

**Children migrating for work from Dungarpur district,  
Rajasthan, to Gujarat: A Report**



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## **Children migrating for work from Dungarpur district, Rajasthan, to Gujarat: A Report<sup>1</sup>**

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### **Introduction**

The increasing incidence of seasonal migration of adivasi children from southern Rajasthan has been a cause of great concern. Most of these children are below the age of fourteen years. They migrate for 2-3 months to work in the BT cotton farms in the districts of Banaskantha and Sabarkantha in the state of Gujarat. The work is extremely hazardous as both adults and children work in pesticide-sprayed fields from dawn to dusk. Migrant workers also live on the farms in sheds. In the month of September, 2007, the Chairperson of the National Commission for the Protection of Child Rights (NCPCR), a representative of an NGO, M.V.Foundation, and this researcher had visited Gujarat to ascertain the extent of child labour in the BT cotton fields. However, the farmers were given advance warning that a team was visiting from Delhi on a fact-finding mission. As a result, although we traveled through the BT cotton belt, we did not see many small children on the farms. The farmers, however, later informed us that they had asked the children to go home before the team arrived. They admitted that they used child labour for cross-pollination work. Some of them told us that if child labour were removed, they would have to stop doing cross-pollination, as child labour was critical for this work. Children were short and could easily cross-pollinate the flowers without having to bend too much. Their bodies were more flexible and they did not complain as much as adults, they argued.

At a public hearing in September, 2007, organized by the Dakshini Rajasthan Majdoor Union (DRMU) and local NGOs, it was evident that child labour on BT cotton farms was rampant. There was however complete denial by the Gujarat Labour Department regarding the incidence of child labour on the BT cottonseed farms. However, since the atmosphere was charged and workers could not speak openly about their working

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<sup>1</sup> This Report has been prepared at the request of the National Commission for the Protection of Child Rights (NCPCR). This research would not have been possible without the active support of the Dakshini Rajasthan Majdoor Union (DRMU). My special thanks to Sudhir Katiyar, Madan Vaishnav and Kalulal Kote for providing the data as well as arranging for the field trip and meetings. The detailed reports prepared by Ashok Khandelwal and Sudhir Katiyar on seasonal migration from Dungarpur to Gujarat provided valuable background material, which made writing this report much easier. The photographs used in this report are courtesy DRMU. I would also like to thank the National Commission for the Protection of Child Rights for giving me the opportunity to analyse the situation and prepare this report.

conditions or the incidence of child labour, it was decided by NCPCR that it would be useful if an independent investigation was carried out in one source district, such as Dungarpur, to ascertain the extent of the existence of child labour in the BT cotton fields as well as to understand the hardships, if any, the children faced. This researcher was asked by NCPCR to prepare a report based on first-hand discussions with middlemen who take children to work, parents and children themselves. Fieldwork was to include discussions with district officials. The Report was to provide recommendations for action.

### **A Note on Fieldwork**

The fieldwork was done between 1-3 December, 2007. We visited the following villages: Gandheri, Piyola, Sendola, Navapadar, Badgama (Main) and Kesarpura in Kuan and Biliyabadgama panchayats and interviewed parents, children, school teachers, mates and one Sarpanch. Our interviews must be read with some caveats. Our field visits were only for 3 days and we were taken to the villages by mates who were both recruiting agents and relations of the children. Although these mates had been sensitized by virtue of Union activities, nevertheless their presence as well as that of the parents of children could well have inhibited the children we met from speaking freely and fearlessly. All the interviews with children were in the presence of their parents and this is perhaps one of the reasons why children did not speak openly about the conditions they worked under. This report, therefore, also relies heavily on other research findings and the testimonies of children at the public hearing organized in Jaipur in August, 2007, and the public hearing organized in Ahmedabad in September, 2007.

### **Background**

Dungarpur district lies in the adivasi belt of southern Rajasthan bordering the state of Gujarat. The three main blocks from where migration is rampant are Bichhiwada, Simalwada and Sagwada. According to a report prepared by DRMU, the major source of household income in these areas comes from migration, which accounts for 54 percent of the income. Other sources of household income include agriculture (19 percent); local wage labour (14 percent); other sources (domestic work, brick-making, working in factories) account for 8 percent and animal husbandry accounts for 5 percent of household income. More than one member of the household migrates. Eighty percent of migrants from the southern Rajasthan adivasi belt are males. Female migration is largely as part of family labour. Migrant labourers are in the age group of 20-40 years as they are expected to do hard manual labour. Very few older people migrate.

Migration is the main source of household income in this adivasi belt but estimates vary. One study puts it as responsible for two-fifths of the total household income.<sup>2</sup> While drought definitely increases the incidence of migration, this is no longer a drought-

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<sup>2</sup> UNDP HDRC(2002) "Aajeevika- Livelihoods in Rajasthan: Status, Constraints and Strategies for Sustainable Change" Aravali. UNDP HDRC Discussion Paper Series-6

induced phenomenon. According to the UNDP-HDRC Discussion Paper, “increasingly it is becoming integral to the work cycle of thousands of rural males, who migrate to augment household incomes and this is occurring even among castes who normally do not undertake wage labor. As communication networks improve and even remote villages become accessible by road ...migration is becoming a regular feature of the rural economy in the State.”<sup>3</sup> The report further says“... in the Tribal South, migration is almost universal amongst tribal families in view of the total lack of local livelihood opportunities. In the same areas, non-tribals also migrate, but for other reasons, e.g. in search of better opportunities.”<sup>4</sup>

The adivasi belt of southern Rajasthan is the traditional catchment area for supply of manual labourers to Gujarat. Since the demand for manual labour is increasing, the catchment area is expanding.

Both adivasis and non-advasis of Dungarpur migrate. Adivasis migrate due to distress conditions and non-advasis migrate to improve their livelihood opportunities. While adivasis do manual work, both skilled and unskilled, non-advasis migrate to set up small businesses or find semi-permanent employment in commercial and industrial establishments.<sup>5</sup> Interestingly, there is a very close link between the non-advasi migrants who set up small groceries and eateries in Maharashtra and Gujarat and adivasis because they recruit adivasi workers from their villages to work in their establishments. For instance, the Brahmin community of Sagwada panchayat samiti runs a number of hotels and teashops in the Mumbai-Pune belt. These shop owners bring adivasi villagers from their home villages. According to the DRMU report, “non tribal semi permanent workers in industrial and commercial establishments often work as labour suppliers on a small scale – bringing workers from their home areas.”<sup>6</sup> This is also to be found in the Surat textile market. Since the Ahmedabad highway runs through Bichhiwada block, Ahmedabad and its surrounding areas are preferred destination for migrants from Bichhiwada block.<sup>7</sup> Brick-making is yet another enterprise that attracts workers from the bordering areas of Simalwada and Bichhiwada.

### **Cycle of migration**

Work in agriculture (BT cotton), construction and brick-making is seasonal. Between July and September, workers migrate to work in the BT cotton fields in North Gujarat and Saurashtra. This workforce returns in October, just before Diwali. In November, after Diwali, the workers migrate to work in the brick kilns. They go in groups of 4 to 6

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<sup>3</sup> Ibid.,p.15

<sup>4</sup> Ibid.

<sup>5</sup> This section draw extensively from a report on migration prepared by the Dakshini Rajasthan Majdoor Union (DRMU).

<sup>6</sup> Ibid. p.23

<sup>7</sup> Ibid. p.23-24

people. Children sometimes accompany parents and sometimes they are left behind. This work continues till April when workers return home.

Work in *dhabas*, hotels and factories as also domestic work can be found year round. However, migrants usually work for 4 months at a stretch and then return for two weeks. They often make back-up arrangements while they take a break.

## **Methods of recruitment and conditions of work**

### **Payment of advances**

There are primarily two modes of recruitment – through contractors or with the help of friends and relatives. In the case of cotton pollination work, there is an established system of recruiting agents/ contractors popularly known as **mates**. Recruitment of children is done through mates, who are local adivasis in the age range of 30-45 years. The recruitment works through a system of advances. Owners of cotton fields in Gujarat and their agents visit adivasi villages before the cotton pollination season begins.

We met mates, parents, children and workers of DRMU. The following is a summary of discussions held. Everyone told us that recruitment of all labourers, adults and children, was done through mates who were close relations of the labourers. The practice of recruiting labour started more than 20 years back. In July every year, labour was required for BT cotton and the mates were paid Rs. 4 per head for labour per day. Nathu, one of the mates, told us that he himself took approximately 50 labourers for BT cotton. Two years ago, most of the workers were in the age-range of 10-12 years. He would give Rs. 500 as an advance to parents. All the workers were related to him. In Simalwada Panchayat Samiti there were at least 400 mates whose main task was to take labour for BT cotton to Gujarat.

Motilal Sawa Damor is a mate and lives in Kesarpura village. He has been a mate for 8 years and routinely takes labour to Gujarat. He used to take labour to the ginning factories but he had a bad experience when the Seth didn't pay the promised wages so he stopped taking labour to the ginning mills. He used to take 40 workers of whom 4 were children in the age group of 10-12 years. Now he takes labour to the BT cotton fields. All the labourers belong to his extended family.

Vasudev Kachraji Dhamar of Village Badgama (main) has worked as a mate for 20 years. His major occupation, apart from managing his own fields, has been providing labour for BT cotton fields. In 2007 he took 55 labourers to Phiona, Deodhar Tehsil, Banaskantha district. He said, "The Patel (landlord) comes every year or he asks us to come and discuss labour issues. I was planning to take 3 children this year in the age group of 12-13 years but the Union told us that we should not take children to work so I sent them back to their parents. Since the BT cotton work is only for two months, these children stayed at home." Vasudev Kachraji Dhamar said that when he first started taking labour to the BT

cotton fields some 20 years back, all the labourers were in the age range of 8-10 years. Now the percentage of children migrating to work in the BT cotton fields has reduced.

He went on to say, “mates used different ways of recruiting child labour. The best way is to persuade the parents to let the child go for 2 months. Sometimes, if parents don’t let the child go to work but the child is keen, then mates tell the child where to meet them and then children are taken away without parental knowledge. But this is dangerous and does not happen too often.”

According to the DRMU report,<sup>8</sup> 50 percent of the work is found through friends and relatives, 37 percent through contractors, 10 percent come in the “other” category such as hotels where employers/owners of hotels bring labour from their own villages. Only three percent of workers go to cities and stand at the ‘*nakas*’ or ‘*chowkies*’, which are designated points in cities where workers gather in the morning in search of work.

As the report says, “typically mates receive Rs. 10,000 as advance in lieu of supply of 50 children. The mates in turn advance money to parents. Rs. 200 is given as advance for every child to the child’s family. The mates take the children to destination areas through jeeps and mini trucks that they hire for the purpose. The mates earn a commission of Rs.5 per day of employment per child. The expenditure they incur on transport arrangements is reimbursed.”<sup>9</sup>

### **Payment of wages**

In Gandheri village, Kuan panchayat, Simalwada we met Gautam Halia who has 4 sons and 3 daughters. His 10-year-old son, Kalpesh, said that he had just returned from Gujarat after working in the BT cotton fields where he was paid Rs. 50 per day. He has been going for the last 3 years with Nathu, the mate.

We were told that adults and children received equal wages. However, children worked longer hours. One of the reasons why child labour was rampant in the BT cotton fields was that agricultural wages in Gujarat were very low and adult labour was therefore hard to find. Only adivasi adult labour from Rajasthan who could not find local work would work in Gujarat. Because of Union activity, the wages have now doubled from an earlier amount of Rs. 25 per day to Rs. 50 per day.

There was a differential wage paid to Gujarati labour and Rajasthani labour. Gujarati labour got paid Rs. 50, while Rajasthani labour got paid between Rs. 35 and Rs.40 per day. Gujarati labour worked from 8 a.m. to 5 p.m., while Rajasthani labour worked from

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<sup>8</sup> This section draws extensively from the report prepared by Ashok Khandelwal, Sudhir Katiyar and Madan Vaishnav’s (2007) “Child Labour in Hybrid Cottonseed Production in Gujarat. Tracing linkages between Companies and Inter-State Migrant Tribal Child Labour”, Dakshini Rajasthan Majdoor Union, unpublished report, November.

<sup>9</sup> Ibid. p. 36

5 a.m. to 7 p.m. The main task for the Rajasthani labour was cross-pollination. Sharecroppers known as *Bhagiyas* did other agricultural work like weeding and watering the plants. Earlier, Gujarati farmers paid travel costs for coming and going. Now, only one-way travel is paid for by the farmer and the cost of the return journey has to be borne by the labourer.

Babulal, a mate, takes the whole family as women are required to sweep the cotton dust from the floor of the mills. The work continues for 9 months. Most of the workers he has taken are 12 years and above. The ginning mills work round the clock. However, day shifts are done by Gujarati labour and night shifts are done by Rajasthani labour. Workers get paid Rs. 70 for working a 12-hour shift.

Vasudev Kachraji Dhamar said that in BT cotton only the Patels make money. Labour gets nothing. A careful labourer, if he doesn't get sick, can save a maximum of Rs. 1000 in two months. Otherwise the maximum is about Rs 500-600.

### **Hours of work and living conditions**

Children are in great demand because they can be made to work longer hours than adults. Beatings and verbal abuse were reported to us by the mates who took children to work. According to Nathu, a mate, "Children work harder and therefore they are in great demand. They have to get up at 5 a.m. to check if the flowers are ready for cross-pollination and start work immediately. Adult labourers will not get up so early in the morning. Children are easy to bully and harass. A slight kick is enough to wake them up. Adults can't be treated like that." Vasudev Kachraji Dhamar, a mate, said, "Work starts at 4 a.m. when children are woken up to see whether the flowers have opened and then work continues upto noon. Labourers start again at 2 p.m. and work till 7 or 8 p.m. Labourers get very tired." Children, adolescents and adults live in makeshift accommodation on the farms, which are far away from the villages. They are completely isolated.

### **What children do on BT cotton farms in North Gujarat**

The work involves opening of the female buds, marking the buds with red tags, collecting male flowers and sprinkling the pollen from the male flowers onto the female buds. The collection of male flowers is done at dawn.



Cross-pollination work in progress





Cross pollination work in progress

**Working conditions: health hazards and sexual harassment**

We tried to ascertain the extent of harassment of workers, particularly sexual harassment of child and adolescent workers. However, it was difficult to get any precise information. This has perhaps partly to do with the fact that we were accompanied by mates and did not meet children alone. Adults were also reluctant to talk of harassment, particularly sexual harassment. While we were told that landlords harassed workers, no one was willing to give us very precise information. Some newspapers reported cases of sexual harassment but it is difficult to estimate the extent of the problem as neither children nor

parents wanted to broadcast this information.<sup>10</sup> According to Ashok Khandelwal and Vijay Goyal, “the main hazard is from frequent and heavy spray of pesticides/insecticides. Instances of children inhaling dangerous pesticides are not uncommon. The other major problems arise from sleeping in makeshift arrangements in open making young workers susceptible to insect and snakebite. Cases of sexual exploitation and even deaths are regularly heard.”<sup>11</sup> Some testimonies of children at public hearings brought out the horror and agony faced by children. One 14-year-old girl reported to the Chairperson of NCPCR at a public meeting in August, 2007, that a ginning factory owner sexually abused her 12-year-old sister and she died as a result. The factory owner provided transport upto half the way. The factory owner called her and asked her to take her sister’s body back to the village. She walked half way home carrying the dead body of her sister till she reached her village in Dungarpur district.<sup>12</sup>

As noted above, beatings and verbal abuse were reported to us by the mates who took children to work. Babulal, another mate, takes labour to the ginning factories. He said, “there are cases of harassment but it is very difficult to get much information as the concerned girls don’t tell anyone and if the family knows, they don’t want to advertise the fact. If a girl dies of sexual abuse, then of course there is the question of compensation and then we find out. Sexual abuse of girls takes place only if the mate is not around.”

Vasudev Kachraji Dhamar, a mate, said “every year one or two children die because of illness. At home children live in fresh air. The BT cotton farms are all sprayed with pesticides every eight days and the air is full of pesticides. That’s why workers get ill and children are more vulnerable so sometimes they even die.” Further, he said, “If the mate is there, then things are not so bad, but for any reason if the mate leaves, then the workers get harassed.” However, he pointed out that there was possibly a one in a hundred case of sexual harassment as the Patels (landlords) also depended entirely on Rajasthani labour and could not afford to get a bad reputation. What is, however, common is non-payment of wages by the Patel in which case labourers have to walk back home some 300 kilometres without any money.

Motilal Sawa Damor, a mate from Kesarpura village, said “Patels also abuse children if they don’t complete the work. They will shout at them and even hit them if the flowers are left un-pollinated. Children don’t say anything. But adults can’t be treated like this. That is why Patels like children.”

Lalita, who is now 20 years old, said that she has been going for BT cotton work for the last 7 years. She got married last year so now she goes with her husband. All the children who went from her village were 11 years old or more. Out of a group of 50 labourers, at least 12 would be young children. There were equal numbers of girls and boys. If they

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<sup>10</sup> Indian Express (2007) *NHRC raps Rajasthan, Gujarat governments*, 6 September

<sup>11</sup> Khandelwal, Ashok and Vijay Goyal (2007) “Child Labour in Rajasthan”. A preliminary analysis of census data. Presented at the public hearing on child labour in Rajasthan organized by the Dakshini Rajasthan Mazdoor Union, 3<sup>rd</sup> August 2007 at Jaipur, pp7-8

<sup>12</sup> Personal communication from Shantha Sinha, Chairperson, NCPCR.

got ill because they had to work outdoors or got bitten by snakes, they would just lie around under the thatch that was provided till the mate or farmer got them treated. The money for the treatment was cut from their wages.

The Patels also give a lot of work and the labourers are not able to finish the quantum of work given. Each worker is given 3 or 4 rows of plants in long stretches and it is not physically possible to do so much work, especially for children.

According to Ashok Khandelwal and Vijay Goyal (2007 “these children are literally trafficked. The movement is in the dead hours of night. Parents are by and large not aware where their children are being taken to.”<sup>13</sup> p.7



Girls and boys travelling at night to Gujarat

All the adults and children we met admitted that work on BT cotton fields was not easy. Long hours of work in a polluted environment led to sickness and ill health. While the landlords provided medical facilities, all the costs of treatment and medicines were cut from the wages of the workers. This did not leave them with much by way of savings. If a worker died, then the landlord would ask the mate or other workers to take the body back to the village. He himself would not take any responsibility or pay any compensation. The mates did not want to discuss the issue of health hazards or

<sup>13</sup> Khandelwal, Ashok and Vijay Goyal (2007) “Child Labour in Rajasthan”.A preliminary analysis of census data. Op.cited ,p.7

harassment in any detail as they obviously did not want to incur the wrath of the landlords for whom they were recruiting labour.

**Human Rights Violations relating to BT farms : Testimonies of child labourers at the Public Hearing held in Ahmedabad in September, 2007**

At the Public Hearing organized at the Behavioural Science Centre, Ahmedabad, several children reported how they were virtually abducted by mates on false pretences and taken to work in Gujarat.

**Box 1**

Ambalal Rajulal Palaat is 12 years old and belongs to Village Goran, Jhadol Taluka, Udaipur District. He said, “ I was studying in Class IX when I met Rooplal/Nana of Lakhmara, a mate, during the summer vacations. He enticed me by saying that he will take me on a pleasure trip. There were 15 of us boys and girls. So I left home without permission and information. But Rooplal actually took me to the BT cottonseed farms for cross-pollination work in July, 2007. He left me there and went away. This farm was in Jaalmore village of Sihori Taluka, Banaskantha District. I worked there for 25 days and then the mate Rooplal came and took me home. I learnt that my parents had scolded Rooplal for taking me without permission. During my stay on the seed farm, I got no wages but was given food by the landlord.

**Box 2**

Somabhai Thawrabhai Pargi, age 12, belongs to Gudapida village, Simalwada Taluka, Dungarpur District. He said, “ I live in Gudapida village and grazed cattle for my family. Some of my friends (Pravin, Ishu, Shankar, Santilal) and I used to go in a group with our cattle to the outskirts of the village. During this time, we met one Kanubhai Gautambhai Kharadi who told us about the possibility of employment for us on BT cotton farms in Gujarat. He convinced us that this was a good option for us and three of us went with him on the bus. Kanubhai, the mate, brought us to a farm in Village Jasaali, Deodar Taluka, Banaskantha District.

Our parents were unaware about this and the mate also did not tell our parents. The mate did not give any advance to our parents. We worked for one month in the farm and did cross-pollination work. We were harassed by the farm owner who beat us and confined us in a room. We could neither purchase rations nor get enough food to eat. No payment was made to us during that period. Frustrated and tired, all three of us abandoned our work one day and fled on foot from Deodar to Himmatnagar town. From there, we returned home by traveling on trucks.”

There were several other children who gave testimonies at the Ahmedabad public hearing in the presence of Labour Department officials. One of them was the father of a boy who had died at the work-site. His testimony is given below.

### Box 3

Khatubhai Poonjabhai Damor, father of Mansingh Kahtubhai Parmar, age 14, belongs to Saraswa Village, Kadana Taluka, Panchmahal District. He said that in August 2007, a mate approached him and asked him to send Mansingh to work on a cotton seed farm in Himmatnagar District.

Khatubhai said, “ The mate told me that Mansingh would get Rs. 50 per day as wages and will get work for one and a half months. About 17 children of Mansingh’s age went with Pooja, the mate, from the village. Pooja gave each family Rs. 500 per child.

Mansingh was taken to work on the farm of Seth Rajubhai Kantibhai of Village Kadoli, Himmatnagar District, and worked long hours doing cross-pollination work. On the night of 4 September, 2007, after taking their night meal, Mansingh complained of acute stomach ache and was immediately taken to a hospital in Himmatnagar, where, according to the friends who later reported to me, the doctor said he had inflammation in the brain.

The mate told me that after the stomach ache, Mansingh was taken to the hospital and he took seriously ill and expired. Pooja brought the dead body home in the ambulance and handed it over to us and also gave us Rs. 7000 as compensation, saying that it was for expenses related to the last rites.

My son was a sturdy fellow and had not fallen ill in the last three years so I am surprised that he took ill suddenly and died.”

While several children and NGO representatives spoke about the incidence of child labour in the cottonseed farms, there was complete denial on the part of the Labour Department. In the presentation that they made to the Chairperson of NCPCR, they said that 11 squads had been set up by the Labour Department between August and September, 2007, to conduct exhaustive inspection of BT cottonseed farms. During the course of inspection, the labour squads did not find even a single breach or violation. Only 16 child labourers were found and they were removed from work.

When the NCPCR team visited the farms, we could see children working on the cottonseed farms. However, we were also told that the Labour Department had warned the farmers not to employ children during this fact-finding visit. Many children had been sent home for the duration of the NCPCR visit.

### **Estimates of child labour working on BT cotton farms in Gujarat**

There are varying estimates of the number of children employed in BT cottonseed production. All the estimates provided below are different largely because the field work has been done in different districts by different agencies at different points of time.

According to a report prepared by Paulomee Mistry, Vice President of the Gujarat Agricultural Labour Union (GALU) and the Campaign Against Child Labour, approximately 150,000 children migrate every year from southern Rajasthan to work in

BT cotton farms. Most of these farms are concentrated in Banaskantha and Sabarkantha districts.<sup>14</sup> Girls are preferred to boys.

According to Davuluri Venkateswarlu, the number of children working on BT cottonseed production in Gujarat in 2004 was approximately 90,000 of which sixty percent were girls. Hired labour accounted for 86.5 percent of the total workforce. The proportion of children (below 14 years) to the total workforce was estimated as 35 percent. There were almost 4 children working on one acre of land.<sup>15</sup> While there is some decline in the number of children working who are below 14 years of age, there has been an increase by almost 6 percent in the employment of children in the 15-18 years age group.<sup>16</sup> In a field survey done by Venkateswarulu in 2006 in 60 sample farms in 12 villages in Idar and Khedbrahama talukas in Sabarkantha district and Vijapur taluka in Mehsana district, it was found that children in the age group of 7 to 14 years constitute 32.2 percent of the total workforce. Among them 61.6 percent were girls.<sup>17</sup>

The DRMU has prepared a separate report based on primary data on the number of children working on BT cotton fields, which shows that out of 604 labourers, 199 or 32.9 percent were children below the age of 14 years.<sup>18</sup> According to the authors of the DRMU report, “With regard to spread, except for two farms, the team found CL (Child Labour) on all the farms. The survey thus undoubtedly confirms that CL continues to be used on cottonseed farms and indeed, the use is widespread this year (2007).”<sup>19</sup> The DRMU survey team found that boys outnumber girls. They also found that 9.5 percent of the farms did not employ any boy and 28.6 percent farms did not employ any girl child. Girls seem to be concentrated in some farms. In four farms, the survey team found seven to ten girls each. None of the farms employed more than six boys. Eighty-nine percent of the farms employed upto three boys.<sup>20</sup> The survey report says “on the basis of the current survey we may safely assert that the incidence of CL in total labour force in the year 2007...in the state of Gujarat on cottonseed farms was around one-third of the total labour force. Earlier we had observed that the total area under CSP (cottonseed production) in Gujarat is over 25,000 acres. We had also noted that for each acre about

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<sup>14</sup> A Report on the Condition of Children working on Cotton Farms prepared by Gujarat Agricultural Labor Union and Campaign Against Child Labor,(n.d.), p.1

<sup>15</sup> See Venkateswarlu, Davuluri (2007) “Recent Trends in Employment of Child Labour in Hybrid Cottonseed Production in India”, Study jointly commissioned by OECD Watch, Deutsche Welthungerhilfe (DWHH),India Committee of the Netherlands (ICN), Eine Welt Netz NRW (EWN NRW), International Labor Rights Fund (ILRF), unpublished, August p. 4 and p.22. See also Venkateswarlu, Davuluri (2007) “Child Bondage continues in Indian Cotton Supply Chain. More than 400,000 children in India involved in hybrid cottonseed cultivation”, Study commissioned by OECD Watch, Deutsche Welthungerhilfe (DWHH),India Committee of the Netherlands (ICN), Eine Welt Netz NRW (EWN NRW), International Labor Rights Fund (ILRF), unpublished, September

<sup>16</sup> Ibid. p.26

<sup>17</sup> Ibid. pp 22-23.

<sup>18</sup> Khandelwal, Ashok, Sudhir Katiyar and Madan Vaishnav (2007) “Child Labour in Hybrid Cottonseed production in Gujarat. Tracing linkages between Companies and Inter-State Migrant tribal Child Labour”, Draft report, November, Dakshini Rajasthan Majdoor Union, p. 7. The report provides a detailed account of the prevalence of child labour, the conditions of work and the method of recruitment of children.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

ten labourers are required. This has been substantiated by many farmers in response to a specific question on labour requirement. Accordingly this year the total estimated labour requirement was to the tune of 2.5 lakh labourers.”<sup>21</sup>

According to the DRMU report, “the age and education profile of the mates indicates that the business attracts partially educated upwardly mobile tribal youth who do not have access to better employment opportunities.”<sup>22</sup> Children employed are in the 10-14 years age group though even 8 year-olds have been found working. According to the DRMU Report, this evidence is also corroborated by primary school teachers who report that the number of children going out is more from class IV and V and less from upper primary sections.”<sup>23</sup> Thus, “overall, girls constituted 44 percent of children employed in cotton work in the sample of 978 households. However in Dhamod village on the outskirts of Bichhiwada, girls outnumbered boys by a ratio of more than 2 to 1.”<sup>24</sup> According to a field survey undertaken by DRMU, “overall 35 percent of the 978 households listed reported sending children for cotton work”<sup>25</sup>

While Davuluri's study indicates that girls outnumber boys, the DRMU study findings state the opposite that boys outnumber girls.

During our interviews in Dungarpur, some of the mates provided an estimation of the numbers and percentage of child labourers for the BT cotton farms. Vasudev Kachraji Dhamar, mentioned earlier, when asked to give an estimation of the numbers of workers taken for BT cotton work, felt that in Sagwada tehsil, there would be at least 100 mates and each would take at least 100 labourers. Of this, at least 20-25 percent would be children between the ages of 8-12 years. He said that although as a result of Union activity, the recruitment of children for BT cotton had reduced drastically, there were still some Union mates who were clandestinely taking children to work and half of these children were girls.

Motilal Sawa Damor, another mate cited earlier, said that many mates took children to work in the BT cotton fields and his estimation was that at least 25 percent of the workforce in the BT cotton fields were children below the age of 14 years. He said, “Out of 100 labourers, at least 25 percent would be children in the age-range of 10-12 years of age. Younger children in the age group of 8-9 years are those who have no adults to look after them. Either the father has moved in with another woman or the mother has run away with another man or both parents are dead.”

Kalulal Kote, a DRMU worker, said that while there were very few Gujarati children to be found working in the BT cotton fields, in a gang of 100 Rajasthani labourers, there would be at least 20-25 percent children between the ages of 12-15 years.

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<sup>21</sup> Ibid.,p.8

<sup>22</sup> Ibid

<sup>23</sup> Ibid. p.33

<sup>24</sup> Ibid. p.34

<sup>25</sup> Ibid.

We have earlier referred to Kalpesh, son of Gautam Halia of Gandheri village, who has been going to Gujarat for the last 3 years with Nathu, the mate. His brother Dinesh, who is 12 years old, had also returned from Gujarat and he told us that out of 50 labourers, 10 were small children like him.

Dharmendra, another brother, was 8 years old. He went to the local school. The day we met him he did not go to school because the night before he worked all night with his family irrigating their fields as water comes only when there is electricity.

In Navapadar village, Biliyabadgama panchayat, we met 13 year old Bharat Dulji, who said that he was going for cross-pollination work for the last 3 years. He went to Banaskantha district. All the children at the BT cotton fields were 12-13 years old. He said, "From our village 50 people go for BT cotton with one mate. All of them are between 10-16 years old. Farmers don't accept older labourers as they don't work as hard and as carefully as children."

In village Piyola, we met the Sarpanch, Dhaneshwarji Damor. He said that in a population of 5000 people, fifty percent went to Gujarat for labour of which 25 percent were children in the age-range of 10-12 years. Workers first went for BT cotton work and then after a short break after Diwali, they went to work in the brick-kilns. According to Dhaneshwarji Damor, more than 800 children from our area go for *dodhi bandhana* or cross-pollination work.

The DRMU survey report estimates that one-third of the labour force working on BT cotton fields comprises children below the age of 14 years, and the GALU estimates that 150,000 children are working in BT cotton fields. Our field visits and meetings with parents, children and mates seem to indicate that 20-25 percent of the labour force on BT cotton fields was made up of children below the age of 14 years. Since ours was a very short visit, it is possible that our assessment is inaccurate and the percentage of child labour on BT cotton farms is larger. It has not been possible to assess with precision the strength of the migrant workforce or the proportion of children amongst them. Existing estimates vary widely partly because they relate to different source districts of migration, different destinations and probably also because of different methodologies used. However, whether the proportion of child labour is 33 percent or 25 percent is not the issue. The fact is that significant numbers of children are working in hazardous conditions on BT cotton farms. This has been widely recorded by agricultural workers' unions and NGOs working for the abolition of child labour.<sup>26</sup>

### **Child labour in other sectors**

Apart from BT cotton, we were told that children worked in dhabas, as domestic servants in homes, on construction sites, in brick-kilns and in the textile market in Surat. Bharat Dulji has never been to school and is completely illiterate and cannot count the wages he

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<sup>26</sup> See also Indian Express (2007) *GALU gears up to stop child labour on BT cotton farms in North Gujarat*, 21 June and Indian Express (2007) *Activists, officials discuss ways to curb child labour*, 8 September.



is paid. His parents go for EGS work but he has two brothers and two sisters. The amount of work they get is not sufficient for the family. His sister has been going for cross-pollination work for 5 years. After Diwali, every year, Bharat goes to Ahmedabad to work on construction sites. He gets paid Rs. 120 per day. He usually goes for two months. He has to come home to rest as the work is very difficult and he has to carry head loads. BT cotton work is comparatively light and he starts working from 4 a.m. to noon and then again from 2 p.m. till 6 p.m. In Ahmedabad the work starts at 10 am and goes on till 5 p.m. but there is no rest at all. There is also huge uncertainty, as he has to go to the “naka” to get work. He pays a rent of Rs. 700 for a room, which he shares with 5 other people.

In one village, we were told that about 60 children below the age of 14 years had left for Mumbai to work on construction sites, hotels and *dhabas* as well as domestic workers. About 20-25 children had gone to Surat for work and another 25 children had gone to Ahmedabad for work. Earlier the children who went for work were much younger, about 8-9 years old. Now, because of Employment Guarantee Scheme (EGS), the smaller children are being kept back and are sent to school. The children who return from migration are also able to stay home for a longer period because there is food available now because of EGS.

NGO representatives spoke at the Public Hearing organized by the Behavioural Science Centre in Ahmedabad. According to the Ajeevika Bureau, hundreds of children from Rajasthan were working in *dhabas* and restaurants in Gujarat and were paid between Rs. 300- Rs.1200 per month. Children below the age of 14 years got paid much less. They had to live on the premises and sleep under the tables in the restaurants. Shelter and sanitation were key issues.

The representative of Pratham Gujarat Outreach Programme said that Surat had a number of migrant child labourers from southern Rajasthan. While there had been raids, there was no rehabilitation because the middlemen kept the children with them. While the Labour Department had conducted raids with the help of local NGOs, no F.I.R.s (First Information Reports) had been filed. They also complained that the police was not supportive when NGOs brought to their notice that child labourers were being harassed. Almost 500 children have been released from the zari industry in Surat but no action has been taken against employers who, soon after the raids, re-employ the children. Pratham was running 36 NCLP schools but the government was not releasing funds on time, making it very difficult for Pratham to continue running these special schools for child labourers. Child labour in the zari industry in Surat is on the increase as child labour is shifting from Mumbai to Surat. Children are working 14 hours a day.

Other representatives spoke of the harsh conditions under which children are working in the salt pans, fishing, charcoal-making and as agricultural labour. Many children come with their families. While there are schools in their own villages, there are no school facilities in the places where they work for several months in the year. They require transfer certificates to get admission in nearby schools but this is very difficult to get. As

a result, many school-going children drop out and become full time child labourers. Most of the migrant labourers are from Rajasthan, Orissa, Madhya Pradesh and Maharashtra.

**Human Rights violations relating to work-sites other than BT farms: testimonies of children at the public hearing in Ahmedabad in September, 2007**

**Box 1**

Badrilal Poonamchand Gamar, age 12, belongs to Aamaliya, Jhadol taluka, Udaipur district, Rajasthan. He said, “ I used to study in the village school at Karel, 2 kms from my home. One day, in April, 2007, I met a mate, Karulal Motilal Baranda of Upali Sigri, who gave me Rs. 10 and enticed me to go to work at the Ginning factory in Gujarat. I was brought to the Sardar Ginning Factory, Rangpurda, Kadi Gujarat. Here, I had to work long hours and even asked to do double shift –24 hours. If I refused, then the Supervisor beat me up. I was given no wages during the month, only some food to eat. One day the Supervisor put me on the press machine and threatened to injure me. I was scared and soon after I fled from there on foot. I was somewhere on the Himmatnagar Road when I boarded a truck which dropped me in Nagpur district, Maharashtra.

Here, I was dropped near a hotel and a worker there asked me about my whereabouts and also revealed that he too was from Udaipur District, Rajasthan. He requested me to stay back with him and promised to take me home when he returned a few months later. I agreed and also started working at the hotel. At Rakhee, I accompanied him home.”

**Box 2**

Premilla Sanaabhai Vaadi is 12 years old and belongs to Kochree Village, Simalwada Block, Dungarpur district. She said that when she was 11 years old, she left along with other people from her village to work in a ginning mill in Village Shekharpur in Chotila Taluka, Amreli District. She said, “ I worked on the *charkha* machine at Neminath Cotton Industries. My younger sister accompanied me. At the factory site, Aspal Darbar, who was the local ginning supervisor, would try to be very friendly, tease me and often even harassed me. He told me that he wanted to marry me. I did not tell anyone as I was afraid of losing my job.

On 8 January, 2007, I was not feeling well and therefore was resting with my younger sister in the worker’s dormitory while the other labourers were at work. At 10 pm, there was a knock on the door and when I opened the door, Darbar rushed in and held on to me. He started removing my clothes and tried to rape me. I screamed, while my sister started howling. The labourers resting in the adjacent dormitory heard the noise and rushed to help me. I was rescued. But I was asked to pack up and go home. I had no money to pay for my transport, so I sold my gold nose ring and somehow reached home. Later with the help of the Gujarat Ginning and Other Mill Worker Union, I filed a case at the labour court and at the police station. Unfortunately, I was told that the labour office report says that my name is not registered in the records of the ginning factory as a worker.”

### Box 3

Dinesh Babubhai Fanaat is 12 years old. He said that he lived in Guda village, Kherwada Taluka, Udaipur District. In August, 2005, when he was studying in Class V, his maternal uncle took him to work at a ginning factory in Kadi town in Mehsana District called Vaibhav Laxmi Cotton Industries. He said, “ I used to work the 12 hour night shift from 8 pm to 8 am. My work involved separating the cotton fibre from the seed on the ginning machine. Accidentally on 22 November, 2005, my hand got caught in the gin and I was hurt. The Supervisor at the factory took me to the local hospital at Kadi for treatment and later, for a few days, I was kept in the factory premises. During the treatment at Kadi, the mill owner did not provide any financial help. I lost 4 fingers of my right hand. My father, Babubhai, sought more treatment, which cost Rs. 25,000. He borrowed money at a high interest rate. My case was brought before the Union and the labour officer. My parents and I attended several hearings. But finally, at the last hearing, the mill owner claimed he had never seen me and that I had never worked in his mill. The case is still being heard in the Labour Court.”

## **Reduction in child labour in BT cotton: roles of DRMU**

### **DRMU’s campaign to stop children from leaving Dungarpur district**

DRMU has been running a campaign for stopping child labour in most of the source areas in Rajasthan. This campaign included mobilizing the mates and sensitizing them on the issue of child labour and also taking their assistance in building up a consensus in the source villages that migrant child labour was illegal. This has also meant mass campaign meetings in villages with parents and mates as well as campaigning with children and sensitizing school teachers and local officials.

The DRMU survey reports that in 2007 there was a reduction in the incidence of child labour because of their campaign. They also did not find very small children in the 7-9 years age group in 2007. This age group was found to be working in the BT cotton fields in 2006. Many farmers also signed agreements with DRMU that they would not hire child labourers, as did the mates who are members of the Union. The media highlighted the incident of child trafficking and lastly but significantly, the district administration also supported the campaign against migrant child labour.<sup>27</sup>

The DRMU data on children rescued in raids clearly indicates that large numbers of children routinely migrate to work in the BT cotton fields. According to the report prepared by DRMU, it seems that 46 vehicles were stopped by the DRMU with the assistance of the Police and the Road Transport Authority between July and August 2007. Apart from private vehicles, both from Gujarat and Rajasthan, children were also going in state transport buses. The total number of workers were 1325, of whom 161 were boys

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<sup>27</sup> Ibid.,p.8

and 127 were girls. The table below gives an indication of the age and sex of children who were going away with mates when the police and DRMU workers stopped the vans and buses at various checkpoints. The ages of children were reported by children, mates and accompanying adults.

Table 1

Age-range	Boys	Girls
Approx.8 years	7	8
9 years	3	6
10 years	13	13
11 years	7	9
12 years	38	20
13 years	23	19
14 years	70	52
Total	161	127

One can only imagine the fear of these small children. All of these children were being taken away at the dead of night. Many of them had walked from home at night and met up with the mates and other workers at designated places from where they were taken away in vehicles. According to DRMU staff, the children were very scared. Several of them had not even told their parents that they were leaving home. They were huddled together in the vehicles and had no idea where they were being taken. Some of them who had left with their parents' consent were scared to go back home without having earned any wages for fear of reprisals at home. Photographs of children rescued at the checkpoints are given below.



Children rescued in the raids carrying their own provisions with them



Pic 3:A Gujarat van stopped at night by the police.



Pic 4:Children rescued in the night. Not sure what will happen to them.



Pic 5: Children in a van driving off to Gujarat at night

In village Piyola, we met the Sarpanch, Dhaneshwarji Damor. He said, this year the incidence of children migrating for work to the BT cotton farms has reduced because of extensive checking on the borders and because of the campaign started by the DRMU. However, mates and labourers have become wise. Some buses stop before the border and labourers simply walk across. Others use camels to cross the border. Dalals keep jeeps waiting on the other side of the border at a distance from the main roads. Now families are complaining about why their children are not being allowed to go for work to Gujarat. They know that their children get exploited but some irresponsible parents have got used to sending children to work."

He went on to say that apart from the campaign against child labour, another factor that had made a difference to the incidence of child labour was the National Rural Employment Guarantee Act (NREGA). But since there are no other employment opportunities in the area, government should increase the number of days under NREGA to 200 days. But NREGA alone would not solve the problem. An effective strategy for elimination of child labour he said was to set up residential ashram schools so that children stay in school. According to Dhaneshwarji Damor, government wastes too much money in pointless schemes like adult education. They should concentrate on primary, middle and high school education. He said, "Pakke huay matke me chhed ho to matti se nahi jod sakte. Kachi matti ko banana theek hota hai". A rough translation would be that you cannot repair an old earthen pot by patching it up with clay. It is better to work on fresh clay and mould it the way you want to.

Apart from Union activity, Vasudev Kachraji Dhamar felt that EGS work had made an impact on the reduction of child migrant workers. He said, "Earlier parents were able to

send one child to school. Now after *rozgar guarantee* they can send 2 children to school. Seasonal migration has come down by 10 percent. If 200 days of employment are given, then seasonal migration to the BT cotton fields will stop. The big problem is lack of teachers in the schools. More teachers need to be hired urgently.”

On being asked what could be done to reduce child migrant labour, Gautam Halia’s wife, Manibehn from Gandheri village, Kuan panchayat, Simalwada, said: “ We need more work under *Rozgar Guarantee*, the National Rural Employment Guarantee Act. Hundred days of employment got over earlier in the year and now we have no work here so we have to go to Gujarat. If we could get 200 days of employment, we would not send our children to work in Gujarat. In addition, schools have to be strengthened. There are hardly any teachers around.”

### **Schooling issues in Dungarpur**

Schooling is a major issue in Dungarpur district and it seems that one of the reasons why children migrate to work is because schools are dysfunctional. According to a report prepared by Sharda Jain titled, “Children, Work and Migration in the context of migration”, education is hugely compromised in the southern Rajasthan districts as a result of migration.<sup>28</sup> Sharda Jain’s research team used both secondary source material as well as field observations, both at the destination point in Gujarat as well as in the home villages of children in Rajasthan. The study was undertaken over a 5-month period from August to December, 2006. The research team interviewed 185 working children of school-going age. Their research covered other districts apart from Dungarpur but their findings are revealing in the context of this report.

According to Sharda Jain’s report, out of 185 working children interviewed, 77 had never been to school. Of these, 51 were boys and 26 were girls. Eighty-two children had dropped out of school between class 1 and class 5.<sup>29</sup> The researchers said, “we observed that the overall situation of these schools is depressing and pathetic. Of those enrolled, only 50% attend school at all. The teachers say that the guardians are not enthusiastic about educating their children. The guardians have ...said that nothing is taught in school. Each lays the blame on the other and no one is willing to break the stalemate by attempting a different approach. The result is that children go off to work at the age when they should be learning and playing. Even when they pass fifth class they are unable to read or write. There is no recourse to any discussion or forum in the village or community.”<sup>30</sup>

School teachers told Sharda Jain’s research team that “...Cotton and share-cropping have taken away the children and this is why their attendance is so low. About 30% of those enrolled in school migrate to work.”<sup>31</sup> According to the researchers, “the teachers themselves do not take the issue of (children’s) migration seriously. The teachers do not

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<sup>28</sup> Jain, Sharda (draft) (2006) “Children, Work and Education in the context of migration”.

<sup>29</sup> Ibid. p.8

<sup>30</sup> Ibid

<sup>31</sup> Ibid.p.9

make any attempts to keep the child in school. July is the month of rains, when the village is fully populated. The admission for school is also in July. The children's names are on the enrolment list for the whole year. Even though they may be out of school and out of their villages for most of the time, they are shown as passing their class, thus becoming more proficient. The school does not keep any record of the child's absence due to migration".<sup>32</sup>

Our observations were similar although the conditions of schools we visited were much better. We visited four schools in Kuan panchayat. In the first school there were 114 children who seemed to be between 4 and 10 years old. According to the school teacher present, most of the parents sent very little children to school. The older ones were at work or didn't come to school. The children were eating their noon meal. The teacher complained that he spent all his time supervising the midday meal so he had very little time to concentrate on teaching the children. There were 3 posts of teachers, but he was the only one appointed. He had a helper who was assisting him. If a teacher has to go for a meeting, then the school has to close. Now under the Sarva Shiksha Abhiyan (SSA), the responsibility of building additional classrooms also lies with the school teacher who is responsible for purchasing building materials.

We visited only four schools during our 3-day visit but what was noticeable was that the school infrastructure was excellent. Each school building had several classrooms. The infrastructure was well designed and all the classrooms were well ventilated and had a verandah in front of the classroom. All the schools had toilets although it was evident that the toilets were not being used and were in a bad state of repair. One noticeable thing was that most of the classrooms were locked up and all the children were studying in one classroom, as these were all single-teacher schools.

Motilal Sawa Damor, a mate, said, "Only school drop-outs go to work on BT cotton farms. We have a secondary school till 8<sup>th</sup> standard. There are two teachers and 150 children. Children don't go to school because there is no teaching. One teacher takes 2 classes simultaneously and then the third class is not taught. One of the major reasons that children go to school is that the midday meal is very good and children upto class 5 are given food in school. Both the quality and quantity of food is good and the menu changes every day. The government needs to do something about school teachers. Now we have school buildings and the *anganwadi* works, but there are no school teachers."

The Gataphalla Gaon primary school had 125 children present and only one teacher. He said, "Rozgar Guarantee has reduced child migration by 10-20 percent and school enrolment and retention has improved by 25 percent."<sup>33</sup> When children go for cross-pollination work their education is affected. When they come back they are re-admitted but they have forgotten so much. They stay for a month or so and then go off again to work in the brick-kilns. Under government orders, we have to promote them to the next class but they cannot read or write. Most of these children have to repeat the same class at least once, if not twice, and soon drop out of school altogether."

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<sup>32</sup> Ibid. p.12

<sup>33</sup> This was also noted by Sharda Jain in her report.



Another person said: “ There is a class divide amongst adivasis. The educated adivasi is sending his children to private schools. Even an adivasi schoolteacher will not send his own children to government schools. All adivasi government officials send their children to private schools. A child going to a private school can read and write even though the teacher gets paid a lower salary than a government school teacher. There are 13 primary, middle and high schools in our panchayat but there are very few teachers. Primary schools have one school teacher each. Shortage of teachers is one of the main reasons why children are not in school. One teacher is teaching several classes together”.

We looked at the attendance registers in the schools and found that a large number of children were marked absent. The school teacher told us that school attendance is poor because children migrate for work for BT cottonseed production and they have been given instructions that all children have to be promoted every year. That is the reason that children who rarely attend school are promoted, even if they have not learnt anything. The teachers, instead of being concerned that so many school-going children are out of school, are in fact relieved that they have fewer children to teach as this reduces their burden. Driving through the district, we could see school-going children dressed in school uniforms but carrying bundles of twigs or fodder on their heads. We were told that many of the children had just returned from BT cotton work and were taking rest before they went back to Gujarat to work in brick-kilns or on construction sites.

### **Discussions with Devilal Vyas, People’s Education and Development Organisation, (PEDO) Village Mada**

Devilal Vyas, Executive Director of PEDO, an NGO based in Dungarpur, confirmed what we had heard from villagers both about the reasons for child migration as well as high dropout rates of school-going children. He said that between 1994-2002, PEDO ran 70 non-formal centers under a former education programme called Lokajumbish in order to retain migrant children. They worked in 90 villages on the Rajasthan-Gujarat border. Both dropout and migrant children came to these centers. Children who were known to migrate seasonally were tracked through the Village Education Committees (VEC). The mandate of the VEC was to identify children who were likely to migrate and to try and understand their special situation. These NFE centers then helped to retain these children and to mainstream them into the formal school system. At any given point of time, 1600-1700 children were retained in these 90 villages. PEDO’s main focus was to link these children to the formal school system and to put pressure on the government to open more schools. As a result of sustained pressure, 35 primary schools were opened in the area but shortage of teachers is a major issue. When Lokajumbish closed down, PEDO stopped running the NFE centers. Devilal Vyas was of the view that potential child labourers need to be tracked and helped to get back into the formal school system. This can be done if there are residential facilities available for older children in the villages on the border with Gujarat, he argued. Strengthening the formal school system was one major way of stemming migration of children. The Rajasthan Public Service Commission is in the process of appointing 30,000 new teachers but nothing has happened so far. PEDO worked closely with the mothers of these children through the Self-help groups (SHGs).

What transpired was that some children just did not want to study and some parents wanted their children to go out for work. At least 4 percent of children in the 10-14 years age group came from broken homes and this was a major issue, particularly for girls who were very vulnerable to abuse.

July to September is a lean season when there is no work available locally and, therefore, parents are keen to maximize their income through child labour. After October when the crop is harvested, then the problem of food availability is not so acute. March to June is also lean season in the area but local casual labour is available. He also confirmed that NREGA has brought down migration by 20-25 percent. Most of the migrant labourers are in the 15-40 years age group. However, children in the age group of 10-12 years are also migrating for two to three months to work in BT cotton fields. He also said that because of the labour shortage in Gujarat, BT cotton is shifting to Rajasthan and there is shift in the pattern of cultivation from wheat to BT cotton in the border villages. More children will start working on BT cotton farms when it moves to Rajasthan as there is no labour shortage in Rajasthan.

### **Action Taken Report of Labour Department, Government of Rajasthan, for the elimination of child labour**

The Labour Department provided an action taken report to Ms. Shantha Sinha, Chairperson NCPCR in August, 2007. According to this report, the Rajasthan government cannot appoint Inspectors to undertake any inspection in Gujarat to see whether children are being harassed or not without the concurrence of the State Government. Since the children are working in Gujarat, the Government of Rajasthan, it seems, cannot take any action.

However, the Chief Secretary, Government of Rajasthan, has given directions to the Home Department to take coordinated action to check unauthorized vehicles carrying child labourers from south Rajasthan to Gujarat. District Collectors have also been instructed to check the movements of unauthorized vehicles in coordination with the Police, Transport and Labour Departments.

According to the Labour Department, several Special Child Labour Schools have been established in border districts with Gujarat from where child labourers are migrating for work to the BT cotton fields. They claim that substantial numbers of child labourers have been rehabilitated and educated as a result of these efforts. However, there was very little evidence of this in the field.

The Labour Department further said that the District Administration prevented more than 300 child labourers from Dungarpur from migrating to Gujarat in July-August, 2007. In Udaipur district, 23 migrant child labourers were freed in July, 2007.<sup>34</sup>

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<sup>34</sup> Government of Rajasthan (2007) Visit of Hon'ble Smt. Shantha Sinha Chairperson, National Commission for Protection of Child Rights (1<sup>st</sup>-3<sup>rd</sup> August, 2007), Labour Department.

The Labour Department, Government of Rajasthan, has made the suggestion that BT cotton should be added to Part A of the Schedule attached to the Child Labour (Prohibition and Regulation) Act, 1986. They have also recommended that there be a joint and effective enforcement of the Inter-State Migrant Workers Act, 1979, and the Child Labour (Prohibition and Regulation) Act, 1986, by Inspectors of both States. They also plan to involve panchayats and NGOs to campaign against the migration of children for labour.

### **Discussions with District Magistrate and Superintendent of Police, Dungarpur**

Representatives of DRMU had told us that they received a lot of support from the district administration when they conducted raids on vehicles carrying children to Gujarat. In this context, we met the District Magistrate (DM) and the Superintendent of Police (SP) to elicit their views on the situation. Both officers said that the Child Labour (Prohibition and Regulation) Act, 1986, needs to be amended and the District Magistrate and Subdivisional Magistrate (SDM) need to be empowered under the Act to take action to prevent migration of children to work. The DM also said that the 1986 Act needs to explicitly prohibit child labour in agriculture. Ever since child labour in hotels, dhabbas and domestic labour was banned, he had formed a committee consisting of the SP, Deputy SP and the Executive Officer of the Nagar Palika (Municipality) to routinely sweep the city to ensure that no child was working in hotels, shops and construction sites. This was done every three months and the incidence of child labour had therefore reduced.

Some related issues were also discussed. Dungarpur, for instance, has no labour inspectors as there is no industry here. The Labour Officer is not empowered to take action under the Act. We were told that the schools started under the National Child Labour Programme (NCLP) had to be closed as they were not functional. The district administration was planning to use funds under SSA from the Innovation fund to run bridge camps in each of the five blocks. They were planning to start 64 bridge camps for a period of 9 months and then government would take on the responsibility to get the children mainstreamed. We were told that once the recruitment of 30,000 teachers was completed, Dungarpur would receive 500-600 teachers but since Dungarpur is considered a punishment posting, it was not clear how many teachers would actually go to their work. Under the Shiksha Mitra Yojana, it was possible to hire additional teachers as guest faculty but they had to have a BA and B.Ed qualification. The lowest qualification was 12<sup>th</sup> standard pass. The current norms did not allow government to recruit teachers who were only 10<sup>th</sup> standard pass. The government also had provisions for recruiting social mobilizers called Akhard Dhoot for short periods of time.

The DM admitted that the teacher-student ratio was unbalanced. He was personally visiting schools and trying to weed out excess teachers from urban schools and send them to remote areas. But this was easier said than done. It was difficult to send female teachers to schools where there was no public transport. While the road network was very extensive, public transport was negligible.

The SP said that since employment of children was not a cognizable offence, the police were not empowered to take action. The police cannot prevent children from going to Gujarat or anywhere else as inter-state migration is allowed and in the case of BT cotton, the children are going with relatives and with the consent of their parents. The only help the police could provide was at the check posts where overcrowded vehicles carrying children and adults could be stopped under the Motor Vehicles Act. But this was not the solution to stop child labour. The government must strengthen the formal school system and ensure that children of school-going age stay in schools, he said. For this to happen, the schools have to become places of learning. If children do not learn anything in school then there would be less motivation for parents to send the children to school, he argued. As it is, because of the mid-day meal scheme, more children are attracted to school. If schools improve, then the problem of children migrating for work will also stop. As it is, with NREGA, migration has reduced in the area. Such were the SP's views.

### **Main findings:**

1. Migrant child labour is a major issue with parents sending children as young as 8 years of age to work in the BT cotton fields in Gujarat. Most of these children are going with relatives and friends to work 10-12 hours a day in a very unsafe environment. Since child labour in agriculture is not prohibited, the Labour department cannot enforce labour laws. There is, however, a complete violation of the Children (Pledging of Labour) Act, 1933, that prohibits the making of agreements to pledge the labour of children below the age of 15 years and the employment of children whose labour has been pledged. The evidence from the field clearly indicates that parents are given advances and only then are children taken away for work. The Bonded Labour System (Abolition) Act, 1976, expressly prohibits the employment of labourers under bonded labour conditions and Section 2 (g) of the Act defines bonded labour as service arising out of loan/debt/advance. The Act expressly prohibits anyone from mortgaging the services of his family members to a creditor for any specified or unspecified period, with or without wages, as it curtails that individual's right to freedom of movement. Every single parent, whose child is employed to work on BT cotton farms, is given an advance by mates who in turn are given advances by the farm owners or contractors and this is clearly a violation of the Bonded Labour System (Abolition) Act, 1976. However, since the Child Labour (Prohibition and Regulation) Act, 1986, does not specifically prohibit the work of children in agriculture, this merely causes confusion in the minds of regulatory authorities as to whether child labour is allowed or not.
2. The discussions in the field as well as secondary source data reveals that while there is a systematic mobilization of children for the labour market, there is no such social mobilization for getting children back into school.
3. In Rajasthan, there is an acute shortage of school teachers. Some 30,000 teachers have been recruited but not placed.

4. While the school infrastructure in the villages we visited was very impressive, there was a serious shortage of school teachers. Trained teachers were also not willing to go to remote areas and therefore there was unevenness in the distribution of teachers. Schools near the urban areas had a much higher ratio of teachers to students than the remote tribal areas. This is a phenomenon that is to be seen all over India.
5. There were many provisions under SSA to provide for additional teachers, para teachers, bridge camps and social mobilisers and funds were not a major concern. However, this was not being done.
6. In most villages, children were also migrating because their parents were migrating. Without residential educational facilities, there was no option but to accompany parents.
7. In village after village we were told that migration was the last option for the poor and if there were employment opportunities in the villages, no one would go out to work. The recently enacted National Rural Employment Guarantee Act (NREGA), which assured one hundred days of guaranteed employment per household, had already made a huge difference to the incidence of child labour. However, Job Cards were being given on the basis of ration cards and most households had several adult sons and their wives on the same card. Thus the nuclear family did not benefit as much as it should have. Many families said that if the number of days of employment under NREGA could be increased to 200 days, then migration would stop.

## **Recommendations**

1. Since agriculture now employs the largest numbers of children below the age of fourteen years, the 1986 Child Labour Act needs to be amended so that child labour in agriculture is also forbidden.
2. The district administration needs to have a panchayat level data base about each and every child in the area with a photograph and complete information about the family giving details of whether the child is in school or not. Panchayats along with the District administration needs to track every single child and ensure that sh/e is in school. This data needs to be updated every 15 days. That is the only way in which the district administration can ensure that children are in school and not migrating to work.
3. A process of social mobilization and community empowerment needs to be undertaken on a mission mode approach and the system of mates that currently exists for recruiting labour for the BT cotton farmers could be used for mobilizing children for school. Alternatively, educated, unemployed youth volunteers need to

be mobilized with full responsibility to ensure that all children of school going age are in school.

4. Most of these mates are educated, unemployed youth from the villages and these youth could be recruited as para teachers and vidya volunteers. A scheme could be developed where these vidya volunteers are paid per child enrolled and retained in school. These para teachers could also supplement the work of the formal school teachers. They could teach the younger children and the formal school teachers could concentrate on the older age group.
5. Trained teachers need to be appointed immediately. Given that there is absolutely no infrastructure in rural areas, teachers willing to work in remote areas may need additional incentives. Many live in the city and commute. Since they are posted in remote schools but actually live in the town, they are not even entitled to transport allowance. The fact is that when villages have no electricity or drinking water facilities, then it is unlikely that teachers will go there to work. Some additional allowances may need to be given to teachers who work in remote schools. These incentives could be linked to child retention and performance.
6. Since there are few opportunities to work in Dungarpur district as well as the rest of the tribal belt in southern Rajasthan, migration is the only option for the poor. However, if ashram schools could be set up in this belt providing residential facilities, child labour would reduce to a great extent. The Government of Rajasthan needs to urgently set up residential bridge camps in the district from where children are migrating. These bridge camps should be linked to the formal schools so that children can easily move to the formal schools. The assistance of local NGOs such as PEDO needs to be taken as they have experience in running such centers. The M.V.Foundation, an NGO based in Andhra Pradesh, has pioneered the residential bridge camp approach and have also assisted the SSA programme in Madhya Pradesh to get children out of work and into school. Their assistance could be taken to set up residential bridge camps in Dungarpur district as well as to train local youth volunteers and members of the panchayat.