

Chapter 1

Introduction

With increasing differentiation of economic growth in the country, internal migration is increasing. According to one estimate, there are 25 to 30 million seasonal migrant workers in India (Srivastava 2006). Some pockets of the country have emerged as labour catchment areas while some pockets are perennially labour deficient and attract labour from outside. Thus pockets of Gujarat state – especially the Ahmedabad Surat corridor on the Western coast - attract labour from all over the country. The Western tribal rim bordering the Surat – Ahmedabad corridor is a major labour catchment area that supplies labour to the state of Gujarat. Most of the labour comprises of seasonal tribal migrants who move out of their villages during selected seasons for specific tasks and then come back to their village.

The migrants face a series of problems in destination areas. The employers prefer migrants because they are more pliant and available 24 hours a day. Hailing from remote areas, they have to leave immediately after payment. The migrant workers have kept wage rates low at artificial levels. They work at below minimum wages for long hours. Lakhs of tribal workers in Bt cotton were paid as low as Rs. 40 per day in 2005. Cotton ginning mills of North Gujarat employ tribal adolescent workers who work for 12 hour shifts at below minimum wages. Frequently the migrants are not paid the promised rate. Living conditions are bare minimum. In cities there is acute space of urban space. Child workers in Surat live 12 to 15 in small two room tenements. While rural areas do offer open space, living space is minimal. Bt cotton workers in North Gujarat share space with animals in animal shed or live in temporary shelters on the farms. Snake bite is a frequent cause of death. Occupational health hazards are very high. More than half a dozen worker deaths are reported every year from Bt cotton seed farms of North Gujarat.

This study documents an action research pilot that seeks to unionise the migrant workers to increase their wages, improve their working conditions, and bring down the incidence of child migration. The project was initiated under the Innovation Fund facility of Aga Khan Foundation. The objective is to evolve new methods of organising workers as traditional unionisation has not made progress. The key concept to be tested was the concept of Labour Exchange.

This report documents the experience in the migration stream for cross pollination of Bt Cotton. The wide diversity of migration can be best understood through the concept of migration streams. Migration streams comprise of workers from specific regions moving to destination areas for employment in specific sectors during specific seasons. The recruitment is mostly done through an extensive network of contractors and agents. The action research pilot focused on one such stream – cross pollination of Bt cotton in seed farms of North Gujarat.

Methodology

A variety of methods were used to assess various parameters. These included

1. **Database in the application form of mates (MDB):** A key intervention under the project has been registration of mates who carry workers from Rajasthan to Gujarat. A total of 2400 mates applied for registration. Another

300 mates applied for registration in Kotda block with the sister organisations Kotda Adivasi Vikas Manch/ Aajeevika Bureau. This database is a key source of information on the nature of the movement.

2. **Registration of workers at border crossings (RBC):** The Union set up 15 registration centres at border check posts with Gujarat from July 1 to August 15. Even though movement continued after this date, the Union removed the Registration Centres because of logistical reasons. Only four of the 15 centres were effective and undertook significant number of registrations. The registration centres registered 3901 workers. It can be safely estimated that many times this number have gone unregistered. The mates who carry children avoid registration, as they are conscious of the illegality involved in transporting children.
3. **Mate baseline survey (MBL):** A baseline survey was conducted to get information of the socio economic profile of mates and understand their mode of working in greater detail. The baseline surveyed 37 mates in the two districts of Dungarpur and Udaipur. A format was developed to gather information.
4. **Field visits to Gujarat (FV):** Project functionaries made visits to Gujarat at various intervals. These visits yielded information on the composition of the workforce and working conditions. A format was also developed to structure the observations.

Chapterisation

The report is divided into seven chapters. The second chapter profiles cultivation of Bt cotton in Gujarat. The third chapter describes the labour process and the mode of recruitment. The fourth chapter provides a profile of the workforce and working and living conditions in seed plots of Bt cotton. The next section documents violation of different Labour Acts. It also calculates the monetary loss that occurs to workers because of these violations. The sixth chapter describes the action component of the project. It captures the organisational process that was initiated and the impact of the same. The last section looks at lessons emerging and prospects for future.

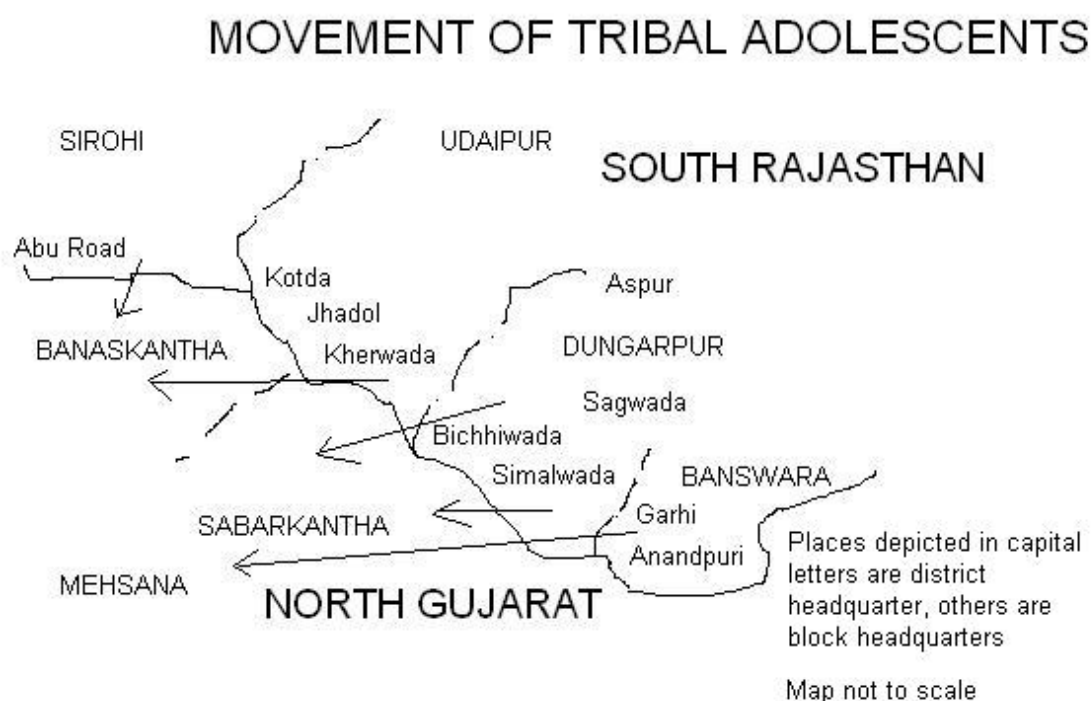
Chapter 2

Seeds of Prosperity - Production of Bt cotton seeds in Gujarat

Every year the beginning of monsoon season witnesses large-scale movement of tribal workers from South Rajasthan who go to North Gujarat for cross pollination of Bt cotton. A striking feature of this movement is that it comprises primarily of adolescents – between 10-18 year old. The movement of adolescents takes place for a period of two to three months. It begins in the months of July- August when flowering starts in seed plots. The cross-pollination season normally lasts for a maximum of three months. Representatives of seed companies strictly monitor the duration. By the beginning of October, the children start returning.

The children are recruited from a large arc of tribal areas bordering North Gujarat. This extends from Abu Road block in Sirohi district at the Western end; through the tribal blocks of Kotda, Kherwada in Udaipur; and then onward to Dungarpur and Banswara districts. The seed cultivation is carried out in specific areas in North Gujarat. The seed farms are concentrated in Banaskantha (Deodar, Sihori, and Deesa talukas), Sabarkantha (Idar, Vadali, and Khedbrahma taluka) and Gandhinagar-Mehsana districts (Mansa and Vadnagar talukas respectively). The accompanying map shows the movement of children.

Figure 1



The children are specifically hired for cross-pollination work in seed plots of Bt cotton. The dramatic increase in productivity of cotton with introduction of Bt cotton during the last five years has led to spiralling demand for the seed (see Chapter 2). However the seed production involves extensive manual labour, as each and every flower has to be crossed manually. The areas of North Gujarat located right on the

border with tribal South Rajasthan have access to probably the cheapest source of labour in the country. This has led to a mushrooming seed industry in the region. The increasing demand for cheap labour has led to a situation where a large proportion of children in the age group of 10-18 years in the affected area are migrating for two to three months every year. Tribal communities are widely recognised to be the poorest in the country. The yearly exodus of tribal children is a commentary on the development process followed by the state as well as the NGOs that are present in large numbers through out the affected area.

It would be good to understand the physical geography of South Rajasthan and North Gujarat that are respectively the source and destination areas. The South Rajasthan districts are part of the tribal region that extends from Khandesh through Gujarat and Madhya Pradesh. South Rajasthan forms the northern boundary of this tribal belt. The region is hilly with little availability of plain lands. The rainfall averages between 600-800 mm in most of this region. The higher reaches, especially the Mount Abu escarpment, receive higher rainfall. While some part of this hilly tribal area extends into North Gujarat also, most of the area is plain. It has good black cotton soil. The good agriculture land is supplemented by good availability of both surface and ground water. Most parts of South Rajasthan are drained towards Gujarat. The main river Sabarmati that emerges from South Rajasthan, flows into North Gujarat. While average rainfall in North Gujarat is low, the water that flows into the region supplements it. Thus the movement of adolescents very much parallels the flow of water.

Gujarat is a major cotton producer state of the country. North Gujarat is also a major seed producing region. The movement of adolescent tribal children has a long history – probably co terminus with introduction of hybrid cotton varieties. Children have been going for generations now. Old ‘mates’ when contacted report that they started taking out children when the average wages were as low as Rs. three per day. However, there has been a multi fold increase in the last five years. This increase is associated with the introduction of Bt cotton variety that has led to a dramatic increase in productivity.

The last few years have seen a significant growth in acreage and yield under cotton owing to entry of genetically modified cotton seeds – referred to as Bt (*bacillus thuringiensis*) seeds. The table below provides acreage and yield under cotton. It is estimated that Bt cotton varieties locally multiplied by farmers accounts for between 60 to 100 percent of this acreage. It can be seen that the yield has multiplied almost three times, which is highly remarkable.

Table 1: Area, Production, and Yield of Cotton in Gujarat

	2000-01	2001-02	2002-03	2003-04	2004-05
Area (ha)	16,15,400	17,49,800	16,34,800	16,28,000	19,00,000
Production (bags)	11,61,400	17,02,700	16,84,500	45,00,000	54,00,000
Yield (kg per ha)	122	165	175	469	483

Source: Information provided by Gujarat Agriculture Department as published in Mehta and Patel (2004)

While the Government of India gave permission for introduction of three varieties of genetically modified cotton seeds to the Mahyco – Monsanto Biotech (MMB) only in

March 2002, thousands of acres were already under commercial cultivation of Bt cotton seeds (subsequently traced back to seeds supplied by Navbharat company). While litigation continues, farmers have found the N-151 variety supplied by Navbharat to be far superior to officially released varieties by MMB. Farmers have gone on to multiply the seeds on their own, giving rise to a parallel local market for Bt seeds. It is estimated that N-151 seeds were multiplied in 20,000 acres in Gujarat from which 60 lakh packets were prepared in Gujarat (one packet contains 450 grams of seed sufficient for one acre). Multiplication of seeds takes place in two ways. (i) Seed companies give contracts to farmers to multiply seeds that are bought back at Rs. 250-400 per kg. (ii) Farmers themselves multiply seeds that are then sold to farmers in the same social kinship group (Shah 2005).

The seed farmers mostly belong to the rich *patel* community. Cotton is a high risk crop, susceptible to pest attacks. It also needs significant water. In fact the sowing is done in the pre monsoon season. The farmers are rich capitalist owners. It is reported that there is significant difference between size of operational holdings in Sabarkantha and Banaskantha¹. Sabarkantha has smaller holdings while Banaskantha has large holdings. One farm may employ hundreds of adolescents. Availability of cheap and skilled tribal labour is the critical resource, which has made seed production possible on such a large scale. This is the main reason why the seed farming is concentrated only in the three districts of North Gujarat that are adjacent to the cheap source of labour in South Rajasthan. There is very little seed farming in other areas of Gujarat like Saurashtra, which are also major centres of cotton production. Seed farming is a highly remunerative business. There is a huge demand for Bt cotton seeds that are supplied all over the country – from Andhra to Punjab. Per acre returns are more than Rs. 30,000. The table below gives cost economics of Bt cotton cultivation.

Table 2: Cost economics of Bt cotton

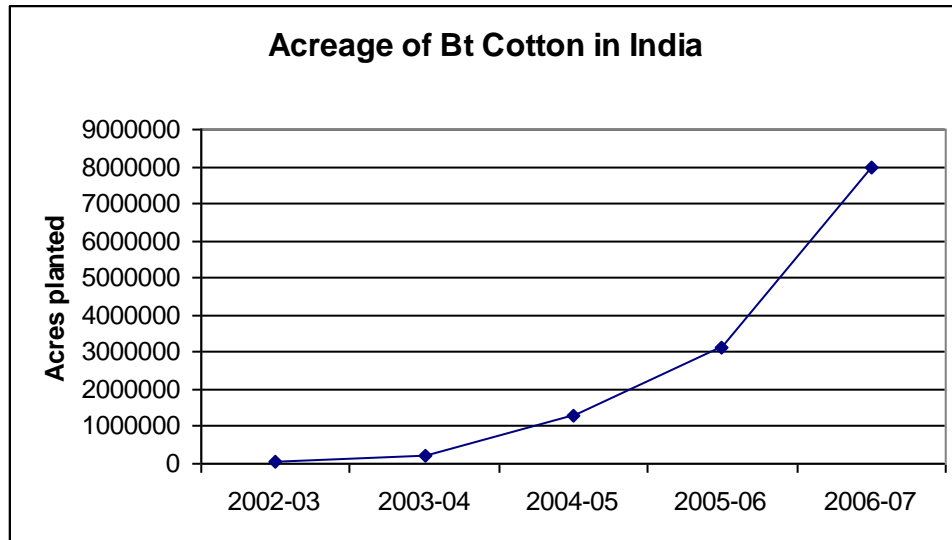
Expenses incurred on a half acre plot (20 gunthas)					
Sl	Item	Amount	Units	Unit rate	Amount Comments
1	Manure	6	trolley	500	3000
2	DAP	200	kg	10	2000
3	Urea	50	kg	5	250
4	Pesticides				3000
5	Electricity	5	Hp	1500	1500 One eps irrigates 5 acres
6	Tilling	1.5	hour	350	525 Rs. 350/hour 1.5 hours
7	Labour for cross fertilisation	300	man days	60	18000 5 workers for 60 days
	TOTAL				28275
Output					
Each worker will produce 30 kg of seed					
	Produce	Amount	Unit	Rate	
	Bt seed	150	Kg	230	34500
	By products like cotton				10000
	Total income				44500
	Net benefits per half acre				16225
	Benefits per acre				32450

Source: based on discussion with farmers from Sabarkantha and Banaskantha

Acreage under Bt cotton in India

While cultivation of Bt cotton has been a matter of immense controversy, the acreage has been constantly increasing at an almost exponential rate. New states have allowed cultivation.

Figure 2



Workers Going to Gujarat in Jeeps

Chapter 3

Labour Process and Mode of Recruitment

Labour Process

A labour process, put in simplest words, is a process by which human labour create/produce things. How the human labour power is expended in the process of production and how the labour is recruited for the purpose are the two important aspects that concern us as of now. Each product has its unique system of labour process. Understanding these processes is crucial to devising effective interventions. Our understanding as related below is based on review of studies and our specific observations, discussions and interviews during the course of mobilisation process.

Organisation of Cottonseed Production

It is a farming activity that has many processes. It starts with sowing of seed and is followed by cross-pollination for seed production at the time of flowering, picking of cotton, taking it to ginning factories for separation of seed from cotton, processing of seeds, sending to companies where the process ends with quality check and certification. Different set of labour is used for sowing, cross-pollination, cotton picking, ginning, possessing, quality check and finally packing. The most important labour input in the whole process from the point of view of number of labour is the process of cross-pollination. Because human hands only can do the work it is extremely labour intensive. The demand for labour for this particular task is time specific, and quite high. This has implication for labour relations. Let us first understand the task of cross-fertilization.

The task of cross-fertilization

In a cottonseed farm male and female plants are sown separately. For one plant of male, four plants of females are sown because pollen from one male flower can be used to fertilize 4-5 female flowers. The plants are sown in rows and each worker is responsible for given rows. Cross-pollination work begins with the flowering and lasts till the flowering continues. Flowering period ranges between 45-60 days.

The work involves identification of male and female flowers; plucking, cleaning and placing male flowers in the sun for granulation; preparing female flowers by opening of bud and destroying male stem and marking the same with red tag for identification; cross fertilisation of female flowers with male flowers and removing the tag. Lakhs of flowers have to be cross-fertilised on a plot. All this has to be done manually in a given period of time and therefore there is high demand for labour for cross-pollination work.

The cross-pollination work begins in the morning and lasts till evening. A worker has to get up early in the morning, around 5 am. About 200 male flowers are plugged and then petals are removed and arranged in a dish (a plastic plate). It takes about one and half hours to two hours. The Dish is then kept under the sun. It is kept for about two hours for pollination. The pollination timings are different for different variety of the Bt cottonseed. For instance, Bt 801 variety pollen granules are ready by 8.30 in the morning. This variety of male flowers therefore has to be gathered and kept in Dish by 6/6.30 am. If it is not done then the pollen granules will fall in the petals and therefore the flower will not be usable for pollination work. Therefore time is very

important in collecting and preparing male flowers. For one variety of Ankur seed, pollen timing is 10.30 am. Crossing of one variety of males has to be with the female of same variety of seed. Otherwise it will not work.

Once the granules appear, the male flower is ready to be taken to field for cross fertilisation with female flowers which are prepared previous evening and marked with red tag. The timings for cross-pollination are limited from around 8.30 AM to 12 in the noon. Thus, the process has to complete within few hours of plucking of male flower and granulation. For this reason female plants are usually prepared the previous day in the afternoon.

Preparation of female flowers is by and large done after lunch break on the previous day. If the task remains incomplete for some reason then the remaining work is done in the early morning the same day of cross-fertilization. Preparation involves opening female bud and destroying male pollen stem so that self-fertilization does not take place. The female flower then is marked with a red tag for identification next day for the purposes of cross-fertilization.

Following granulation the male stem is brought in contact with opened female bud. For this the male stem containing pollen is taken to female processed bud on the standing plant by the labourer physically. With transfer of pollen the process of cross-fertilization is complete. The red tag from the female plant is then removed.

From a close scrutiny of the entire process we may conclude that (a) the process is highly labour intensive as each female flower has to be fertilized manually on the standing plant with male pollen of another flower (b) work start early in the morning and continues till evening making a labourer work for 10-12 hours a day (c) in the whole process of cross-fertilization each cycle has to be completed in a time bound manner (d) the process is simple but has to be done skilfully else the cross breeding may fail.

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

It is now well-accepted fact by all concerned - farmers, workers and researchers - that about 10 workers are needed for duration of approximately two months to undertake seed multiplication¹. In other words for each acre of seed plot around 600 labour days are required. The total requirement of labour in a given area would depend upon the total acreage under cottonseed production.

As per one of the organisers of the Seed companies, demand for cottonseed was less this year (2006) compared to last year. Compared to 28,000 acres of allotted area in the year 2005, this year total allotments were for about 20-22,000 acres only by

¹ Our own observations and study by other researchers like D. Venkateswaralu substantiate this. As per his study, 174 farmers spread over 37 villages in Andhra Pradesh employed 2709 labourers on 264 acres. Thus the average number of labourer per acre comes to a little over ten. He also reported that out of total workers 1556 (about 60%) were children.

various seed companies put together². Informal area is in addition to this. Since ten labourers are required for one acre, this year total requirement for labourers thus comes to over two lakh workers. The actual requirement, however, may have been even more because many farmers produce cottonseeds for informal market outside the market of Seed Companies. Each worker works for about 60 days. Total labour days thus come to about 12 million.

Idar Taluka in district Sabarkantha was probably the first place in North Gujarat where the cross-pollination work started about two decades back. Banaskantha area was added later. Cottonseed production in Banaskantha started about 12 years back, many years later than Idar in Sabarkantha. The tribal belt of southern Rajasthan is the source of labour supply since the beginning. As a matter of fact, tribals have been working as annual farm labourers on the farms of Patels in the area for last many decades. The system of engaging annual farm labour is widespread in the area and is commonly known as Bhagiya system. The initial supply of labour must have been due to this old relation. Currently almost entire labour for cross-pollination work hails from tribal belt of southern Rajasthan. The demand for labour sometimes exceeds supply of labour from Rajasthan that is probably met from other sources like poor tribal families of adjoining areas in Gujarat itself. Because of the large demand for labour, capital in order to ensure cheap labour supply promotes child labour³. The employers shrewdly use the various aspects of tribal life to promote child labour use. Cheap labour supply of adolescents is ensured through a well-oiled system of advances through agents/contractors/sub-contractors.

Mode of Labour Recruitment

Recruitment of labour has two distinct processes one at the place of destination and other at the place of origin. At the place of destination, it differs between formal and informal sector. Formal sector production is one that is controlled by the seed

² Based on personal interview with one of the important organiser from Banaskantha district who himself has got order for about 2000 acres from different seed companies.

³ Use of child labour, attached/bonded labour and feminisation of labour are some of the well-known strategies on the part of the employers for profit maximisation as these age-sex specific groups of labourers are cheap and docile. Almost invariably such groups are also the ones who belong to remote/backward areas and/or communities. D Venkateswarulu in his study observes, "However, in all the initiatives undertaken by ASI, one crucial aspect missing, which the seed companies alone can address, is procurement price policy. ASI holds the view that the employment of child labour in cottonseed production is in no way linked to procurement price policy adopted by the companies. It argues that cottonseed farmers have relatively better profit margins compared to other farmers and the procurement rates offered invariably exceed the cost of production considering the wages paid to adult labourers, and provide enough margin. But the findings of the present study and also earlier study by the author reveal a clear linkage between procurement pricing and employment of child labour in cottonseed production. In the ICN report published in 2003, the author analyzed data on cost of cultivation, procurement prices and wages structure in cottonseed production and argued that low procurement prices paid by the companies is one of the contributing factors for the extensive use of child labour in cottonseed production. Even though companies obtain a huge profit margin, they do not seem to be making any rational calculation about the cost of cultivation while fixing the procurement price to be paid to their seed farmers. With the current procurement prices of companies, seed farmers cannot afford to pay better wages to the labourers and still make reasonable profits. Unless better wages are paid, farmers would not be in a position to attract adult labourers to work in their fields in sufficient numbers".

companies and the informal production is by the farmers primarily for local consumption.

Recruitment Process at the Place of Destination:

Formal Sector:

- (a) Stage One: Seed Companies on the basis of their production target, appoint Organisers. One organiser may work for many companies. Each company assigns a certain seed quantity to each organiser. The organiser based on seed-target decides upon the acreage on which seed are to be produced. For instance, one organiser for the year 2006 got a total acreage of about 2000 acres from many companies. His requirement was for about 20,000 hands, that is, about 12 lakh man-days (20x60 thousands). The organisers enter into a written agreement⁴ with the seed company that includes, inter alia, quantity of seeds at a specified rate to the farmers. The organiser usually owns a ginning factory wherein ginning of the cotton crop of seed production farms is usually undertaken. The organiser may also be a big farmer.
- (b) Stage Two: The organiser in turn appoints Agents. Each agent is given a target of seeds. The agent may be small or big. Usually they are local farmers but not necessarily every agent is a farmer. The agents receive commission from the organisers on the sale proceeds of their defined acreage. **From the point of view of the Union activity, these agents created maximum problems. Many farmers, for instance, had agreed to demands of the workers but later on under the pressure of these agents backed out.** Many agents combine the role of a farmer and that of an agent.
- (c) Stage Three: The agents contact the contractors/mates at the place of origin for labour supply. They advance money to the contractors/mates at the place of origin in proportion to the quantity of labour to be supplied. The advance may differ according to the goodwill and the prowess of the contractor/mates. There are select contractors who are paid lacks of rupees in advance. Usually few thousands are paid to the large number of independently operating Mates depending upon the number of labour. The rate may vary from rupees 100/- per labourer to more than 200/- per labour to Rs 500/- per labourer.

Informal Sector:

Here the process is simpler and many farmers directly contact mates for labour supply. Such mates are either ex-employees of the farmers or have been introduced by some known workers. Since labour migration from the area is of long standing such contacts abound. Chain method boosts labour supply under such arrangements. Labour supply under this sector is by and large limited.

Recruitment Process at the Place of Origin:

The labour is recruited from border districts of southern Rajasthan. These are predominantly tribal district. The area in the recent past has become a source of cheap labour supply to Gujarat in particular because of physical proximity. The adjoining

⁴ Despite our best efforts we could not procure copy of an agreement.

area of Gujarat being the extension of the same tribal belt may have also been one factor for this. In the face of no opportunity of local employment, small parcels of land, low productivity of land, increasing number of working hands, the adult population of the area has no other choice but to migrate in search of jobs. Over the years the area has become a large reservoir of unskilled labour force. Because of the poor quality of education and lack of extension work the diversification of employment the development of human resources in the area has been extremely poor. Consequently, the area is adding to the stock of menial/ casual labourers.

The recruitment of labour takes place through an extensive network of agents, locally called Mates. These Mates are from within the tribal community and by and large come from similar socio-economic conditions. Many of them have experience of working as labourers. Many of them take along labour from within families of their own or close kin and kith and friends and relatives. Invariably every village in the labour catchment areas of Dungarpur, for instance, has several Mates. Each year there number seems to be increasing. In common perception of the people the job of a mate is an opening of opportunities for becoming rich. A new breed of young adults, with modicum of education and aspirations, a group that may not take liking for menial jobs, seem to be joining the stream of Mates. The area of labour supply is replete with old, new and prospective Mates. Educated boys; friends, relatives and progeny of old or existing Mates; experienced workers who have come of age; all want to become Mate. Women are also working as Mates.

The Mates are not a homogenous lot though. A Mate may operate independently as an individual or as a part of a cohesive group under a group leader or for a Thekedar. When a Mate works in individual capacity or as a part of small cohesive group then the entire commission received from the employers is retained by concerned Mates. When a Mate works for a Thekedar then part of commission goes to Thekedar. In such cases however the rate of commission is higher. The most important difference among the Mates relate to their level of awareness and skill to manipulate.

The farm owners and/or agents from Gujarat visit the labour supply areas of Rajasthan to ensure required labour supply by identifying Mates through payment of advance. The Mates in turn advance money to parents. The amount of money advanced to the workers is not much. It ranges between Rs 100 to 200 per worker. The system of advance has made some Mates dependent on this money. It is the responsibility of the Mates to talk to the parents of the children, fix the labourers, give them the advance, collect them at one place, take them to the place of destination, make them settle there, supervise their work, settle accounts and ensure safe passage back home. Yet another task of the Mates is to ensure timely supply and required numbers of labourers. If some labourers leave work in between then it is the responsibility of the Mate to replenish the stock of labour. Because of the specific nature of the workforce, a majority of them is very young and a good number consists of girls, and the fact that Mates are from the same socio-economic background adds to many other responsibilities like settling accounts with the employer, arrange for food of workers, make purchases for the workers, take them to hospitals and so on. Many of the Mates have reported during the meetings that their main job on farm is that of supervision of worker.

The rates of commission vary from a minimum of Rs five to ten per day per labourer. This variation in rates of commissions can be attributed to a variety of reasons such as chain of recruiters, area of destination, need of the employers, level of articulation and leadership of Mate, the goodwill of Mate, depth and longevity of relations between the owners and Mates, uncertain and uneven supply and so on. The large number of Mates who accompanied group of labourers earned on an average a commission of Rs. five per day per child for the entire duration of employment during the year 2005. This particular year because of the mobilisation the average rate of commission has increased. A minimum of rupees six has been reported. The maximum remains ten. However, number of Mates who received rupees seven to ten appears to be much more this year compared to earlier years.

Since the Mates do not constitute a homogenous category as mentioned earlier, the income of Mates also varies a great deal. The income in large measure is related with the number of labourers supplied. The Thekedar earn maximum. The minimum and maximum earning for the year 2005 as recorded in one of the programmes ranged from Rs 1.17 lakh to seven thousand. The one who earned over one lakh supplied 117 labourers from 25 villages through a network of Mates. On the other hand the Mate who earned 7000 supplied 20 labourers only. The income of Mates is in proportion to labour supplied. For this reason there is a stiff competition within existing as well with prospective Mates. Various kinds of disputes have been reported because of this reason. Workers also play tricks on Mates many a times.

The children are recruited through the consent of the parents⁵. The Mates approach the parents and only after their consent do they finalize plans to move to place of destination. Obviously therefore, Mates are largely held responsible by the parents if any thing goes wrong. The villagers catch the Mates whom they hand over their children. When any problem arises, it is the responsibility of the Mates to sort it out. Whether the problem relates to payments or misbehaviour or sickness or accident, the concerned Mate has to settle it down with the parents. Problems do crop up and they crop up regularly. Cases were related during the discussions of how the fearless Mates fought the powerful Patels for redress of grievances. Cases were also cited wherein the Mate having failed to sort out the problem either quit the job of the Mate or fled from the scene to avoid wrath of the villagers. Our limited **experiences suggest that Mates are usually more advanced in terms of social skills and many cheat workers in different ways to increase their earnings, many a times in collaboration with the employers or their agents.**

Socio economic profile of Mates

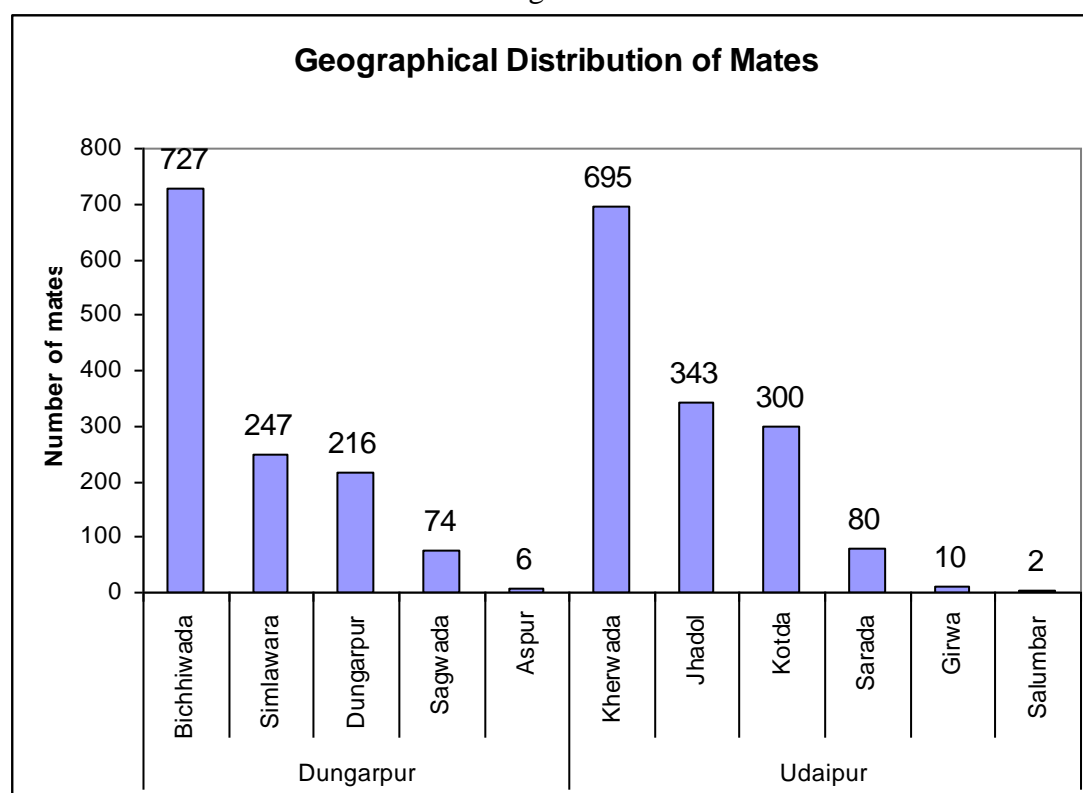
Mates are the crucial component in supply of labour. They are the critical linkage around which the whole chain revolves. Accordingly socio economic profile of mates was studied in great detail to understand the various aspects of the system.

Geographical Distribution of Mates: The mates are unevenly spread over the area from where the recruitment takes place. They are concentrated in areas that are contiguous to the border. The panchayat samitis near the Gujarat border have the highest number of mates. Thus the highest number of mates are reported from

⁵ There are incidents when a child is taken away for work by some relative or friend or neighbour without the knowledge of parents.

Bichhiwada panchayat samiti in District Dungarpur and Khedwada in District Udaipur that are strategically located along the national highway from Gujarat that enters Rajasthan. The geographical distribution of mates is shown in the chart below.

Figure 3



Source: MDB

Age profile: Majority of the mates (71 percent) are between 20 and 40 years. This is understandable, as the mate work requires a certain amount of experience.

Table 3: Age Profile of Mates

Age bracket	less than 20 years	20 - 30 years	30 - 40 years	more than 40 years
Proportion of mates	6	37	34	23

Source: MDB

Education profile: Mates are not very highly read. Less than 10 percent have passed class X. A fairly significant proportion – 22 percent – is illiterate. The average educational profile is semi literate – pass between classes I to IX. The education profile is expected. Only the wage labour class is attracted towards the profession. Most mates graduate from becoming a wageworker to the mate.

Table 4: Educational Profile of Mates

Education	Illiterate	Class I to V	Class VI to IX	Class X or more
Proportion of mates	22	44	25	9

Source: MBL

Sex profile: Surprisingly, there exist some female mates also. Of the total of 2400 mates who applied for registration with Union, 26 were female. This translates into a little more than one percent.

Asset base of mates: The union strategy of working through mates has been subject to intensive debate – internally as well as externally. This arises from the popular association of mates as contractors who survive on commission of workers. They are thus seen as forming an exploitative and parasitic link in the recruitment process. The reality is widely different as seen below. The asset base of mates is poor and not very different from non mate households (Katiyar 2006). The land holding of mates is given in the table below.

Table 5: Landholding of mates

Type of land	Irrigated	Un irrigated	Pasture	Total
Amount (in bighas)	1.2	3.6	1.2	6.0

Source: MBL

The asset base is poor. The only asset with majority of mates is wrist watch that are owned by 65 percent mates.

Table 6: Household assets of mates

Asset	Water pump	Motor cycle	Radio	Watches	Cycle
%age reporting ownership	22	3	14	65	24

Source: MBL

Advance Received by Mates: The recruitment works upon a system of advances. The owners and their agents from Gujarat tour the source villages prior to the beginning of the cotton pollination season in July-August giving advances to the mates for specific number of children. It can be the other way also with the large mates going to Gujarat to get advances. The average advance taken by mates was Rs. 8,384 (MBL). The advances received varied from as low as Rs. 1000 to a high figure of Rs. 35,000. A mate who took 73 workers reported the highest advance. The advances are normally related to the number of workers to be recruited by the mates.

The Number of Workers per Mate: The number of workers recruited by mates varies. However it hovers around 40. The table following provides number of workers recruited by mates.

Table 7: Number of Workers Recruited by Mates

Year	Number of workers	Number of mates reporting	Average number of workers per mate
2002	11496	275	42
2003	17438	452	39
2004	22674	558	41
2005	30152	786	38
2006	17579	659	27

Source: MDB

Earnings of mates: How much does a mate earn? This figure assumes critical importance in view of the fact that mates are commonly perceived to be exploiting middlemen who thrive of commission from workers' wages. Mates have reported an average earning of Rs. 9,249 (MBL). This varies from a high of Rs. 45,000 to a low of

Rs. 1100. The daily earnings can be estimated by enumerating number of days put in by the mates. The mates can be assumed to put in at least 90 days of work. This includes 66 days which is the average duration of stay for workers and an additional one month that is spent in recruiting workers and tying up the labour deal with the employers. This leads us to a figure of Rs. 100 per day as average earning of mates.

Differentiation: Two types of *mates* operate. There are the large *mates* who are labour contractors, supplying 100 to 1000 children. Then there are smaller *mates* who recruit 10-50 children and go with them. Broadly speaking, Mates can be classified into three broad categories:

Mates Type One: These are the independent Mates who take with them a small group of adolescents comprising mainly of about 15-30 young workers. The Mate in question stays with the workers at the work site and keeps watch on the workers and also helps the farm-owner in doing some work. In lieu of this service, the Mate receives either as daily wage in the range of about Rs 70-80, almost double the rate paid to other workers taken by him⁶ or a commission. The commission received by such Mates ranged between Rs Five to Rs Ten per worker per day. The variation in rates could be for many reasons like area of operation (for instance a relatively distant area like Gandhinagar), skills of Mates, need of the farm owner, and so on. Mate is entitled for some other benefits, for instance, he gets a cot to sleep on. These Mates are usually (but not necessarily) old workers who establish good rapport with the farm-owners.

Mate Type Two: These Mates work as a Thekedar (contractor). A Thekedar is a person who has contacts with a large number of employers/big employers/agents and sends a large number of workers at various locations through a network of Mates. Such a Thekedar is usually powerful person both economically and politically. He gets a commission of one to three rupee per person per day and recruits anywhere between a few hundred to a few thousand workers. These persons are sharp, articulate and skilful with some definite leadership qualities and may not necessarily be from within the tribal community. Such individuals do not accompany labourers to the work sites. They remain at the place of origin only. They would be the most vociferous opponents of the Union. In the mate baseline survey almost one third of the mates surveyed reported hiring petty mates. The number of petty mates hired varied from between one to five.

Becoming a mate: How does a person become a mate? Most mates have graduated from becoming a waged worker to a mate. There are some exceptions to this rule. The exceptions mostly belong to the non tribal community – primarily kalals – who work as big mates. They get labour contracts and then appoint a number of mates who do the actual recruitment. The big mates get an additional commission for their service. For waged workers, becoming a mate represents an upward career opportunity. From

⁶ This year (2006) it seems that the Mates have received a commission of Rs Ten per labour per day rather than daily wage. This was reported in a recent meeting with the Mates especially catering to Eder (District Sabarkantha) area. Thus has increased the earning of Mates. If a Mate accompanied 20 labourers he received Rs 200/- per day as commission. We believe this shift and high commission is a strategy on the part of the employers to keep the wage rate of the labourers low. It would be pertinent to note here that this year (2006) the employers of Eder did not raise the wage rate like Banaskantha and have paid only Rs 40 per day.

undertaking manual labour, he becomes a supplier and supervisor of labour. Only a small eight percent of the mates reported that they had not themselves worked in cottonseed plots before. Similarly when asked as to how they get the contract, most mates said that they had worked in the same plot before as a worker. Some also received the contract through fellow mates while some had been approached by the employer (see table below).

Table 8: Getting the Labour Contract

	<i>Worked before</i>	<i>Mates</i>	<i>Employer</i>
Proportion reporting	47	25	28

Source: MBL

Problems faced by the mates: Mates face a variety of problems. Transporting the adolescent workers itself becomes a hazardous activity involving night travel and constant fear of harassment by police in Gujarat. The various problems faced by mates have been enumerated under following categories

- *Searching and booking labour:* Labourers are located through the kinship network and paid advances. Often a sub mate will be employed for the purpose. However some times the worker who has been booked will go with another mate. This leads to a loss of advance given.
- *Transport of workers:* The workers are transported through especially hired jeeps and workers have to be first collected from different places and then transported to specific villages in distant locations. Consequently jeeps are used. However the jeep owners invariably realise the potential for making extra money and charge a heavy premium.
- *Police Harassment:* Police in The months of July and August are boom time for employees of Road Transport Office (RTO) and Police on the wayside in North Gujarat districts of Sabarkantha, Banaskantha, and Mehsana. The vehicles overloaded with children and desperate to reach work site as early as possible provide easy pickings for bribes and commissions. Consequently the RTO and Police officials charge commissions totally disproportionate with normal 'entry' fees.
- *Labourers running away from work site:* There are cases when workers run away from site. In such case the mates is burdened with the liability for locating the run away child and get his replacement if he refuses to come back.
- *Liability in case of accidents:* Perhaps the biggest issue with mates is that they are held liable for any mishap that takes place. In case of any serious accident, the owners immediately absolve themselves of any responsibility. It is also not easy for the family of the workers concerned to go to Gujarat. So they instead pick on the mate and force him to pay compensation. This practice also has local sanction called *vair*.

The production process and method of recruitment, as related above, understood with the profile of the workers as given in the section below clearly brings into bold relief the criticality of Mates in any sort of mobilisation of workers who migrate for the

purposes of cross pollination work on Bt cottonseed production farms. Three aspects are worth noting in this context.

- *Criticality of Labour Supply:* Highly labour intensive work and time factor make the labour supply critical in Bt cottonseed production. In all probability the supply of labour is less than the demand and it is for this reason the agents/employers from Gujarat visit Rajasthan and pay advances. Secondly, the workers have to be in fields for work in time. For maximum output labour is must with the onset of flowering. The system of advance to ensure cheap labour supply is extensively resorted to in rural India as a profit maximisation strategy. The system is encased in feudal form of begar (unfree) labour and therefore source of such labour supply is restricted to certain communities that historically served as bonded labour. In this particular case, the employers induce child labour and adolescent labour to fill demand-supply gap at cheap labour.
- *Mates are workers:* If we leave aside the big Mates, which in any case are not large in numbers, most of the small Mates are actually workers as per the definition of the workman as given in the ISMWA. The Act defines workmen as, “any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the term of employment be express or implied..”. The supervisory work is what exactly they do on farms for the employers. The recruitment is one small role they play at the outset. And most of them are hardly paid anything for that. A good number of Mates who accompany a small lot of workers are themselves an exploited lot and therefore potential union members.
- *The Mates and Workers share the same socio-economic conditions:* The Mates invariably belong to the same tribal community, are from the same area and kith and kin group. They thus possess inherent potential to see reason to withdraw child labour and to take initiatives towards better wages and working conditions and more so in case of regulation of employment. This however does not mean that all Mates would stand for the welfare of workers. Many would work more in their self-interest than the interest of the community. They are organically linked with the workers.
- *Mates are Experienced workers, Articulate and Older:* Mates possess some of the leadership qualities. They are also the ones who graduated from worker to Mate and are thus well acquainted with the labour process. Many of them had the experience of confronting and waging battles with the owners for the entitlements of the workers. There are numerous examples where in Mates have been cheated and duped by employers like workers. The most important aspect is that the workforce comprises of children and adolescents and therefore Mates become crucial link.

Chapter 4

Working and Living Conditions

Number of workers going to Gujarat

There exist no reliable estimates of the number of workers that go to Gujarat for cross-pollination of Bt cotton. The Project made concerted efforts to enumerate this figure but could only be partially successful. Registration centres were set up at all border crossings to track the movement. However these efforts were only partially successful. It is difficult to enumerate this figure because of the furtive nature of movement. The mates who carry children are acutely conscious of the fact that they are doing something wrong by taking children for work. Consequently they try their utmost to avoid enumeration.

The guesstimate is made here on the basis of two separate indicators – (i) number of mates in business and (ii) acreage of Bt cotton in Gujarat.

Number of mates in South Rajasthan: A major success of the project has been registration of mates with the mates' collective. It can be safely said that majority of mates have got registered with the Union. During frequent visits to the work sites, nearly all mates found in Gujarat were those who had registered with the Union. A total of 2700 mates have registered with the Union and its sister agencies. This leaves out some outlying areas like Sirohi and Banswara districts that were not covered because of logistical limitations and where there may be some mates operating. If it is assumed that each of the mates carried 40 workers, then we get a figure of 108,000 workers. The average figure of 40 workers per mate is arrived at by an analysis of mate data base elsewhere in this report.

Acreage of Bt cotton in Gujarat: The second basis to estimate number of workers is acreage of Bt cotton in Gujarat. This fluctuates from year to year. While last year this figure was 55,000 acres, this year it has come down to 22,000 acres (as reported by farmer agents who play a critical role in organisation of production). It is accepted by most people that at the peak time, 10 workers are required per acre. This leads to a total number of 220,000 workers this year. Some proportion of these workers is recruited locally in Sabarkantha and Mehsana/ Gandhinagar belt. Local recruitment can comprise of both local daily wageworkers that come on daily wage basis and from the tribal community of Gujarat. However it needs to be noted that there is very little local employment in Banaskantha, the main centre of seed production. If it is assumed that 25 percent of workers employed are local, then we get a figure of 165,000 workers from Rajasthan.

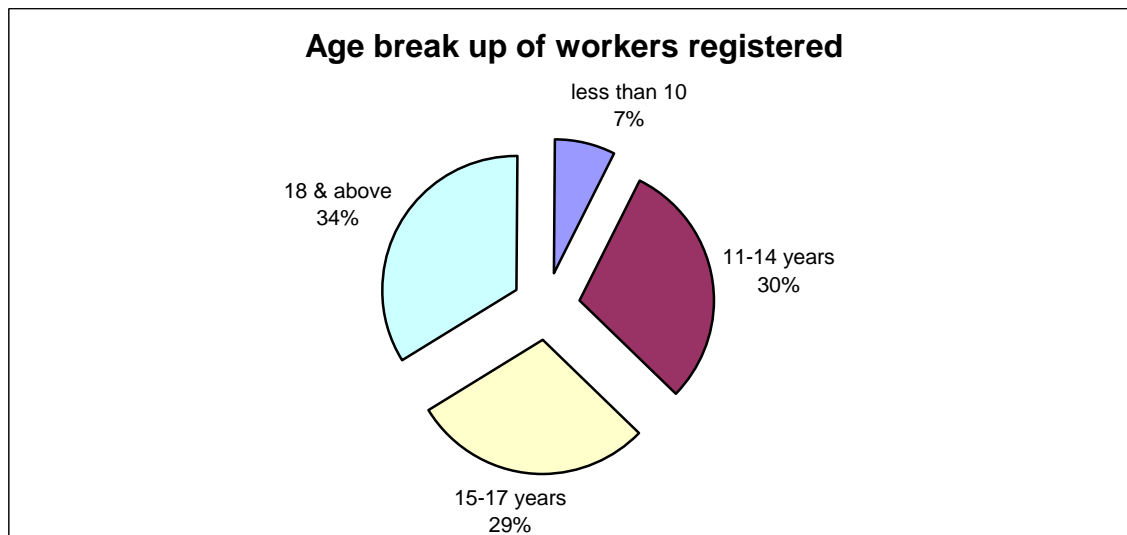
There is significant difference between the two numbers and this remains to be resolved in future. **However it can be safely said that the number of tribal workers from Rajasthan migrating for cross pollination work in seed plots of Bt cotton is very large and is in the range of more than one lakh.**

Age and Sex Profile of Workers

The registration of workers at border crossing is the most reliable source for age and sex profile of workers (RBC). Most of the workers are adolescents i.e. below 18 years of age. More than a third are 14 years old or less. There is a significant proportion of below ten years old also. The age profile of the workers going to Gujarat is given

below. However it is most likely that this underestimates the number of children in the less than 14-year-old category and over estimates the above 18 category. The mates are highly reluctant to report children. There were a number of instances when the mates would try to hide small children away while getting registered.

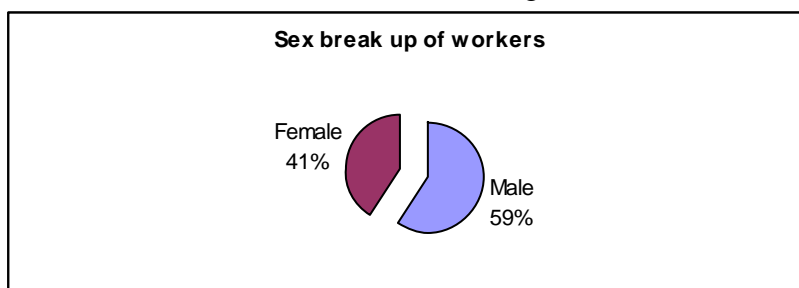
Figure 4



Source RBC

The sex wise break up shows that 40 percent of the workforce comprises of girls.

Figure 5



Source RBC

Working and Living Conditions

Duration of stay: Average duration of stay for workers is 66 days (MBL). This varies from a minimum of 45 days to a maximum of 90 days. However most workers stayed for around two months. There were some cases where workers went much earlier in June. But these workers clearly left for farming work other than cross-pollination. Generally the trend is to call the workers a little earlier as there is normally always a shortage around peak time and employers have to promise higher wages.

Working hours: While the task itself is very not difficult, the working hours can extend up to 12 hours during peak season. The day starts very early in the morning when the children have to get up at 4 AM as the male flowers open out early in the morning. The cross- pollination work is done in the forenoon. There is a noon break

following which emasculation of female buds is carried out. There is a sense of urgency as the pollination work is carried out only during a specific time period.

Living conditions: The accommodation in which children are housed can vary from *pakka* rooms to sleeping in the open. In most cases, children sleep on the ground in makeshift shelters on the farms. This can be problematic sometimes as this is the rainy season also. In case of rains, the ground gets soggy and water logged. The rain also makes it difficult to cook food sometimes even forcing children to sleep hungry. Often children are forced to work even in the falling rain. During the heavy rains this year, many worker groups were asked to go back by the employers.

Payment of wages: The workers receive some advance before they go for work. This is normally Rs. 200 per worker and is given to the parents of the adolescents. The employers supply the workers with provisions when they are at the work site. The final settlement is done at the end of the work in October.

The children were paid daily wages at the rate of Rs. 40 per day last year. Settlement of wages is often problematic. Deductions are made for provisions supplied at the work place and these may sometimes become contentious. The employers will often charge an exorbitant amount for provisions supplied by them. Any expenses incurred on medicines are also deducted. One-way transport is charged from workers. This can be a high amount – up to Rs. 200 thus accounting for five days of wages. The wages are not paid if there is no work. Thus in case of rain and forced rest, the workers have to forgo their wages. While the employers provide children with curd milk and chillies, they have to arrange their own flour and make chapattis. The children often carry food grains with them.

Occupational hazards: The main occupational hazard is from frequent spray of pesticides. Cotton crop is highly susceptible to pest attacks and requires very high sprinkling of pesticides. Some instances of children inhaling dangerous pesticides have been reported. The other major hazard arises from sleeping in makeshift arrangements in open with the attendant risk of insect and snakebite. With movement of children at this large scale, accidents are bound to happen. Accidents happen on the road as well as on the farms. At least half a dozen cases of death are reported every year. In most cases of death, the universal response of the employers is to send the corpse back to the home village. The compensation has to be often borne by the mate who is pressurised by the parents and relatives of the child who has mate with the accident.

Death at the Worksite

Raman of Looka village in Kotra died on the farm site this year in Gujarat. Raman was 19 years old and was physically disabled - deaf and dumb. He suffered from fever at the worksite, most probably chikungunya. The employer asked the mate to take him to a doctor and gave Rs. 500 for the same. Of this the doctor charged Rs. 100. The rest was returned to the employer. When Raman's condition did not improve, he was sent back in a hired vehicle. However he died on the way back. The villagers collected in a group and went to the worksite in a jeep to claim compensation. They were able to get Rs. 18,000 from the employer. Of this nearly half was spent in transport charges and other expenses. The mate has also been asked to give Rs. 20,000 as compensation.

The Union was able to record a total number of six deaths during the 2006-07 season.

Physical and sexual harassment of adolescents: The children are also subjected to verbal and physical abuse. Physical beatings are common. The girls suffer from constant teasing. While prevalent sexual mores make cohabitation between consenting adolescents a distinct possibility, girls also suffer sexual harassment at the hands of the employers.

Sexual Harassment at Worksite

In a typical incident reported this season, mate Manilal of village Ghodi Barna in Kherwada block of Udaipur district went with a group of 19 adolescents in end July to a seed farm in Mehsana district in Gujarat. The owners would constantly pester him to leave for his home leaving the children behind. He finally returned home during Raksha Bandahan. During his absence the owner and his partners sexually harassed the three older girls in the group. When the girls resisted, three of the group members including one girl were severally beaten up. Finally they were thrown out of the field without a proper settlement of wages at agreed rates. The group had to walk back for three days and two nights to reach home. The mate was not paid his commission at all. Such cases are very common and groups frequently walk back days to reach home after being thrown out of seed farms without any settlement of wages.



Female worker with male flowers in hand in cotton field

Chapter 5

VIOLATION OF LABOUR LAWS

There are a number of laws applicable but we will discuss three laws in particular, which are the most crucial. Though the number of laws applicable in the context of the workers in question is large, we shall, for the present, discuss only three most important laws, namely, Minimum Wage Act, 1948 (MWA), Child Labour (Prohibition and Regulation) Act, 1986 (CLA) and Inter-State Migrant Workmen (Regulation of Conditions of Work) Act, 1979 (ISMWA). Let us examine in detail the various provisions of the various Acts in relation to the ground realities. We shall also examine the implications of the violation of these laws especially in terms of monetary losses to the workers.

Violation of provisions of CLA:

Almost half of the migrating labourers for Bt Cotton Seed work are children up to the age of 14. **Though the CLA does not prohibit child labour in the present employment and therefore it is thus not illegal but the regulatory provisions of the Child Labour Act are applicable to these child workers.** Unfortunately, they stand grossly violated by the employers. If we compare the provisions of the concerned labour law with the facts (Table 1, column 3 & 4), the gross violation of provisions of the Law becomes crystal clear. In the first place we would like to reiterate that farm work including work related to cottonseed production, our current reference point, is not prohibited u/s 3 of the Act. There fore the hiring of child workers that is the children up to the age of 14 is not illegal. Therefore only the Part III of the Act (containing sections 6 to 13) that spells out the provisions with regard to regulation of conditions of work of children is relevant. The most important sections are Section 7 Relating to hours and period of work; Section 8 regarding Weekly holiday; Section 9 regarding Notice to Inspectors; Section 10 about Disputes as to age; Section 11 on Maintenance of register; Section 12 about Display of notice and finally Section 13 on Health and safety aspects.

Our efforts to get the provisions of this progressive social legislation with the help of Governments of Gujarat and Rajasthan both failed miserably. There was absolutely no cognisance taken of the fact of widespread presence of the child labour by any of the governments and thus the provisions of the Act simply remain a dead letter so far as the poor migrant child workers of southern Rajasthan are concerned.

Table: 9: The Provisions and the Facts of Child Labour (P&R) Act, 1986

Sl No	Sections	Provision	Facts	Comments
1	2	3	4	5
1	7(2)	"The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for the rest for at least one hour."	Workers work from early morning till late evening.	Total work hours comes five.
2	7(3)	"The period of work of a child shall be so arranged that inclusive of his of his interval for the rest,....., it shall not be spread over more than six hours, including the time	Total Work Hours: 10 to 12. Each day.	If we read this with S 7(2), it is obvious that as per the law

		spent in waiting for work on any day.”		no child will work for more than five hours.
3	7(4)	“No child shall be permitted or required to work between 7 p.m. and 8 a.m.”	Work for every child starts by 5-5.30 in the morning	The children have to start work early to pluck male flowers which cannot be plucked later when sun becomes strong.
4	7(5)	“No child shall be required or permitted to work overtime”	Every child works 10 to 12 hours every day as against six hours stipulated in the law including rest period.	The child works for more than double the legal time which is prohibited in law.
5	9(2)	Under this section it is obligatory for each employer of child labour to give written notice to the designated Inspectors containing certain details about the employer, nature of work etc.	None of the thousands of employers have ever informed inspectors about the fact that children are working on his farm.	
6	11	This sections makes employers bound to keep registers giving details about the child labour and their work	No employer keeps/maintains this register	
7	13	This section specifies the provisions to be made by the employers for health and safety of child labour.	No health facilities, improper accommodation, lack of protective clothing can be widely observed	

The strict implementation of this one Act alone can remove child labour form the scene of cottonseed production farms of Gujarat. We wonder whether Government of Gujarat is in connivance with the employers to continue child labour. There are thousands and thousands of child labour working in the Gujarat fields and no employer is complying with any of the provisions of the Act. The highest authority of labour department was apprised of these facts more than once and yet there has not been a single prosecution. The irony is that on more than one occasion Union official physically showed the labour enforcement officers on the field child labour and asked to take action. Yet the fact of the presence of child labour was conveniently ignored. What do we infer from this?

Violation of the provisions of the ISMW Act:

Before we come to the specific provision that stand violated causing loses to workers and adding miseries to their lives, we shall briefly look into the deficiencies of the Act itself. It is in fact a modified version of contract labour act. The definition of migrant worker is very restrictive and covers only those who are employed in a group of five at least and by or through a contractor assuming therefore that employers directly

recruiting labour are fair to migrants and do not exploit them. It is for this reason that out of total 24, 17 forms are for contractors, only three for the Government and four for employers. This needs to be changed. The law should be made universally applicable.

In our studied and well-considered view the migrants in question are entitled to the benefits under ISMWA. They satisfy all the conditions stipulated in the Act. We have discussed the issue in great detail with a large number of Mates in the state who recruit labour in the state of Rajasthan on behalf of the Gujarat employers and each one of them agreed that the workers we are taking to Gujarat are Migrants as per ISMWA.

The ISMWA is a single most important legislation that, if implemented effectively, could ensure substantial monetary benefits to the workers as is obvious from the Table given in the next section. In our considered opinion the workers are definitely entitled for the benefits under this act. The following facts of the case do not leave any scope for any ambiguity on the issue: (a) workers are recruited by the Mates on the instructions of the employers. Many employers have signed form VI. (b) The number of workers employed in each establishment is more than five. (c) The employers are already paying one-way (onward) journey cost to workers. (d) Accommodation is provided free of cost to all the workers. (e) The workers are from the state of Rajasthan and the employers and the establishments are located in the state of Gujarat.

The employers, however, are escaping the provisions on the basis of certain documentary requirement from the employers as stipulated in the Act/Rules.

Because of the non-implementation of ISMWA workers are deprived of the benefit of various welfare provisions included in the Act and Rules. For instance, workers do not get displacement allowance (Section 14); journey allowance (Section 15); suitable accommodation, free of charge medical facilities, protective clothing, etc (Section 16).

Our efforts to implement the provisions of the ISMWA make us realise that in order to move forward to force the employers and the state machinery at the place of destination certain changes are imperative in the ISMWA. The primary problem is that of establishing the fact that the tribal workers going from the southern Rajasthan to Gujarat are inter-state migrant workers as per the Act. In other words it has to be proved with concrete evidences that the workers satisfy the definition as given in Section 2 (g) of the ISMWA.

One important step in establishing this relationship is the award of license to the mates who recruit labour on behalf of the employers of the Gujarat. The Union made an attempt to make the Mates aware and educate about the need, necessity and procedure for applying for a grant of license to recruit labour u/s 8(1) of ISMWA. Union got the Form IV printed and received the same for submission to the designated officers. 125 applications for grant of licenses were submitted to the LWO, on 25 June 2006. We knew that the applications were incomplete because the employers did not get themselves registered in their own state and thus Mates could not give the details of such registration as is required in the prescribed form IV. Also the employers did

not give certificate in Form VI. On 31st July when we raised the issue at highest level of administrative authority, the LWO, Dungarpur returned the Applications submitted with a letter asking for completing the same as per requirements.

In addition to the problem of legal requirements of employers' registration details and certificates from them, other problem we are facing in getting registration is the likely high amount of security deposits. Unfortunately, the assumption under the act is that all the contractors who recruit labour are powerful rich people who exploit the labour. The ground reality of the Mates who recruit migrant labour for the purposes of Bt Cotton work is qualitatively different. In the first place they very large in number and secondly they are from within the tribal community and there is hardly any difference in the similar socio-economic profile of the Mates and the workers. Keeping in view this ground reality such a provision will only adversely affect implementation of various provisions of the ISMWA, as we are experiencing in the present case.

On the basis of these experiences we wish that the Government of Rajasthan should take initiative and amend the law appropriately. Section 35 under the ISMWA gives appropriate government powers to amend any provisions of the act/rules. Moreover under Rules only maximum limit is prescribed not minimum.

First, State of Rajasthan should amend rules of ISMWA and should provide license without asking for security deposit or a token sum of say 100 rupees to all mates taking not more than 30 labourers.

Also, the requirement of registration of the employer should be done away with while processing application for grant of licence of these Mates. . The employers would not be inclined to do this simply to escape provisions of the laws. An affidavit from the Mate should suffice. Establishing relation under the ISMWA is very essential to receive benefits under the Act and granting license is necessary for that.

The state of Rajasthan should also conduct raids as per the provisions of section 20(3) of ISMWA at the place of destination. A plan for massive raids jointly by Unions/NGOs and officials of the two states should be immediately chalked out and implemented. **The state government should immediately write to Gujarat Govt for their concurrence to depute officers for the purposes of inspections u/s 20(2) of ISMWA.**

Accordingly about 150(0) of these Mates applied for license to the Labour department but they could not be granted one because the employers have not got themselves registered and given the required registration details. We also find that the employers also grossly violate various provisions of the ISMWA. For instance, no one is paid displacement allowance and only one way travelling allowance is being paid by the employers. Also there are many kinds of illegal deductions. For instance, quite often the children have to work under water bare feet. That leads to problems in their feet rendering tender souls unfit for work and forced days of rest for which wages are illegally deducted. As per law they are eligible for protective clothing etc like long shoes. Similarly the cost of treatment is also illegally deducted from the wages of the labourers.

Violation of provisions of Minimum Wages Act (MWA)

The MWA is considered to be the first important social legislation that was promulgated immediately after the transfer of power. Our independence from colonial rule is almost sixty years old but two simple straightforward provisions of the act relating to wage rate and overtime remain far from reality for the poor tribal in question. Survival drives them away from home and lends them in alien surrounding. Unfortunately due to the most damning lackadaisical attitude of state machinery the survival rights of these poor tribal migrants stand grossly violated rendering them, as per the highest court rulings of the land, forced labour. Our experience with regard to implementation of MWA in Gujarat has been most frustrating. Except for promises the workers hardly got anything. Officers do not realise that big talks do not fill stomachs.

Majority of the workers in cottonseed production this year (2006) have been paid Rs 40/- in Sabarkantha and Rs 44/- rupees per day in Banaskantha for 10-12 hours of work for a day as against minimum wage of rupees 50 for eight-hour work.

Eder remains the main problem area so far as payment of minimum wage is concerned. In many instances workers were taken with the promise of payment of wage @ Rs 50/- per day. However, later at the end of the work they said rate decided by farmers is Rs 40/- and made payments accordingly. As per reports received from the field, a group of powerful farmers of Sabarkantha united and decided that the wage rate will be Rs 40/- and that any farmer who will pay more than this rate will be fined Rs 20,000/-. With this even some of the farmers who perhaps were willing to pay backed out. Because of the promise made to workers later backing out at the time of settlement of accounts, many Mates have refused to take payments. There cases are still lying unsettled.

It is ironical that the most developed state of Gujarat continues with the Minimum Wage of Rs 50/- per day in agriculture. This wage rate was fixed in April 2002 and since then it continues to be the same. Is it because the workers are by and large migrants from other states or because most of the workers belong to SC/ST, who in Hindu caste hierarchy are born only to serve and accept what is given in return for labour without questioning.

Estimated Monetary Losses due to non-implementation of Laws:

Non-implementation of laws only fattens the purses of employers at the cost of the poor workers. Table below provides some estimates of financial losses to workers because of non-implementation of provisions of ISMWA and MWA. The estimates are based on our fieldwork and we feel are quite realistic. These relate to two streams of workers: cottonseed production and ginning. Estimated losses in 2005 come to about 40 crores. If we estimate similar losses for other streams and in the time line⁷, the amount would be simply mind-boggling. This also indicates why people continue to be poor and why child labour is thriving. We also need to think if Governments

⁷ Migration to Gujarat from the area has a history of many decades and streams innumerable. The latest estimated count for streams and numbers comes to ---- and --- respectively.

failure to implement provisions of labour laws is by default or design. Is the State is so weak? If it is because of lack of political will then how do we ensure that?

Table 10: Estimated monetary losses to Workers in Cottonseed and Ginning in 2005

	Entitlement fully/partially due		Gap Rate	Unpaid Amount
	Act/Section	Provision		
1	ISMWA Section 14	Displacement Allowance	@ 15 days wages	Full
a		BT Cottonseed Production	@Rs 750/- per labour x 2 lakhs	15 crores
b		Ginning Work	@ Rs 900 x 30000	0.27 crores
2	ISMWA Section 14	Journey Allowance: to and fro actual		
a		BT Cottonseed Production: Only one way is paid	@ 250/- p.p. x 2lakh	5 crores
b		Ginning Work: No payment	@500 x 30000	0.15 crores
3	MWA Notified u/s 5 (2) with Section 13 (work hours)	M.W.Wage		
a		BT Cottonseed Production @ Rs 50/- for eight hour work	@ Rs 10/- per day x 12m days	12 crores
b		Ginning Work @ 90/- for eight hour work	@ Rs 30/- per day x 4.5 lakh man days	1.35 crores
4	MWA Section 14	Non-Payment of Overtime Wage		
a		BT Cottonseed Production for average two hour work each day @ 1.5 times of MW	@20 p.d. x 12m days	2.4 Crores
b		Ginning Work for four hours each day @ double the MW.	@ Rs 90/- per day x 4.5 lakh days	3.6 crores
Total (In Rs)				39.77 crores

Note: Number of workers and man days are based on our own estimates on the basis of information gathered from various sources.



Chapter 6

The Intervention - Organising Migrant Workers

This chapter describes the attempts to unionise the labour force engaged in cross-pollination of Bt cotton. The first section details the components of the strategy. The second section gives the trajectory of the struggle. The next section describes the impact. The last section looks at lessons emerging and issues for future deliberation.

The Strategy

Selection of Bt cotton migration stream for intervention was done after a careful assessment of various factors. It needs to be noted that there exist a number of migration streams in the area like brick kiln work, cotton ginning factory work, construction, domestic labour in cities, wage share croppers in agriculture, and so on. The Bt cotton stream was selected as this promised maximum chance of success. This derived from the highly seasonal nature of work. The flowering takes place during a short period of two months. If labour is not available during these two months, there will be losses. Further cross-pollination is a skilled activity. It is not possible to replace the skilled workers who have been doing this work for many years. The key elements of the intervention strategy were

Focus on mates: It was decided to focus on mates, as all the recruitment is done through mates. It was easier to organise the mates into a collective vis a vis the workers directly.

- Mates are the key stakeholders
- The workforce is too large to be organised quickly - lakhs of workers spread over thousands of villages. In comparison mates number into hundreds only.
- Mates already have a highly developed state of consciousness. They have been workers before and have also seen the employers' side of things.

Focus on wage hike rather than the issue of child labour: While adolescents form the primary component of this migrations stream, it was decided not to raise the issue of child labour up front as this would have alienated mates. It was decided that the struggle should focus around wage rates as this holds the key to long-term eradication of child labour.

Work in all the supply areas: While work could begin only in February and there were only five months before the movement began in July, it was decided to cover all supply areas. This was necessary as organising mates in just one or two blocks would have meant that the other area people would continue to go as before.

Self-regulation while ensuring support of local administration: Government support was critical, as the demands have to do with implementation of labour laws. However at the same time, it was decided not to invite excessive Government intervention. It was thought that the best option would be to work towards a system that is self-regulated.

Trajectory of the Movement

The movement unfolded over a relatively small period of six months. While research and studies had been going out sporadically over the last year, the mobilisation for

action started only in the month of February 2006. The Union announced a voluntary moratorium on movement on July 1 and was able to successfully enforce this. Thus it was possible to initiate the first phase of the movement involving between one to two lakh workers over a short span of six months only.

The Unionisation: The first task that was undertaken was to prepare lists of mates. Monthly and fortnightly meetings followed this. Initially the work was undertaken in only three of the ten blocks from where workers go. However the active response of the mates led to spreading of the work in other locations. Very soon the meetings were being held in all the ten blocks. The idea of licensing took off and drew mates to union meetings. The formalities for Union formation were completed at a meeting in Udaipur on 18-19 April.

The Demand Charter: The demand charter was framed at the same meeting where the Union formation formalities were completed. The main points in the demand charter were

1. Hike of wage rate for workers from Rs. 40 to Rs. 60
2. Hike in the commission of mates from Rs. 5-7 to Rs. 10
3. Payment of both ways' fare
4. Compensation from employers in case of any work related accident
5. Signing of agreement between mate and employer
6. Licensing of mates under the Inter State Migrant Workmen Act

Imposing a moratorium on movement of labour: The Union was able to impose a moratorium on movement of labour for a period of almost three weeks - from the beginning of July to the end of the month. This forced the employers to the negotiating table. It was the equivalent of a strike in an establishment. The following passage describes the various elements that made this moratorium successful and also the factors that led to this moratorium finally coming to an end.

The Check posts / Registration Centres: One of the first issues that would get raised in meetings with mates was the issue of mates who are not registering with the Union. What would happen to them? This led to the idea of setting up check posts on all the border crossings. These check posts will serve to control movement. But who will run these check posts? While mates had a natural proclivity to ask the Government to do this, a little bit of reasoning soon convinced them that the check posts would have to be manned by the Union only. First of all it would not be easy to ensure that the Government agrees to set up check posts. But even if it agreed, there was very real danger that the Government functionaries manning the check posts will start charging commission from mates for allowing the passage of vehicles. This may even lead to institutionalising of another set of commission agents this side of the border. So finally it was decided that the mates only would man these check posts. It was decided to set up check posts at 15 points across the border. The table below gives the location of the check posts.



Workers being registered at the inter state border check post

Table 11: Registration Posts

<i>Sl</i>	<i>District</i>	<i>Block</i>	<i>No. of posts</i>	<i>Locations</i>
1	Dungarpur	Simalwara	5	Nilkanth, Mandli, Sarthuna, Dooka, Poonawada
2		Bichhiwada	3	Mewada, Ratanpur, Palisoda
3	Udaipur	Kherwada	2	Jhajri, Rani
4		Jhadol	2	Garanwas, Daiya
5		Kotda	3	Mamer, Kotda chhawani, Hadat

The check posts were opened in the first fortnight of July. By 14th July all the check posts were functioning. The check posts were set up after holding a large gathering at the point. This was done to ensure local support as well as gather a large number of mates. The check posts were converted into field offices of the Union. All Union work was handled from these posts. The tasks included issue of new forms, collection of completed forms, issue of ID cards, collection of union contribution and so on. This ensured vibrancy for the check posts, as there was a stream of visitors through the day. Night duty was more difficult and dangerous as well.

Emptying the vehicles: As the season for the labour movement began, the Union office started receiving calls from villages informing it of workers being gathered for eventual movement to Gujarat. It was decided to adopt a pro active stance and try and stop the movement. The Union team started checking the vehicles laden with workers. These vehicles are easy to make out as they are full of adolescents. There were a number of instances where the team stayed overnight. One team even went to Gujarat to verify the movement and camped at Siddhpur chowkdi overnight. This is the place where vehicles going to Banaskantha congregate. In two instances, union team picked up labour gangs from the State Roadways terminus. Generally the mates were asked to submit lists of workers and the agreement indicating that the employer will be paying Rs. 60 to the workers. If the mate was not carrying the agreement, he was asked to give an affidavit stating that he will ensure payment of Rs. 60 as daily wages.

However in some instances, the vehicles were turned back, sometimes from the check post and sometimes from the villages.

Media campaign focussing on child labour: The Union team also launched a media campaign to stop the movement of workers during this phase. The incidents where Union had stopped jeeps carrying child labour were published in local newspapers. As the authorities clearly told the Union that it would be illegal to stop people, it was decided to highlight the fact that most of the workers going were children. This resulted into high media visibility. The media publicity also created an atmosphere of deterrence. Finally even the administration and elected representatives got into the act when a jeep carrying labour was stopped by the local SDO and MLA.

The attack on Union activists: The Union team faced a severe assault on 24th July night. The team had gone out in the night on receiving reports of a truck load of adolescent workers being recruited in a remote corner of the district. When it reached there, it faced a severe assault. The jeep carrying Union team was surrounded and team members were subjected to severe thrashing. They had to run away to save their lives. The very next day there was a murderous assault on the local supporters of the Union. A jeep rammed the motorcycle they were travelling on. The local vehicle owner and a big mate who had made a number of smaller mates led the attackers. There were unconfirmed reports that the Gujarat employer who had given the contract for labour supply to the big mate had instigated the attack.

Negotiation with employers: The third week of July saw the struggle intensifying. The employers also started contacting the Union for a meeting. There was no single unified response from the employers. Cotton seed production is concentrated in three areas of Gujarat - Banaskantha, Sabarkantha, and Gandhi Nagar (Maansa area). The Union received offers for negotiation from two of these three areas. The first is the largest. This was also the first area to respond to Union activities. The farmers got together and formed a Cotton Seed Producers' Committee. This committee first offered a hike in wage rates. It published pamphlets offering payment of Rs. 50 as wages (including both the basic wage rate and the commission). This was not accepted by the Union. The delegation from Banaskantha visited Union office twice - on 23rd July and 28th July. It offered a total package of Rs. 54 on the second visit.

The Sabarkantha committee was centred on the village of Suribao, an important village in Idar Taluka. The farmers visited the Union office to have a first interaction with the Union. Later they formed a North Gujarat Cotton Seed Producers' Society. The Society invited the Union for a dialogue on 31st July. However the farmers refused to offer any increase in existing wage rate.

The Settlement: The Union declared a settlement on 1st August. The final offer of Rs. 54 was accepted. While there remained space for negotiation beyond this point, the Union had limited space for manoeuvring. The increasing movement of labour in the last week of July meant that Union did not have much negotiating space. Around 30-40 jeeploads of workers were going to Gujarat every night. The spiralling movement was a result of both the increasing pressure from employers that continued to increase as flowering started. However it was also a result of the intense internal competition amongst mates for labour. There were frequent complaints that one mate had taken away labour that had been given advance by another mate. The number of

mates is large. Many times the smaller mates engaged by larger mates emerge as independent mates and establish direct contact with employers. The wage rates had also risen. The Union received 83 signed agreements indicating that employers had agreed to pay up Rs. 60 as wages and Rs. 10 as commission. While some of these agreements were clearly forged, at least half of these were also genuine. Even in cases where there was no agreement, the mates said that employers had informally agreed to pay Rs. 50 as wages as Rs. 10 as commission. It became clear that the dam had been breached owing to a combination of factors and this could not be stopped.

- Significant movement had started
- Increasing pressure from employers as flowering started
- Attack on the Union team which indicated that stopping the movement physically could be dangerous
- Rise in wage rates and commission

Employers go back on settlement: The settlement declared by the Union turned out to be a unilateral one. The employers did not come forward to sign an agreement. When contacted they said that their union does not exist any more. This seemed more like an excuse. Clearly the farmers estimated that with the workers having mostly come, there is no need to enter into an agreement to hike wage rates significantly.

Union moves into Gujarat: As it started becoming clear that the farmers are not going to pay the mutually agreed upon price, the Union decided to visit farms in Gujarat where workers had gone. The Union teams made a number of visits in the months of September – October. Finally Union set up a camp office at Deodar in Banaskantha from October 6 to October 16. This was the time when work was ending and payments were being made to workers. It organised a one-day *dharna* at Deodar on 12th October demanding payment of minimum wages to workers. It also started collating and filing cases of non-payment of minimum wages. In two cases involving 30 workers, Union was able to bring the Labour Enforcement Officers to the work site and ensure that settlement was done properly. The presence of Union team expedited settlement of wages as employers feared raids by Labour Department.

Working with the Labour Department: The Union met the labour department officials of both the states – Rajasthan and Gujarat - all along the chain and sought to use their offices to get relief for the workers. While the top leadership of the Department promised support all through, they did not take a very pro active stance. They did not undertake mediation, a key demand voiced by the Union all through. However the Union has filed a number of cases with the Labour Department of Gujarat seeking minimum wages.

Filing the cases under MW Act for claiming arrears: By the end of October, it was clear that a large number of farmers are not going to pay minimum wages to workers. It was also clear that it would be too much to expect labour department to enforce implementation of the Act. It was decided to file cases for claiming arrears as provided under the Act. A total of 124 cases for 2146 workers have been filed so far. Arrears for these workers under the MW Act amount to Rs. 4.38 millions.

Media advocacy: The project has also utilised the press to publicise its demands and objectives. Two press conferences have been held in Ahmedabad.

Impact

By all indications, the struggle has been remarkably successful. While the core Union team that led the movement comprised of seasoned activists, none had seen an initiative giving such results in such a short span of time. The major achievements can be listed below

Demonstrating the power of the collective: Perhaps the most significant impact was the collectivisation of mates and demonstration of the power of the collective. Union has been able to enrol large majority of mates as its members. It received 2400 applications for membership from mates. Its sister organisation in Kotda received another 300. The collectivisation of mates forced the employers to come to the negotiating table. This demonstration of the collective power has been an eye opener for the working class that so far had no negotiating power and was forced to accept whatever wage rate was offered. This marks a huge empowerment of the working class and a heightened awareness of the possibilities of collective action. Already the people are talking about initiating similar action across other migration streams like brick kiln work and cotton ginning factories.

Hike in wages: In the end, wages paid varied between Rs. 40 and Rs. 50. Most of the workers in Banaskantha have been paid Rs. 44-50. This is a 10-20 percent hike as last year wages varied between Rs. 35 to 40. Assuming a work force of 60,000 for two months and an increment of Rs. five per day, this translates into **additional wage payment of Rs. 1.8 crores**. This wage hike was achieved in spite of a reduced demand for wage labour in seed farms. It has been reported that area under cotton seed farms in Gujarat came down from 55,000 acres last year to 22,000 acres in the current year.

Highlighting the High Incidence of Child labour: While the Union did not raise the issue of child labour upfront internally as a matter of tactics, the issue has nevertheless got highlighted. The media naturally enough caught on to this aspect. There have been front-page stories on the mass exodus of adolescents to Gujarat. For the first time, the large-scale migration has come to the public knowledge. This has created public awareness. The Union has also constantly raised this issue with the employers. This has had some impact. There were reports that the employers are beginning to send back very small children. The long term impact of the Union strategy will take some time to emerge. However having made an entry and achieved the confidence of the mates, the Union is confident that it will be able to take up this issue in a more forthright manner in the next season.

Impacting Labour Departments: The project sought to use the state machinery to implement labour laws. In the end, these efforts were only partially successful. Amongst the two states, the Gujarat state responded more positively. The Rajasthan Labour Department did not see the issue as their problem. However even the Gujarat Department was not very pro active. It did not agree for prior mediation. However it did become receptive to filing of cases. The Union has filed a number of cases. The

Rajasthan Government has also now instituted an enquiry committee to look into work conditions of cotton workers in Gujarat.

Employer Pays Up

The case of the group of workers under mate Mani Lal has been reported earlier. The adolescent girls faced sexual harassment and had to leave the farm without proper settlement of wages. The case was reported to Labour Department of Gujarat for settlement of wages. A complaint was also lodged with the National Commission for Women as the issue related to sexual harassment at work place. Following prompt action by both the offices, the employer has reached a settlement with the workers and paid up arrears that amounted to Rs. 11,200. The Gujarat Police has forwarded the enquiry into complaint of sexual harassment to Rajasthan police and statements are being recorded. Four other employers have also paid up after cases were filed. A total amount of Rs. 30,530 has been paid to the workers as a result of these cases.



A Group of workers in cotton fields

Chapter 7

Lessons and way ahead

The struggle has been remarkable successful. This shows that the many elements of the initial strategy have been verified. The key lessons and the future issues that emerge are analysed in this section.

Working with mates

While the rapid success achieved in organising a large and dispersed workforce demonstrates the success of the strategy to rely upon mates in initiating the organisational process, the experience also points to the need of going beyond mates and enrol the workers as direct members of the Union.

The issue of organising the mates has always led to intense debate, within the team and also outside. Mates have been seen as commission agents thriving on the labour of a vulnerable segment. It has been said that their interests collide with the workers' interest. The Union team on the other hand argued that mates are organically inked to the labour force they recruit. In the case in question, the mates belonged to the same community as the labour. In fact most mates have also worked as labour in the seed farms. The labour being recruited mostly came from the extended family network of the mate. Often his/her own children also went with him. However the strategy revolved around mates and has been highly successful.

Perhaps the most telling instance of success came in the last Union meeting that was called to decide upon the terms of settlement. The issue was how to divide the Rs. 54 package that had been offered by the employers. Union team suggested a compromise settlement of Rs. 48 as wage rate and Rs. 6 as commission for mates. This represented a 20 percent hike in both the workers' wages and mates' commission, as the wage rate last year was Rs. 40 and the commission hovered around Rs. five. However very surprisingly after intense debate, mates voted for Rs. 50 as workers' wages and Rs. 4 as mates' commission. They felt that workers' expectations had been aroused to a point where at least Rs. 50 needs to be paid. This represented a net decline in the commission charged by mates.

However the experience also reveals the limits of working with mates. When the Union moved into Gujarat and sought to file cases on a large scale and tried to organise a sit in, majority of the mates stayed away. The obvious reason was that they did not want to spoil their relationship with the employers as their commission was dependent upon the good will of the mates. Similarly the Union is not finding many takers for its offer to file cases retrospectively for the workers who have not been paid minimum wages. The mates are not very comfortable with the fact that their own records will be subjected to scrutiny.

The success with organising the mates has been a critical output of the initiative. It ensures high replicability of the idea as most migrant labour is recruited through mates. The Union is already trying out the same methodology for the labour going to ginning factories through mates. At the same time the shortcomings listed in the previous pages point to the need for going beyond mates and establishing direct contact with workers.

Child Labour

The issue of child labour calls for a nuanced response. While the general strategy of focusing on wage hike has been borne out by the good response of workers, there is also need to discuss the issue further in internal Union meetings and in wider civil society so that the practice of very small children going to work can be stopped.

It was clear from the beginning that most of the workers in this particular migration stream were adolescents. So the response to the issue of child labour posed a critical challenge. It ensured high visibility in the public media. The Union adopted a stance that was different from the customary approaches that seek to block the movement of children and enrol the children in schools. It sought to raise wages arguing that as wages rise, adults will be attracted to this work. The argument is that child labour is a result of two factors – the poverty of the household in question and the fact that children can be employed at low wages. Focussing the struggle around wage hike addresses both these causes. It increases household income in form of increased wages. At the same time, it ensures that one of the main reasons for employment of children – low wages – does not operate. High wages make it feasible for adults to undertake the work.

Adopting this stance meant that the Union did not raise this issue up front. For example its demand charter is silent on the issue. However it did use the issue in a tactical manner. It used this to ensure publicity and check movement in the phase when it had imposed a moratorium on the movement. It also used this as a stick with the employers. The employers were faced with the prospect of action under the Child Labour Act. This certainly helped as it was one of the factors that forced employers on the negotiating table. There are also reports that the employers have started to send back very small children.

Recruiting practices

There is need to devise an alternative method of labour recruitment than the present free for all. This is necessary to reduce competition. One option could be that the villagers appoint/ elect their mate.

There is intense competition amongst mates to recruit labour. In a number of instances, a mate will walk away with the labour that has already taken advance from another mate. The intense competition arises from the large number of mates and comparative limited supply of labour. Mates go far and wide to recruit labour using their kinship networks. Thus mates from Dungarpur may recruit labour from Udaipur. There is no check on becoming a mate. This is also a comparatively easy source of earning income that calls for management and supervision skills instead of hard manual labour. The intense competition was a critical factor that led to the breaking of the moratorium. As some mates left, those left behind got worried about their labour. If the labour goes with another mate, this is the end of the season for the mate in question. There is also the phenomenon of employers encouraging smaller mates to bypass the big mate and establish direct contact with the employer.

There is need to devise an alternative method of labour recruitment than the present free for all. This is necessary to reduce competition. One option could be that the villagers appoint/ elect their mate. However any new system will need exhaustive

detailing and planning. It will also need large resources, as this will necessitate visits and meetings in each and every village and settlement.

The flight of the capital

There is a need to ensure that the project interventions do not lead to the flight of the capital. This requires concerted efforts with seed farmers, civil society activists, and government officers.

A natural response of the capital has been to move away from areas where there has been unionisation or the labour practices have attracted adverse notice. In specific instance of seed production, seed production companies have shifted their base away from Andhra Pradesh as they were subjected to pressure there on the issue of child labour. It needs to be ensured that the story does not repeat itself in Gujarat. If this happens, it would be a loss for the working population that would lose wages. There is need to put concerted pressure on seed companies to raise procurement prices so that seed farmers can continue to pay higher wages to workers. This requires the farmers and the workers' union to work together. This is not easy as their interests are just the opposite of each other on most issues. To give an illustration of the complex nature of conflicting interests, this year the judiciary and the Government imposed a ceiling on the retail price that seed companies could charge for one packet (400 gm) of Bt cotton. While this is a beneficial step for Bt cotton farmers, this will come in the way of an increase in the procurement prices being paid by seed companies to seed farmers. Thus it will lead to downward pressure on wages paid to farm labour engaged in seed farms.

Checking the flight of the capital will require concerted efforts with seed farmers, civil society activists, and government officers. This will require newer forms of research and policy advocacy than has been undertaken so far.

Implementation of Labour Legislation

The project experience sheds much light on implementation of three major Acts –

1. The Minimum wages Act
2. The Interstate Migrant Workmen Act
3. The Child Labour (Prohibition and control) Act

The Jaipur workshop focused on this experience. A number of recommendations emerged from this workshop for effective implementation of labour laws. These are listed below

1. **Public Action and Lobbying:** Keeping in view the recent experiences of the DRMU as well as the hitherto accumulated experiences of social activists it was noted that the administration is more attuned to skirt the issues rather than taking proactive actions. The structural limitations in administrative help were taken into account. Accordingly the workshop in the first place underlined that to shake the administrative lethargy and make it proactive itself would require a lot more public action, lobbying and media support.
2. **Standing Committee:** The Workshop also recommended that a standing committee should be constituted for monitoring the implementation of various labour laws in case of migrant labour from Rajasthan. It should conduct

surprise inspections from time to time, process complaints, ensure speedy trials, and resolve disputes and attempt for negotiated settlements between the Union and employers. The committee should comprise of representatives from DGLW, GoG, GoR, DRMU, Disha, Academicians, employers etc.

3. **Enforcement of ISMWA:** In the specific context of ISMWA it was recommended that (i) State of Rajasthan should amend rules of ISMWA and should provide license without paying security deposit to all Mets taking not more than 30 labourers. The Act only specifies the upper limit of the security. All Mets taking up to 30 migrant labourers should be given license without security or a nominal sum of Rs 100/-. Also other requirement of registration number of the employer should be done away with while processing application for grant of licence. Form VI duly signed by the employer OR an affidavit from the Met should suffice, (ii) the state of Gujarat should ensure registration of establishments/employers under the Act. The Union should provide a detailed list of establishments/employers who hire labour from Rajasthan for the purpose, (iii) The state of Rajasthan should conduct raids as per the provisions of section 20(3) of ISMWA at the place of destination. A plan for massive raids jointly by Unions/NGOs and officials of the two states should be planned and implemented. This suggestion should be carried up front as it is of more direct relevance and actionable.
4. **Legal Awareness Programmes:** Government should launch a special legal awareness programme in south Rajasthan. The programmes should be conducted at Panchayat levels and should include, inter alia, ISMWAct, MWAct and CL(P&R)Act. Government of Gujarat should also make public the minimum wage, employers obligation in respect of MW, CL(P&R) and ISMW Acts. Awareness through programmes, advertisements in newspapers, camps, announcements, etc.
5. **Migrant Labour Centres at PoD:** Government of Rajasthan should open offices/centres at major destination locations like Eder, Kadi, Deodhar, Surat, Ahemdabad, Mehsana for registration of migrants as well as facilitation of other services. They must talk to GoG. These centres should be opened in partnership with the DRMU representatives of the migrant labour. Except for providing space there will be no any other kind of financial liability on the GoR.
6. **Wage Slip:** A bi-lingual wage slip must be designed for wage settlement on the conclusion of the work. It should be prepared in duplicate and signed by both the employer and the worker. One copy be given to worker and one should be retained by the employer.

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