ginning industry falls in the list of prohibited occupations. The Act has been widely criticized by civil society on many grounds. The chief are a low age defining children (just 14 years) and allowing employment of children in certain occupations (as opposed to a blanket ban). There are other legislations that are considered more progressive and often used to check child labor. The chief amongst these are Juvenile Justice Act and Right to Education Act. The JJ Act defines age of adolescent up to 18 years. While there is no specific law in India against trafficking for wage labor, JJ Act can be used in such situations. The Right to Education Act makes it mandatory for the state to ensure that all children below 14 years are enrolled in a school.

It has been observed that no union has significantly taken up the legal issues of these exploited gin workers until the Cotton Ginning and Other Mill Workers Union was created in 2006. The Union pursued several legal cases in regard to all of the above mentioned Acts on behalf of the workers.

Organisation of the workplace

Cotton ginning is a seasonally run industry-- from November to April. During the ginning season all factories run 24 hours in 2 shifts of 12 hours each—the day and night. There is no weekly day off. Ginning is done by the mechanized raw cotton feeder machine or 'machine charkha'—as it is called locally. About 3-4 years back, raw cotton was fed manually wherein one worker manned one feeder, while in the mechanized feeder one person manages input by hand, without any contraption, into 4 charkhas at a time. Similarly, at the output point, there is one person who manages 4 charkhas, with the help of a broom or a plank. At the output site near the expeller

cotton that spills over, has to be pushed back into the conveyor belt channel ('gallery'), towards the blower; and one person for 4 charkhas also manages this operation. Besides, several labourers are employed at the bale making machines, and then for stacking and loading cotton bales onto trucks, and yet others for pilling up tractor trolleys with the by-product cottonseed. Further, supervisors, fitters and maintenance people are around. The largest number of laborers works at the mechanized charkhas and the narrow conveyor belt gallery. These are also the sites of most injuries, as in none of these tasks are any safety norms observed or protective gadgets used.

Chapter 2

Study Objectives and Methodology



Child workers at Tirupati cotton ginning factory in North Gujarat 10th January 2012

Study objectives

The study sought to study labor conditions in cotton ginning industry in Gujarat with a focus on employment of children and adolescents. The study was expected to generate information on

- Socio-economic profile of labor force in cotton ginning factories - Migrant/ local, male/ female, educational levels, sociological profile (SC/ ST/ other backward castes), economic background – land and other asset holding
- Incidence of child labor
- Wages and Working and living conditions – hours of work, terms of employment, wage levels, payment of wages, and incidence of accidents
- Pattern of recruitment: How are workers recruited? Existence of labor contractors, their social profile, advances offered if any
- Advocacy work on behalf of workers: Prayas CLRA is already engaged in mobilising and organizing workers through Mazdoor Adhikar Manch. The study findings will help in the Union to spread to new areas and launch a campaign on behalf of workers.

Type and methodology of research

The study has been carried out in three clusters of Gujarat – Kadi in District Mahesana, Manavadar in Junagadh District and Gondal in District Rajkot. All these are major clusters. In fact Kadi is widely recognized to be the centre of cotton ginning industry with more than a 100

cotton ginning factories. Of late, a movement has been reported from Kadi to Gondal. Kadi is located near Ahmedabad and is a major industrial area. Ginning factories require a large amount of land where cotton can be kept. As real estate prices move up, the Kadi owners find it profitable to sell off the factory land and set up the factory in new locations where land is cheaper.

Sample: A sample of 15 cotton ginning factories was taken up for survey. The list of factories where study has been carried out is given in Annexure 1 (a). A total of 348 workers were mapped that is their names listed. The schedules used for factory mapping and wage labor mapping are given in Annexure 1 (b).

Child labor is found primarily amongst the charkha workers. It was very difficult to trace incidence of child labor. The workers live within closed boundaries where access is strictly regulated by watchmen. Even the outside of the factory gate is regularly kept under watch. Presence of outsiders is immediately taken note of. Last few years have seen lot of public noise on issue of child labor. As a result all stakeholders in the process – employers, labor contractors, and the parents of the child workers – do not acknowledge the presence of children amongst work force. There is a sense of illegality attached and so nobody wants to accept it.

Two different approaches were followed in the three clusters picked up for survey work. In Kadi, Prayas has been undertaking mobilization work with the workers for last four years. It had familiarity with the workers and labor contractors. The employers also knew Prayas very well. The employers have actively opposed presence of Prayas in the area and even went to the extent of resorting to physical violence. In view of this situation, it was decided to undertake wage labor mapping directly with the workers and labor contractors without bringing in the employers into the loop. For labor mapping, help of the labor contractor was taken in Kadi. Prayas has undertaken mobilization work amongst labor contractors and has some contact. For unloading and bale making (press work), there were no problems and contractors were ready to share information on workers including their age. However the charkha contractors were not willing to reveal the exact age of workers. They would invariably give the age of all child and adolescent workers as 18. It was decided to undertake direct verification of age of workers. This involved going inside the campus surreptitiously and meeting the workers. The second option used was to interview a worker and ask her/ him the age of his/ her colleagues. This was not possible at all the gins selected for mapping.

In contrast, Gondal and Manavadar, Prayas did not have many contacts amongst the workers as these are new areas for Prayas intervention. Here it was decided to use local activists to undertake the wage labor mapping. This was also thought prudent from a longer term strategic perspective. It is hoped that the local activists, while doing the survey, will be sensitized to the problems of workers most of whom are migrants with no local support. The more active amongst them may even feel motivated to undertake direct mobilization work amongst ginning workers. It was thought that it would not be possible to forge direct contact with the workers within the short

span of time available for the study. So it was decided to go through the employers. The survey team established direct contact with the employers and told them that they want to undertake a survey of workers with a view to deliver welfare activities like medical camp. One of the employers permitted them after some persuasion. However they made it very clear that there should be no attempt to establish presence of children amongst workers. General mapping was done openly within factory premises in presence of supervisory staff. The age verification of child labor was done in secret here also often during the night when employers were not present. In Gondal child labor has been reported amongst the local workers also. The age verification of local workers was done in their villages.

The Gondal team faced many problems in establishing presence of child workers. These are listed below

- Factory owner would give only those names that are in their records. This number is always a small proportion of the total workforce – most of which is not enrolled in any official data base. They would typically ask the investigators to stay put in office and not go beyond. The workers would be brought there only for recording.
- The factory owners were very afraid of child labor being found amongst the workers. So while they allowed the loading and pressing workers to be listed as these are mostly male and adults. The children, adolescent, and female workers are mostly found amongst charkha workers. They therefore did not allow access to charkha workers who would mostly be working inside factory premises.
- They were very insistent that none of the children are to be recorded. Any attempt would immediately be censored. In one case in Jalaram factory, when the investigator took photographs on the mobile of local girls coming in to work, it led to a scuffle. The investigator was forced to delete the photos from the mobile.
- The workers were also not very cooperative. There was no prior contact with workers. They were reluctant to put down their name on any piece of paper. They would assume that it was being done for security reasons. The employers and labor contractors had created the impression that if any children are discovered, they would be thrown out of the factory and may be even imprisoned.

The team of investigators tried their best to overcome these constraints. The methods they used were

- Seemingly unintentional walk through the factory: The investigators made a number of visits. Each factory was visited at least five six times. There would be an initial visit followed by a visit to record workers. Then there were visits to set up the medical camps. Towards the end the owner and the supervisory staff had become a bit familiar with the team. So towards the end, one member of the survey team would slip out unannounced and walk through the factory observing things first hand. This methodology paid good

dividends as some children were observed working. Some footage has also been obtained.

- Visiting residence of local workers: Where local workers were reported going for charkha work, the team visited their villages. However even here it was not possible to record working children. The workers were aware that child labor is illegal. So no young workers showed up at these village meetings.
- Befriending labor contractors: The survey team tried to befriend the labor contractors. A separate meeting of contractors was also organized.

Limitations

1. The study has been carried out in three main clusters in Gujarat. However as shown in the Table (1), there are many more clusters in Saurashtra. Not much is known about the labor composition in these clusters. The results of this study may not hold for these clusters.
2. The age of the children will remain a matter of dispute. The field investigators have listed the age on the basis of direct observation. But it is very difficult to prove the exact age of child.

Chapter 3

Study Findings



Child workers at Raghuveer Ginning Rajkot Gondal Highway, 1st March 2012

Socio-economic profile of labor force: in cotton ginning factories - Migrant/ local, male/ female, educational levels, sociological profile (SC/ ST/ other backward castes), economic background – land and other asset holding

There are five main categories of labor force in cotton ginning factories

- Unloading
- Charkha
- Fitters
- Bale making/ pressing
- Supervisory staff

Each work is performed by a separate ethnic group.

Unloading: The raw cotton comes in trucks from cotton producing areas. The trucks have to be unloaded in the shade from where cotton is picked up through mechanical conveyors and transported to the main factory. There is a committed workforce for the task of unloading. These workers are from the state of Bihar, a North Indian state some 2000 kms away. Within Bihar

they are from the districts of Phulbani in an area called Mithila. Nearly all these workers are from the Scheduled Castes¹ like Kevat and Paswan. There are no female workers in this group that comprises primarily of adult males. However at some places children were observed in this group also.

Charkha: This is the main factory part of the operation. These workers work on the raw cotton feeder at both ends. These workers can be (i) local from the surrounding villages (ii) migrants from tribal South Rajasthan and Western MP. This is the area where children get employed. Most of the workforce comprises of children and adolescents. Even from within local population, primarily adolescents do this work. Sometimes older persons who are unable to find employment elsewhere also work. There is high proportion of female workers in this segment. Each worker handles three or four charkhas. South Rajasthan is a predominantly tribal area. Tribal areas in India are the poorest within the country. The local Gujarati workers come from mainly Scheduled Caste communities like vankar and chamar. While these areas are highly industrialized, the Scheduled Caste communities are the poorest. They have very little land holding. Wage rates remain low despite heavy industrialization because of influx of a huge amount of migrant labor from outside.

Fitters: The factory segment also has a significant number of fitters. This is the technically qualified staff that monitors production and is responsible for smooth functioning of the machines. These workers have some education. Some are technically qualified while others have picked up the skill through experience. Most of these workers are from the North Indian state of Uttar Pradesh. This is again an all male workforce.

Bale making: After the cotton has been ginned, it is pressed into bales. The bales are then taken out of the factory shed into open compound where these are loaded into trucks for onward transport. This work is primarily carried out by workers from Marwar area in Western Rajasthan. There are no female workers in this segment. It is all adult males. The workers belong to *bisnoi* caste, an upper caste with significant land holding.

Supervisors: This is the supervisory staff that supervises overall operations. Mostly local workers are hired for this job.

This clear cut division of labor along ethnic lines is replicated in Gondal as well. There are minor changes. Gondal also receives workers from Bihar and Rajasthan. The movement of labor across the country is shown in the map of India. However there is a distinct change in Manavadar cluster, where nearly all workers are local. It needs to be noted that Manavadar is located furthest away from the state capital Ahmedabad in Saurashtra.

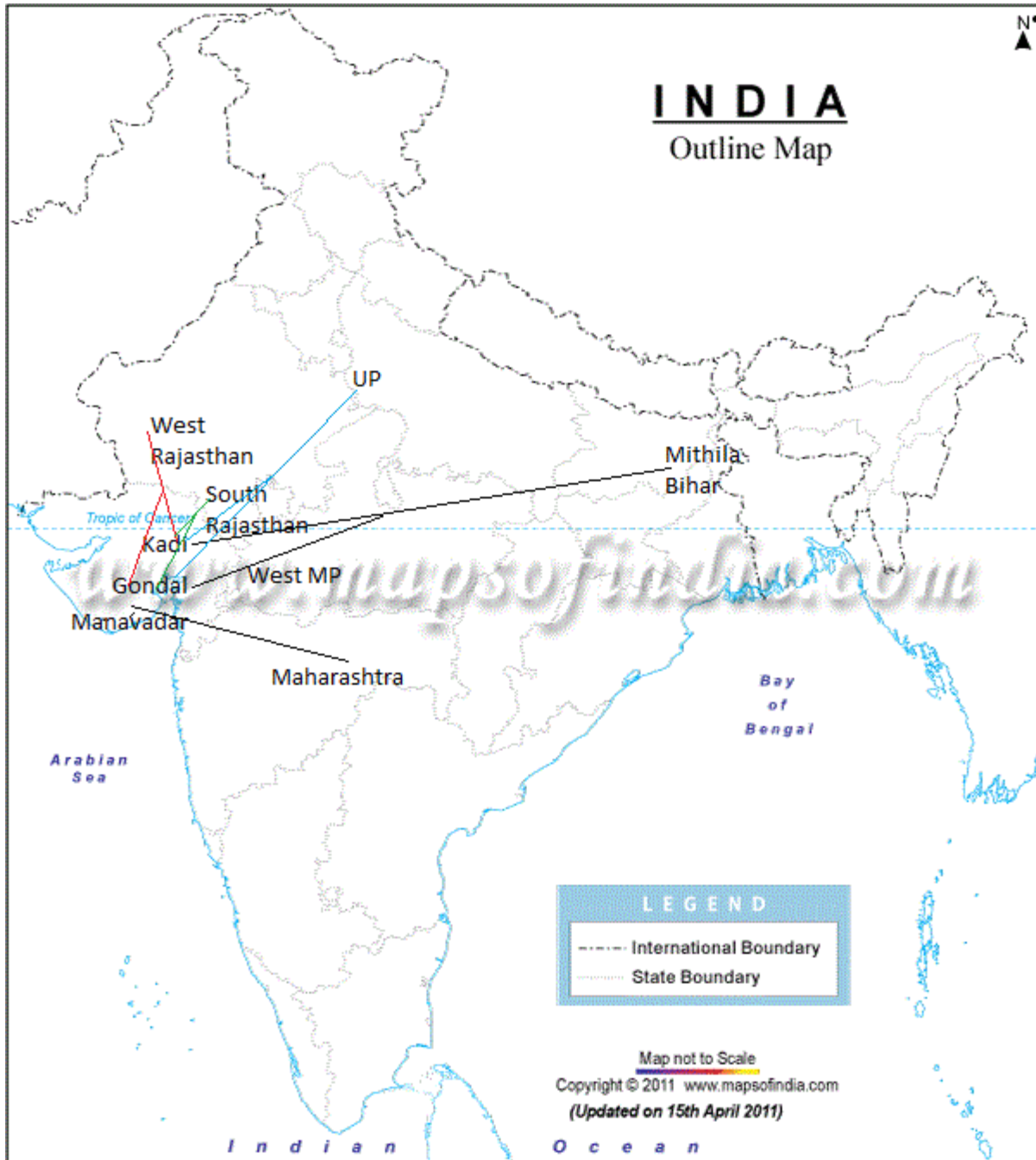
¹ Scheduled Castes are the castes at the bottom of the Indian caste system. These castes used to be considered untouchable and performed menial tasks like cleaning and scavenging.

Table 2: Socio economic profile of labor force in different clusters

Cluster/ Type of work	Charkha	Unloading	Pressing	Fitter
Kadi	South Rajasthan/ tribal	Bihar/ SC	West Rajsthan/ Upper caste, SC	UP/ upper caste
Manavadar	Local/ dalit	Local/dalit	Local/dalit	Local/dalit
Gondal	North Gujarat. local/ tribal, SC	West Rajasthan/ Upper caste, SC	West Rajasthan/ Upper caste, SC	Maharashtra/ SC

The map on the following page shows the movement of workers from different parts of the country to cotton ginning areas in Gujarat. The different colors indicate different work types.

Figure 1: Inter-state movement of ginning workers

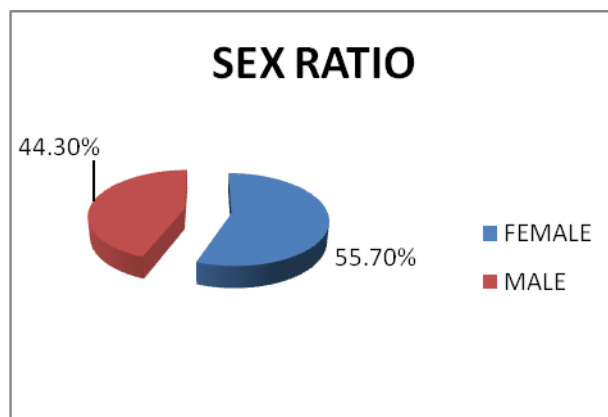


The ethnic clusters are described below

- Local dalits: The local dalit communities provide labor for charkha work in cotton ginning factories. Dalits are at the bottom of social economic ladder in plains of Gujarat. They are either landless or marginal farmers. Ginning provides employment for ether the young or the very old who cannot find employment elsewhere. In Manavadar cluster, all work is undertaken by local dalit communities. There are no migrant workers.
- Tribals from South Rajasthan and Western MP: Tribal labor is recruited to work in charkha machines. Tribal communities have traditionally remained outside the caste system. They inhabit hilly tracts where agriculture land is limited. Tribal communities form the poorest section of Indian society.
- Dalits from Mithilanchal in Bihar: The unloaders all come from the dalit community of Mithila area in Bihar state. They are a highly oppressed group back home. Most of them are landless.
- Marwari labor: There is some mixing of caste groups in this category. While the majority of labor comes from upper caste Bishnoi, there are dalits also present. It seems that the contractors are mostly upper caste while labor is mixed. Most workers will have some agriculture land. The Bishnoi community is a dominant landholder
- UP: The fitters in Kadi cluster all come from UP. They are mostly upper caste. In Manavadar cluster, fitters are from Maharashtra.

Gender profile: Female workers are employed only in charkha work. In rest of the work categories, it is males only who are employed. Amongst charkha workers, female workers are preferred and outnumber male workers as shown in figure below.

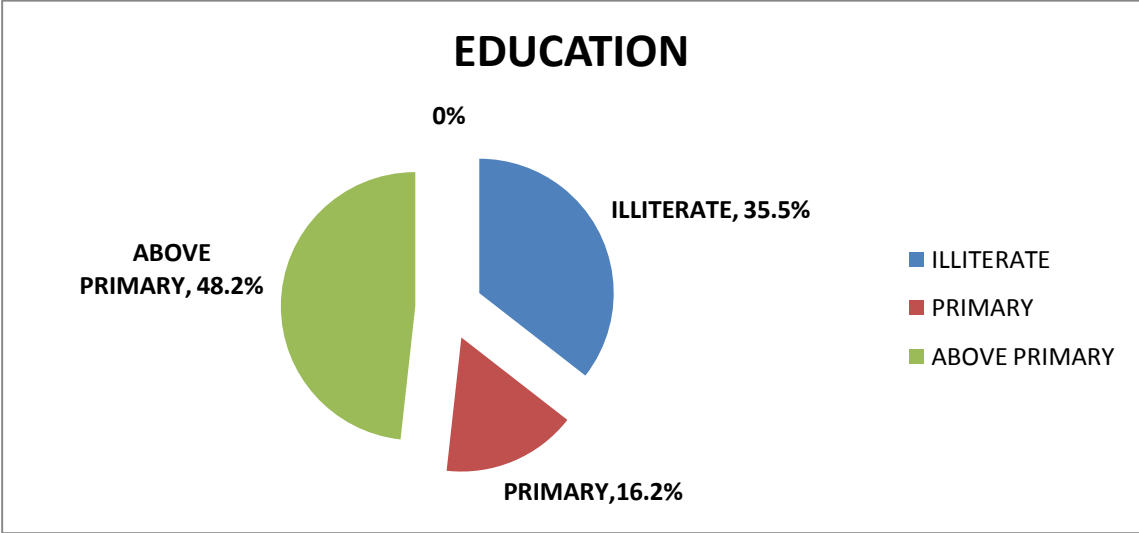
Figure 2



Source: PCLRA survey

Educational status of workers: Most of the workers come from deprived communities at the bottom of the socio-economic ladder in India – the dalits and the scheduled tribes. Amongst charkha workers, there is a significant proportion of child workers – children who have dropped out from school to start working in gins. More than one third of the total work force is illiterate. A little less than one half – 48 percent – have studied above primary level.

Figure 3

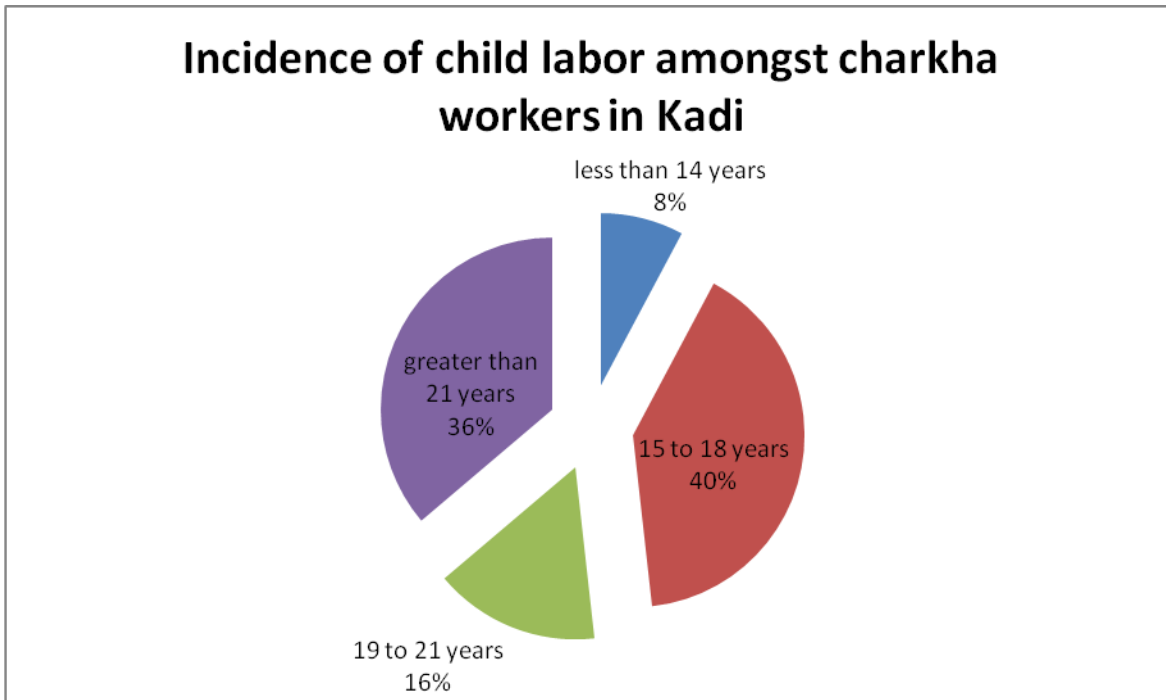


Source: PCLRA survey

Incidence of child labor

Incidence of child labor is calculated only for the charkha workers in Kadi ginning factories as it was not possible to ascertain age of workers in factories elsewhere for reasons specified earlier. The number of children below 14 years of age, the defining age for children under India's Child Labor Act, is 8 percent. However if we take children to be below 18 years of age as specified under international conventions and also under India's Juvenile Justice Act, the number of child workers goes up to the half way mark at 48 percent.

Figure 4



Source: PCLRA survey

Wages, Working & Living Conditions

Wage levels: Amongst the different categories of workers, only charkha workers are employed directly by the employers. In other categories, factory owners give work contract to contractors who get paid on a piece rate basis. The contractors in turn arrange the work crew and pay them. The workers may be paid on a piece rate basis or also on a per day basis.

Charkha workers: The wages in Kadi and Gondal for charkha workers are Rs. 120 to Rs. 140 per day for a 12 hour shift. This is much below the minimum wage level. The Government notification mandates a minimum wage of Rs. 180 for an eight hour day. As workers do a 12 hour shift, the minimum wage including overtime should be Rs. 360 per day. Thus the workers are getting less than half the minimum wages.

Unloading: The unloading workers are paid on a piece rate. They get Rs. 300 for unloading a truck by the factory owner. The trucker pays another Rs. 200. Normally a crew of 8 workers works together.

Pressing: The pressing work is contracted out to a contractor who arranges the workers. The contractor gets paid Rs. 14 for making a bale of cotton, numbering it and taking to the truck to be loaded. For loading, the truck owner pays Rs. 2000. A large truck will take 150 bales. The pressing workers also carry out the job of packing oil cake into sacks of 50 kg. The piece rate for this is Rs. 2 per bag. The workers normally work on 24 hour shifts. They are paid Rs. 100 for a 12 hour shift and Rs. 200 for a 24 hour shift.

Hours of work: A 12 hour shift is the norm in cotton ginning factories at both the locations. There is one day shift from 8PM to 8AM and one night shift from 8 AM to 8 PM.

Payment of wages: Payment of wages is done regularly. It takes place either monthly or fortnightly. There were few complaints received on this count. However in case of children, the wages are kept with the labor contractor who settles accounts at the end of the season. He can siphon off. In Gondal, it was reported that while factory owners provide to and fro fare, the labor contractor pays only for the onward journey. The workers pay for the return journey.

Living conditions: The inter-state migrant workers live in accommodation provided by the employers. This is very basic. There are 10x10 rooms provided for groups of workers. Workers from the same village/ same extended family stay together. Drinking water is available from a public tap and has to be fetched. There is general squalor all around as can be seen in the video footage taken. There are no sanitation facilities and workers have to use open spaces to relieve themselves.

Social security: There exists a number of legislations to protect workers and ensure their social security. These are the Provident Fund Act, Pension Act, Gratuity Act, ESI Act. None of these acts are followed at all in ginning industry. The workers are not shown on permanent rolls of the company.

Occupational Health and Safety

Occupational health: Cotton ginning factories provide a risky work environment with cotton particles floating around and getting into respiratory tract. The workers are not provided with any protective gear. Sustained exposure to cotton particles leads to a disease called *byssinosis*. However the prevalence of this disease is prevented by the high turnover of workers. Most charkha workers work in industry for only the short duration of their adolescence. Thus typically the girls will work only till their marriage. Common diseases that the workers are exposed to in the typical work environment of cotton ginning are

- Respiratory trouble: Normally the first exposure to ginning factory leads to problems in respiration. This goes away after medication as the workers get used to the presence of cotton.
- Skin problem: Exposure to cotton on naked limbs can produce itching and skin problems.
- Muscle pain: The workers have to work in 12 hour shifts. They manage 3 to 4 charkhas. This requires constant standing leading to pain in legs.

Accidents and injuries: Accidents are very common in cotton ginning factories. PCLRA prepared a list of 105 serious accident cases in the year 2009 and held a public hearing. Accidents continue to take place.

The survey has been able to generate information on accidents in Kadi factories. However in Gondal and Manavadar, neither the workers nor the employers were ready to share this data. As can be seen, serious accidents continue to occur in Kadi on a regular basis.

List of Accidents in Cotton Ginning Factories of Kadi in 2011-12 season

<i>Sl</i>	<i>Name of woker</i>	<i>Address</i>	<i>Factory</i>	<i>Factory Address</i>	<i>Date of accident</i>	<i>Age & Sex</i>	<i>Description</i>
1	Ajit Ramji Aegat	Paadliya, Udaipur	Amivarsha	Nani Kadi, Vidaj Road near canal		Male	Got hurt on Cheek
2	Sangita Damor	Mahudia, Udaipur	Shulabh cotton	Ankekh, Kadi, Chatral Highway		Female	Got hurt on stomach
3	Pankaj Apsa Bhagora		Bhimani Ginning	Daitroj, Kadi	Early January	25 years, Male	Leg in conveyor
4	Hira Lal	Pipalbara, Udaipur	Kot ginning	Detroj Road, Kadi	19 th February 2012	25 years, Male	Got hurt on left leg
5	Anil Mangla	Paadliya, Udaipur	Umapati Ginning	Detroj Road, Kadi	13 th February 2012	Male	Right hand totally cut
6	Harish Ahaari	Nenbara, Udaipur	Pragati ginning	Rangporda, Kadi	19 th October 2011	12 year, Male	Got hurt on finger of left feet
7	Shailesh Asari					16 years, Male	

8	Vidya Chauhan	Barothi, Udaipur	Ekta ginning	Nani Kadi, Gujrat	October 2010	Female	Got hurt on left leg
9	Bihari worker		Raja Ginning	Kadi	January	Male	Death due to asphyxiation
10	Local dalit		Sahkari Ginning	Village Rampura, Daintroj,	January	Female	Death, 3 lakh

Source: Field team of Majdoor Adhikar Manch

Three case studies are given in detail in Annexure 2.

Pattern of Recruitment

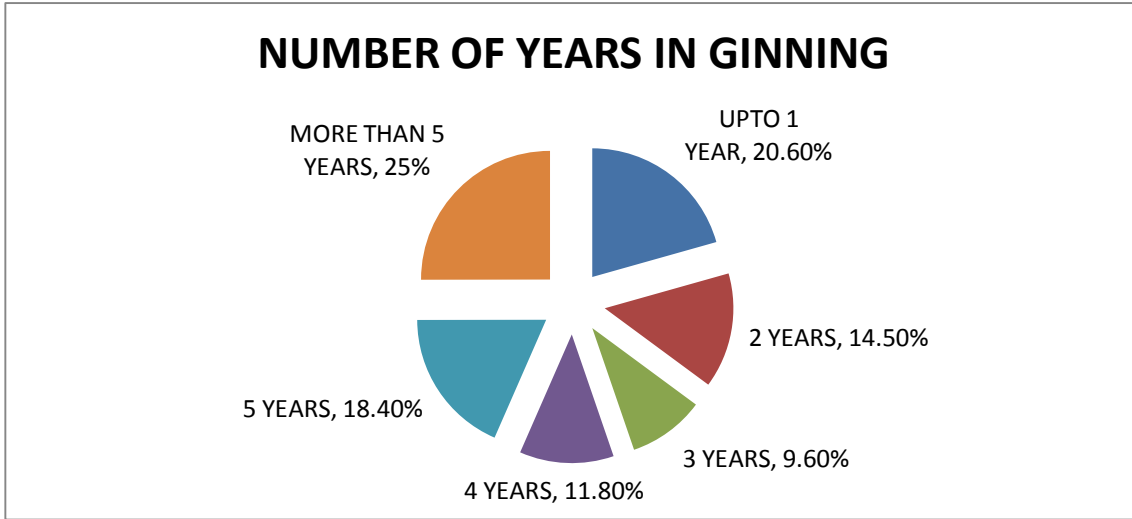
All workers, whether local or inter-state migrants, are recruited through contractors. Terms differ according to work type. In charkha work, contract is for supply of labor only. In other work, unloading, pressing, and machine maintenance (fitter), work contract is given. The contractor gets a piece rate and then hires workers. The list of labor contractors is given in Annexure 3.

Social profile of contractors: Contractors are normally from the same community as the workers. Mostly they are ex workers. Most contractors will take contracts for one or two factories. However for some of the larger contractors, this number may go up to five. There are no very large contractors. The list of contractors is attached in Annexure.

Advance: While some advance is given, it is not a very large amount. However even though advance is not large, various factors make it difficult for workers to leave once they have come and started working. The employers are not willing to let go a settled workers as this may have a direct bearing on production.

Charkha workers have a short working life. It is mostly the adolescent and very young who work. Once they grow up, they stop working. Primary reason is the low wages in the industry. The wages are too low to sustain adult workers. For example, mostly adult workers prefer to work in construction industry where they can earn up to Rs. 250 during an eight hour work day as against Rs. 120 in cotton ginning factories for a 12 hour shift. The charkha workers of Kadi were asked as to how much time they have spent in cotton ginning industry. As can be seen, only a quarter of workers have spent more than five years in the industry.

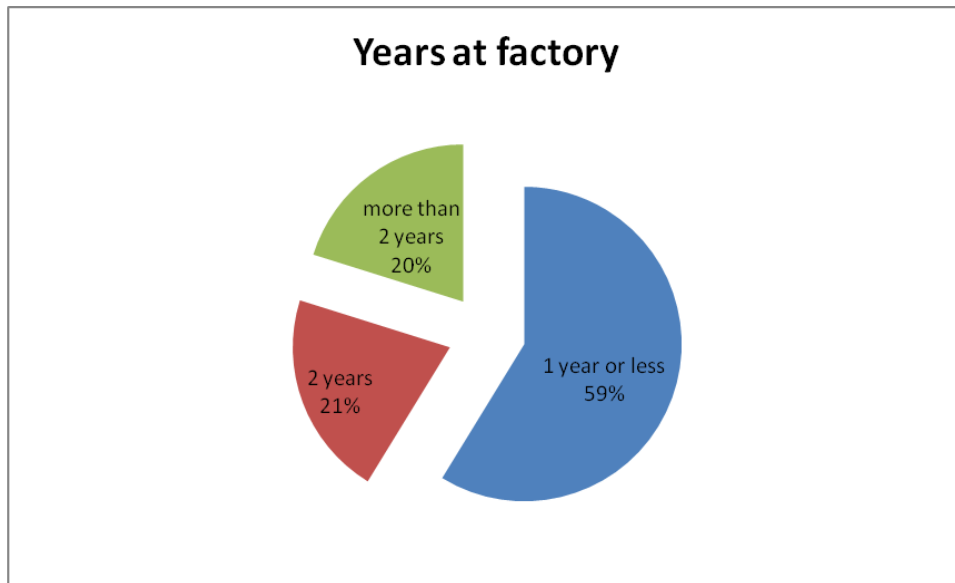
Chart 5



Source: PCLRA survey

High turnover: There is a high turnover. Workers will keep changing factories even during the short work life they have. They may change the mate or else the mate may change the factory he is working in. As can be seen in the chart below, 59 percent workers have come to the factory for the first time. Only 20 percent workers have worked for longer than two years.

Chart 6



Source: PCLRA survey

Advocacy work on behalf of workers

Prayas undertook advocacy with different stakeholders on the issue of child labor in cotton ginning factories. These included the factory owners, the Labor Department, National commission for Protection of Child Rights, and media.

Advocacy with State Labor Department: Prayas engaged intensively with the Labor Department of Gujarat state and other state agencies to raise the issue of child labor in cotton ginning industry. The report ‘Investigating Incidence of Child Labor in Cotton Ginning Factories of Gujarat’ prepared with ILRF support for the year 2010-11 was shared with (i) the Gujarat Labor Department (ii) National Commission for Protection of Child Rights (NCPCR) that made a visit to Gujarat in October 2011. The report was to be presented in a public hearing to be organized by the Commission. However the hearing was postponed following the promise of the State Government to take action on specific issues. The Directorate of Industrial Safety and Health (DISH), the wing of the Labor Department that is tasked with implementation of Child Labor Act, organized an inspection of the ginning factories in Kadi and asked a team from Mazdoor Adhikar Manch² to accompany it. This inspection took place on 13th February. However the inspection turned out to be a very cursory one. Even though there was sufficient evidence of children living inside the factory premises, the inspection team did not take any action. Mazdoor Adhikar Manch filed a separate report and wrote a letter to the Directorate asking it to incorporate this report in its findings. The correspondence with the Gujarat Labor Department is attached in Annexure 4.

BBC documentary on child labor in cotton supply chain: In the beginning of the year, Prayas team was contacted by BBC for support in filming a documentary on child labor in cotton production and ginning. The shooting was successful. The BBC team was able to get some very good shots of children working in cotton ginning factories of North Gujarat. The documentary targeted the retail brands in UK that source material from India. It sought to hold them responsible for child labor in their production chain. However as of now, it is not possible to trace the supply chain down to the ginning factory level. The news item is attached as Annexure 5.

Case of Anil Mangla, a 12 year old boy whose right hand got cut while working in a ginning factory: Almost at the same time as this superficial inspection took place, a child labor working in a cotton ginning factory, Umapati Ginning and Oil Mills, Irana Road, Kadi, Dist. Mehsana, Gujarat, met a very serious accident. The boy named Anil s/o Mangla Bhagora belongs to Scheduled Tribe. He is a resident of village Padaliya, Taluka Kherwara, District Udaipur, Rajasthan. The accident took place on 13th February 2012 at 10 AM at the charkha machine. The boy was admitted to a hospital. The employer had taken extreme care to not let anybody know

² Mazdoor Adhikar Manch (Workers’ Entitlement Forum) is the name of the general trade union promoted by Prayas. Most of the public action is carried out under this banner.

about the incident. The boy was guarded by a representative of the employer 24 hours. The Union came to know about the incident on 18th February. It immediately informed the Factory Inspector telephonically and through pots. The boy is without his father.

The serious accident provided an opportunity for lobbying. The news was covered by major newspapers in both Gujarat and Rajasthan. In fact the local daily in Udaipur head lined the news. This forced the local government to respond. A police case was filed. The Union then made a representation with the senior police officials asking that the employer should also be named in the report. So far, only the labor contractor had been named. Thus for the first time, the employer was named as an accused in the police report. The Union continued to exert pressure on the case asking for the arrest of the employer. Finally the employer was arrested in Gujarat. This was also a first. It is expected that the arrest will lead to deterrence in future. However in spite of all this action, the employer did not let go of the child labor. He continued to hold him at his premises. Prayas had to intervene again. It organized a rescue party. The boy's mother demanded custody of the child at the local police station. This forced the employer to give him up. The case was also filed with the NCPCR that asked for a report from the Labor Department. The relevant news paper cuttings, letters, action taken report filed by the Labor Department are filed as Annexure 6. A photo feature capturing the events of the day when the boy was handed over by the employers to his mother is attached as Annexure 7.

Chapter 4

Recommendations



Anil Mangla who lost his right hand in Umapati Ginning Mill Kadi comes out of the police station Kadi accompanied by his mother after being rescued by Prayas, April 13,2012

The industry seems to be generating profits by accessing tribal labor, especially female labor, at very low wages. Pathetic working and living conditions, high rates of accidents, highly insensitive post accident processes and rehabilitation of accident victims, non-payment of minimum wages – these are some of the major abuses of workers’ rights taking place in cotton ginning industry. While the condition of workers in informal sector in all sectors is bad, cotton ginning sector seems to be especially immune from all labor legislation. The reason seems to be the ownership pattern of ginning industry. The ownership of ginning industry is almost completely monopolized by the Patel community, the dominant landed caste in Gujarat. This Community exercises a strong grip on political power. A number of elected representatives from this community are the mill owners.

The study findings point towards a number of areas where advocacy work will be needed. These are

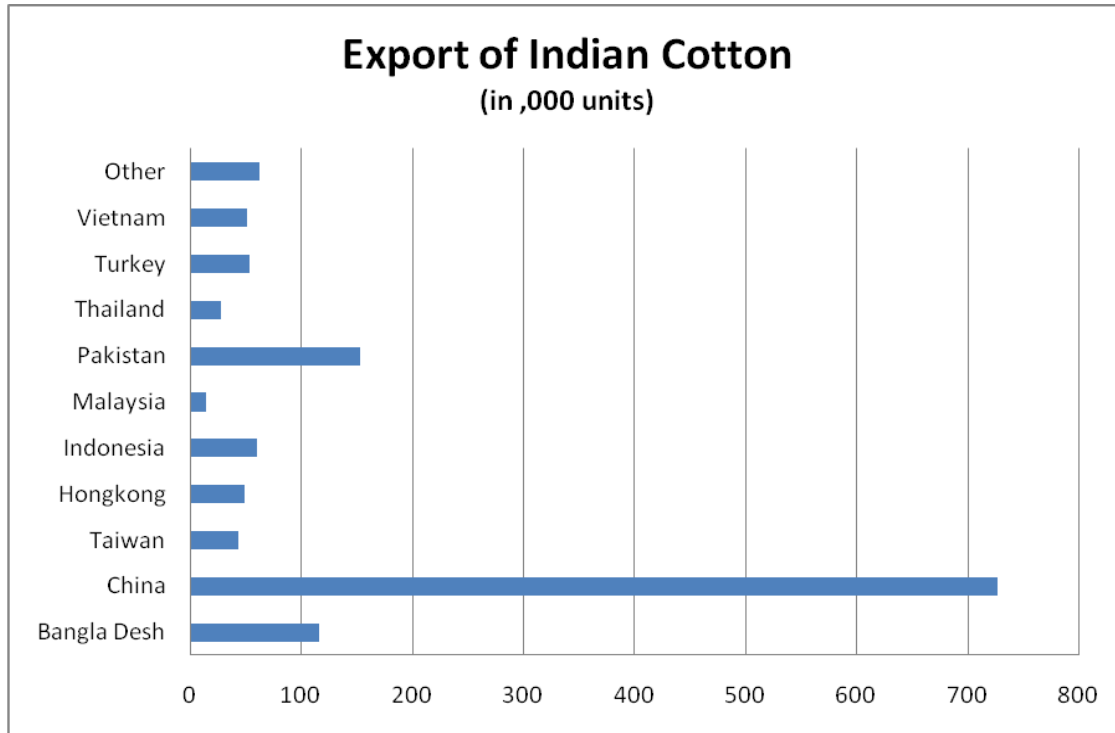
Child labor: There is high incidence of children below 14 years employed in cotton ginning factories. Employment of children below 14 years in factories is prohibited under the Child Labor Act in India. The Right to Education Act makes it mandatory that all children below 14 years must be in school. Even employment of children between the age of 15 to 18 in factories is highly problematic and needs to be opposed. However so far it has been very difficult to track children inside factories. There is need to think of novel ways by which this issue should be brought up.

High incidence of accidents: Accidents continue to take place frequently in cotton ginning industry as shown by the list of accidents in Kadi. There is need for great amount of advocacy work with all the stakeholders – employers, state agencies, and workers. Prayas has already undertaken a study on accidents in cotton ginning factories. However there remains the need to force the employers to address the issue. The Central Textile Ministry sponsored a technology up gradation program called Technology Mission in Cotton (TMC). It is unfortunate that this program has not impacted the accident rate in any manner. Workers’ safety obviously was not a focus of this program.

Low wages: The wages of most of the workers in ginning factories is below statutorily declared minimum wages. There is need to take action on this front. Low wages is the primary reason while only children and adolescents come to work on charkhas. If the Minimum Wages Act is implemented fully and wages rise, the adult workers will be attracted to work in ginning factories.

Export market: The advocacy work on poor work conditions in ginning industry can be impacted by the fact that the output is exported. India has become a major cotton exporting nation with exports to more than 50 countries. Therefore the issue of labor conditions is likely to become sensitive. While raw cotton is mostly exported to South Asian countries and China (see chart on following page), the final product cotton cloth reaches most of the developed world.

Figure 7



Source: Cotton Corporation of India web site

Tracing the movement of cotton up the product chain right till the final retailer: As of now, there is no knowledge about the upward movement of cotton after the ginning process. While some of this cotton gets exported, most gets used within the country in spinning and weaving mills. Tracing the movement of cotton up the processing chain will make it possible to link child labor with the final retailers and undertake advocacy work with them. The BBC documentary attempted this linkage.

Organizing the workforce: This is the greatest need. Organised workforce can best tackle the multiple levels of oppression. In absence of pressure from workers, no policy advocacy will be successful. However it is clear that organization only at work place will not be easy. It has to be supported by also contacting workers at their homes.

Annexure 1(a): List of Cotton Ginning Factories Covered in the Study

<i>Sl</i>	<i>Name of the factory</i>	<i>Owner</i>	<i>Location</i>
1.	Amivarsha	Bharat Bhai Patel	Nani Kadi, Vidaj Road near canal
2.	Gopal Cotton	Vipul Bhai Patel	Kadi, Chatral Highway, Karan Nagar
3.	B.T. Cotton	Babu Bhai Patel	Ankekh Village, Kadi Chatral Highway
4.	Govardhan Ginning	Mukesh Bhai Patel	Kadi, Chatral Highway, Karan Nagar bus stand
5.	Sulabh Cotton	Vishal Bhai Patel	Ankekh Village, Kadi Chatral Highway
6.	Dhanraj Ginning	Govind Bhai	Kundal village, Kadi Chatral Highway
7.	Uday Cotton	Paresh Bhai	Irana Road, Budasan
8.	Sahyog Ginning	Bhavesh Bhai Mansukh Bhai	Mitdi Road, Manavadhar, Junagadh
9.	Rewa Ginning	Ashwin bhai	Mitdi Road, Manavadhar, Junagadh
10.	Mayur Ginning	Bachu Bhai Sukabhai Agoliya	Mitdi Road, Manavadhar, Junagadh
11.	Kuldeep Ginning	Jamnabhai Ramjibhai Vikani	Mitdi Road, Manavadhar, Junagadh
12.	Paradize Ginning	Kanti Bhai Bakora	Mitdi Road, Manavadhar, Junagadh
13.	Raghuvir Ginning	Anil Bhai Dhirubhai selanii	Gondal Highway, Umbada Chokdi, Rajkot
14.	Gordhan Ginning	Dhiru Bhai Mayur Bhai	Gondal Highway, Umbada Chokdi, Rajkot
15.	Jalaram Cotton	Bhavesh Bhai Jala	Bhojpara village, Gondal Highway, Rajkot

Annexure 1 (b)

**Factory
schedule**

Name of surveyor				Date of survey			
Name of the							
1	factory						
2	Owner						
3	Location						
4	Date established						
5	Capacity						
6	Shift hours						
7	Labor profile						
Sl	Types of labor	No. of workers	Source	Contractor name and address	Wage rate	Contacts names and mobile	-
1	Charkha						
2	Unloading						
3	Loading						
4	Supervisor and office staff						
8	No of accidents in last five years						
Sl	Year	Name of worker who met with accident	Nature of accident	Disability caused	Compensation paid by employer		

Labor Schedlue

Factory name and location

1	2	3	4	5	6	7
Sl	Name	Type of work - charkha 1, unloading 2, loading 3, other 4	Sex	Age	Caste	Education

1
2
3
4

8	9	10	11	12	13
Resident of			Since how many years are you working in ginning factories	Since how many years are you working in this factory	Current wage
Villag e	Tehsi l	Distric t			

14	15	16	17	18	19	20
Accident history					Contract or name	Remarks
Did you meet any accident when working -yes/no	If yes then describe	Compensati on received	Did you witness any accident since you have been working - yes/no	have	If yes then describe	



Description:

Hareesh Ahaari (victim) gets Rs.120 daily wage as a charkha worker. He was putting cotton inside the machine, suddenly he slipped and his left leg went inside the machine. He fainted on the spot as his left got badly hurt. Bharat (a fellow labor) took him to hospital. He got operated, doctor told him to take rest as his veins have got cut. He was hospitalized for four days. All the expenses were born by contractor and owner. All the hospital documents are with the contractor (Pancha Ram).

Case Study- 3

1. Name of labor:
Ans. Vidya d/o Laxman Singh Chauhan
Age: 14 Sex: Female
2. Hamlet/Village:
Ans. Neechla Talaab
Panchayat Samiti: Barothi, Block: Kherwada, Udaipur (Rajasthan)
3. Type of wound:
Ans. Got hurt on left leg
4. Is there any type of disability? If yes, what type of?
Ans. No
5. In which mill this accident occurred? (Full Address)
Ans. Ekta ginning mill, Nani Kadi, Gujrat
6. Time of accident (Month and Year):

Ans. October 2010

7. Name of mill owner:

Ans. Ramesh Bhai, Village- Nani Kadi, Gujrat

8. Name and address of contractor:

Ans. Laxman Singh Sishodia s/o Bade Singh, Village- Neechla Talaab, Gram Panchayat:
Barothi, Block- Kherwada- Udaipur (Rajasthan)

9. Mill owner helped provide medical treatment? Yes/No

Ans. No

10. You received any compensation from the Mill owner? If yes, how much?

Ans. No

11. Do you still work in ginning mills?

Ans. No



Vidya and her injured feet

Description:

Her daily wage was fixed by her mother and Laxman (contractor) and she was sent to Ekta ginning mill to work as a charkha worker. One day she was cleaning the charkha and suddenly she fell on it. She got hurt by a nail on her left leg, she fainted on the spot. She doesn't remember what happened after that. Her mother also worked in the same ginning. All the money settlement and compensation with the owner was done by her mother. She was taken back home and got treated in a hospital.

Annexure 3: List of Ginning Contractors

S.no.	Name of Contractor	Contractor Address	Name of Factory	Type of Works	Mobile Numbers	Other Info.
1.	Jivabhai Halji Hadat	Mahudia Kherwada	Amivarsha		9724547631	
2.	Kamlesh Bhai	Bavalwada, Padliya	Gopal Cotton		9726339105	
3.	Pasha Ram	Dungarsir	B.T.Cotton		8141311712	
4-5.	Kamlesh Bhai, Raju Bhai		Govardhan Ginning		9726339105	
6-8.	Amrutlal, Pashu Bhai, Takshi Bhai	Mahudia, Kherwada	Sulabh Cotton		9099420839	
9-10.	Dinesh, Navneet	Bihar	Dhanraj Ginning			
11.	Ashok Bhai	Panchpadla	Uday Cotton		8239838262, 9925508258	
12.	Hira Bhai Miyatra	Mitdi, Manavadhar, Junagadh	Sahyog Ginning			
13.	Narendrabhai Hira Bhai Miyatra	Mitdi, Manavadhar, Junagadh	Rewa Ginning			
14.	Magan Bhai Manji Bhai Chauhan	Mitdi, Manavadhar, Junagadh	Mayur Ginning			
15.	Hira Bhai Miyatra	Mitdi, Manavadhar, Junagadh	Kuldeep Ginning			
16.	Narendrabhai Bhai Miyatra	Mitdi, Manavadhar, Junagadh	Paradize Ginning			
17-20.	Shardaben Manji		Raghuvir Ginning		8911042590	

	Bhai, Jagdish Bhai, Chandrapal					
21-24.	Jayaben Govabhai Bariya, Satyam Bhai, Golu Bhai, Jhada Bhai/Dilip Bhai		Gordhan Ginning		9979354189, 9033466021, 9724519950, 9537856878	
25-28	Devuben Rathod, Subhashbhai Garvadi, Devuben Rathod, Mamtaben Chauhan		Jalaram Cotton		8306179232, 9601153131, 8306179232, 8140445898	