

---

---

# **HORROR OF WHITE CLOUDS**

Jagdish Patel

**Published**

PRAYAS Centre for Labor Research & Action  
51, Avichal Society, Chandkheda  
Ahemdabad

---

---

---

---

*“Unorganised employment  
is the slavery of  
21st century.”*

*President Alan Garcia of Peru*



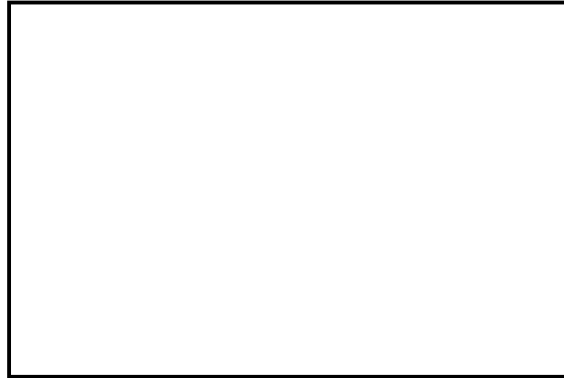
---

---

---

---

## Foreward



When I was reading the book “Horror of White Clouds – Injuries and Fatalities in Gins” , I forgot, for a moment, that I was living in the 21st century. I slipped into the 17th and 18th centuries of the earliest period of industrialization in England. It brought back to my memory a book “Jungle” by American author Upton Sinclair describing the hell-like living and working conditions of workers working in the Chicago Slaughterhouse which I read about 55 year back. I was wondering whether we have really made any progress or we are reliving those days of the most barbaric period of the industrializing period of England and Europe. This collection of articles based upon the spot survey of fatal accidents and injuries suffered by men, women and children in the cotton gin factories in Gujarat thoroughly exposes the hollow claims of ‘Vibrant Gujarat’ or ‘Shining India- a Globalization with human face’. Nowhere did I find any vibrant or shining face or even a human face.

We are in lunatic rat- race for fast economic growth through rapid industrialization so as to find a place among superpowers of the world. In our craze for higher and higher GNP, we have forgotten the human development index. For us human beings are only toiling labour or devouring consumers, not living, feeling, suffering human beings with hearts. We look only to productivity, profits and prosperity, not to pains, sufferings, miseries, injustices of privations and pauperization of the vast majority of the “beasts of burden” – the toiling masses. The result is what we find in these pages – young girl abused and raped, 17 years boy losing his hands or legs and permanently disabled, a women being crushed and dying, the entire family losing its job earning member, a nice girl dreaming of a happy married life and her dreams crashed. They die or suffer only because the owners of factories are interested in their profits, the labour and factory inspectors in their bribes, politicians in their own pockets, lawyers in then prosperity and court in the so-called inhuman neutrality and legality. Unfortunately trade unions, by and large are engaged in economism and interested in monetary benefit for the workers than their general wellbeing.

The book is not only about accidents and injuries in the cotton ginning and processing factories, it also declares the sordid picture about the open and flagrant violation of all labour laws. The picture that emerges is best described as “the subversion of the legal system itself.”

---

---

The book describes the complete indifferent and insensitive attitude of the mill owners to the basic health and safety safeguards essential under the Factories Act and desirable in the larger interests of the industry itself. Safety of the workers and avoidance of industrial accidents is one of the five central problems facing the industrial relations right from the beginning. It is found that industrial accidents account for more man-days loss than even strikes and lockouts. Moreover they inflict untold miseries and hardships upon workers and their families. These accidents must be considered not only in economic terms but also in human and social terms. Unfortunately these industrial accidents, even though avoidable in most of the cases, are considered as a necessary evil and the state, society and industry feel that they are helpless. However the truth is that these industrial accidents are avoidable if proper safeguards are taken. But these safeguards mean financial burden for the industries and the owners would like and try to escape from it. They have no interest in enforcing the laws and do not feel obliged to do so. The same is true of the government officers who are either indifferent / insensible or corrupt. The trade unions generally fight for higher wages and economic benefits and are not much interested in the health and wellbeing of the workers. For the media major strikes or lockouts or closers are big news, while industrial accidents and deaths of workers are not so news worthy. In this huge country, workers are considered as dispensable beings.

The author has brought out the key issues and made recommendations, but the question remains who will enforce them ? The migrant workers are too weak or helpless, the trade unions are not interested, the owners find them expensive and unprofitable, the factory inspectors look to their pockets, politicians are too busy in their power game. The governments are committed to fastest economic growth at any cost and the civil society is being consumerist. The problem will then appear not as an isolated problem but part of a larger problem, namely, the very concept and kind of development itself – whose development – development of resources and goods or development of human beings ? When people are interested in how many multi – millionaires we have, who will be interested in Babu Dama, Hansaben, Kiran, Lalita, Melabhai Vankar and Ilyasiben – all victims of development on our path of becoming super power. The only answer is powerful peoples’ movement challenging the development model of our ruling and dominant classes.

This book is first step to detailed and comprehensive study of the living and working conditions of the workers in the cotton ginning and processing industries the Gujarat. This is more important because fatal accidents and injuries in these factories are the necessary consequences of the total defiance of all labour laws. Such continuous studies of the workers of the various industries in Gujarat will expose the false claims about the so-called “Vibrant Gujarat”.

- Girish Patel

---

---

## Introduction

PRAYAS is a voluntary organization established in 1979 for social, political and economic development with its HQ in village Deogarh Deolia, District Chittaurgarh when it was set up. The hq shifted to Chittaurgarh almost 20 years later. In 2006, PRAYAS set up Centre for Labour Research and Action (CLRA) to organize workers in unorganized sector in various occupations like brick kilns, cotton seed production, cotton gins and construction. (For more information pl.. visit: <http://www.prayaschittor.org/page.aspx?page=clra.html>). CLRA began work with Rajasthani labourers migrating to cotton ginning and oil crushing industry in Central & North Gujarat as well as other sectors in 2006. As in all unorganised sectors in India, the nature of employment in the cotton ginning and oil pressing industries keep their labourers overworked, under-age, and very vulnerably exposed to exploitation, insecurity and risks. CLRA figured that a workers collective in the form of Union was critical to highlight this rather invisible form of exploitative employment as well as seek legal and social security protection of economic and social services entitlements. As a result PRAYAS CLRA promoted Gujarat Ginning and Other Mill Workers Union which was registered in 2008 and started working among migrant Rajasthani seasonal gin workers in the Kadi area.

In the course of their work Union came across a high number of “accidents” and collected, through grapevine and verifications, as much data as possible. Later research showed that these workplace “accidents” were not mere accidents but injuries and fatalities that resulted because the cotton gins are lacking in any kind of basic safety and protective measures. Data, on 105 such incidents over a 10 year period, became the basis of a Public Hearing that Prayas CLRA organized on the issue in February of 2009 at Kadi. Victims presented their case before a panel of judges selected by CLRA (Report annexed as Annexure-2). This proved to be very valuable information which has allowed a peep into “the horror of white clouds” (referring to piles of ginned cotton).

After this public hearing CLRA activists started working on filing claims for compensation. For that victims were examined by the Medical practitioner appointed by Prayas CLRA to assess their disability. Based on disability assessed, claims were filed in Kalol Labor Court. It also started representations before local DISH officers (earlier known as Factory Inspectors) and visiting employers. Union has succeeded to get justice in several cases of accidents. It is learnt that DISH Officers have initiated criminal prosecutions for violation of provisions of Factory Act in case of serious accidents. It also helped victims in rehabilitation. In some cases it helped victims go for plastic surgery done by Jeevan Akshay Trust absolutely free to reduce disability.

CLRA approached the under signed to prepare case studies and organized my visits to the victims in far flung areas in Rajasthan and areas around Kadi. I carried out visits during the period February-April, 2010 to meet the victims and their families. Such visits had its own limitations. With the level of knowledge and information it was not possible to exactly pin point the cause of accident but the discussion gave idea of over all situation and state of employer-employee relationship. After lot of persuasion we were able to visit one of the employers in Kadi. They allowed us to take round of the plant but turned down our request for taking pictures. Employer representatives insisted that the accidents cause as a result of mistakes committed by workers. This is normal ‘victim blaming’ approach taken by the employers without making any efforts to scientific study the incidents.

---

---

Organizing unorganized is a tough job and P-CLRA has dared to take up. Even organized sector Unions do not give serious attention to workplace accidents. In this situation, it is pleasant surprise that P-CLRA decided to take up this issue.

This collection of articles is result of my visits. I thank PRAYAS CLRA for the opportunity given, CLRA activists for accompanying me and sharing their knowledge and information and local hospitality, victims and their families for sharing their experiences and bearing with my inquiries. I thank Harikrishna Patel for sharing pictures of a cotton gin. CLRA activists need to be congratulated for collecting the information and record in tabular form making my work easy for analysis.

I appreciate and acknowledge the interest taken by Tata Education Turst in the issues of migrant workers. Without their assistance the visits and publications would not have been possible.

Well-known human rights activist Girishbhai Patel was kind enough to accept our invitation to write forward for the booklet. I also take opportunity to thank Ranjit Gadhvi of Madhyam Communication for voluntarily design wonderful cover page for this booklet. As always friends at Shabd Publications were very cooperative in abiding with the deadlines.

20 June mark 5th death anniversary of Vijay Kanhere, our beloved colleague and India's pioneer in pro-people OSH struggles. He was one, who among all odds stuck to this issue to work on and tremendously contributed through his writings and mentoring activists like me. I mostly humbly dedicate this work to his memory.

I hope this small effort will go a long way in initiating serious dialogue between concerned Government departments, employers and civil society organizations for safer and healthier workplaces as well as better occupational health services and rehabilitation of the victims including compensation for residual disability.

**-Jagdish Patel**

Date: 20 June,2011  
Vadodara



---

---

## INDEX

1.	Cotton Ginning in Gujarat -----	9
2.	Injuries and fatalities in Cotton gins. -----	17
3.	Babu Dama -----	30
4.	Dayaram -----	32
5.	Hansaben -----	34
6.	Ilyasi -----	36
7.	Kalu Mavji -----	38
8.	Kiran Kharadi -----	40
9.	Lalita Karova -----	43
10.	Mahendra Mina -----	46
11.	Mantrilal Hurji -----	48
12.	Melabhai Vankar -----	50
13.	Muktaben -----	52
14.	Narsibhai Nanjibhai Vasawa -----	54
15.	Natubhai Gohil -----	57
16.	Rambha -----	59
17.	Ratansinh -----	61
18.	Shantaben -----	63
19.	Suka Darangi -----	66
20.	Annexure -1, List of Accidents analyzed -----	67
21.	Annexure -2, Public Hearing -----	71

---

---

---

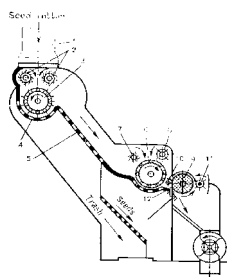
---

## COTTON GINNING IN GUJARAT

216 years ago there were no cotton gins in existence. It was in 1793 that a student of Yale University 1 Eli Whitney 2- who had gone to a southern state of USA for vacation, invented Gin that removed fiber from cotton seed by means of spikes or saws on cylinder. This revolutionized cotton industry. Cotton growing areas increased phenomenally as in England, due to industrial revolution textile industry had come up and cotton was much in demand. American cotton found its market in Europe. Export of cotton from USA to Europe rose from 1.92 lakh Ratal (87,168 Kg) in 1791 to almost 31 times more, 60 lakh ratal (27.24 lakh Kg) in 1795. This phenomenal growth encouraged cotton crop in big way in southern states of USA using African surfs. In fact, this invention strengthened serfdom which had weakened by than1.

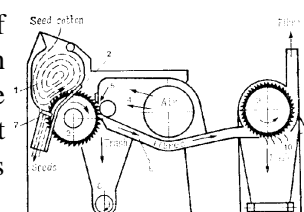
### Technology :

Two types of gins are in common use -the saw gin and the roller gin. Roller type gins provided the first mechanically aided means of separating extra-long staple cotton lint from seed. Early Churka gin consisted of 2 hard rollers that ran together at the same surface speed pinching the fiber from the seed. In 1840, Fones McCarthy invented more efficient gin that consisted leather ginning roller, a stationary knife and a reciprocating knife. In late 1950s rotary knife roller gin was developed by US Department of Agriculture which is the only one in use now in USA.2



Roller gins are used for cleaning long-staple cotton and saw gins for medium and long staple cotton of low grade. The main working organ of a roller gin is a roller with a pile surface by means of which the fiber is torn away from the seeds.3

In saw gins this operation is effected by means of saw toothed disks forming a cylinder which cooperated with grid bars. Saw gins are more efficient than roller gins. Grid bars are provided at the bottom of the chamber between which revolving saw toothed disks are arranged to grasp and draw away the fibers3.



Cotton is conveyed from the gin stand through lint ducts to condensers and formed again into a batt. The batt is removed from the condenser drum and fed into the saw type lint cleaner, inside the lint cleaner cotton passes through the feed rollers and over the feed plate, which applies the fibers to the lint cleaner saw. The saw carries cotton under grid bars, which are aided by centrifugal force and remove immature seeds. The grid bars must be straight with a sharp leading edge to avoid reducing cleaning efficiency and increasing lint loss.2

### Cotton Corporation Of India (CCI) :

CCI was set up by Central Government 30 years ago to regulate supplies, the market, and also improve/upgrade technology for ginning. There are about 4000 Ginning & Pressing factories in India though the country needs only 1000-1200 units of economically viable size with production capacity of about 8 bales per hour. Most of the existing factories are small in size and very few

---

---

among them are composite units with both ginning and pressing facilities. Ginning machines are old, and cleaning machines are rare. Trash level is, therefore, very high (5%-8% including leaf bits and immature locks referred to as *kawdi*). Lack of adequate civil infrastructure and employment of manual labour for handling cotton at ginneries lead to contamination for which Indian cotton has attained notoriety. The objective of Mini Mission – IV is to equip ginneries with modern machinery and adequate civil infrastructure whereby trash level could be brought down and contamination largely averted.

Since the textile mills are required to compete in the world markets, unless quality cotton is made available to them in the domestic market they would go in for more and more of imports which will be very harmful for our cotton growers and also for the G & P industry in our country. The ginners who do not opt for modernization will find it difficult to survive as they will not be able to sell their cotton either in the domestic market or in exports.

Modernization of G & P factories would also bring considerable benefits not only to the farmers, who will be able to realize better price for their produce but to G & P factory owners also. Most of the mills in India are paying good premium for cotton processed in modern G & P factories, who follow all the modern systems installed in the factory and are also following proper management practices.

G & P projects completed under mini mission –iv as on 30th April 2008 lists 594 factories in Gujarat where modernization projects have been taken up is available on website of Cotton corporation of India. This is highest among all Indian States.

With modernization, Corporation should also equip the Gins for reducing accidents at work and encourage Gins to have some investment in imparting training to the workers.<sup>7</sup>

#### **Cotton production and Gins in Gujarat :**

Gujarat accounts for 30-40% of total cotton production in India and 50% of cotton export from India.<sup>4,6</sup> Since 2002, cotton production has registered a remarkable growth every season- from 30 lakh bales to 1 crore in 2007 (Indian Express). 110 new cotton gins were established in 2007 to take advantage of increase in cotton cultivation area and production. In 2007-08 season saw increase in Bt.cotton cultivation area by 30%. There are 1100 cotton gins in Gujarat out of which 50% Kadi town in Mehasana district in North Gujarat is however, a major center for Cotton Gin. There are 122 gins in Kadi area only. Interestingly, Mahesana district (where Kadi is situated) is not among 10 major cotton producing areas in Gujarat. Cotton from neighboring states like Maharashtra and Madhya Pradesh, too, come to Gujarat gins for processing.

The Gujarat Ginning and other Mill Workers Union which works with seasonal migrant Rajasthani workers in cotton gin. As per the estimates of the Union, smallest gin consist of 10-12 charkha machines and employs 50-60 workers while bigger units employ 36-40 charkha and 125-130 workers. There are no accurate estimates of number of workers known. Considering 70% small and 30% big, estimated number of workers employed in ginning and pressing industry in Gujarat would come to 80,000-90,000.

---

---

**Accidents and working conditions :**

The Gujarat Ginning and other Mill workers Union is working in Kadi area since 2006. In course of their work they came across complaints of numbers of accidents taking place in gins. Union prepared a list of 105 accidents which included fatal as well as non-fatal accidents. According to this list there were 18 fatal accidents and 87 non-fatal. Detailed analysis of these accidents is presented in separate article.

**Work Conditions :**

Gin is a seasonal industry. Cotton needs huge space for storage before compressing it to bale. To protect the huge amount of cotton from rain, one would need huge shed which would need huge investment. More over cotton is not available all throughout the year. Hence it has acquired status of seasonal industry. Some of them also have engaged themselves in extracting cotton seed oil which is not seasonal business and hence these are excluded from seasonal status. These all-season units are covered by ESI Act, while seasonal units are not covered by ESI Act. However ALL units- employing more than 10 workers- are covered by Factory Act. Factory Act provide for basic rights for health and safety to protect workers. Important provisions are working hours (9 hour a day and 48 hr per week), limit on overtime work (50 hours in a quarter) and double the wages for overtime work, weekly rest, identity card, attendance card, leave card, leave with wages, tight fitting clothes, machine guarding etc. All these provisions are blatantly violated. Minimum Wages Act is also applicable and general experience is, workers are not paid minimum wages. Inter-state Migrant Workers Act and Contract Labor (Abolition and regulation) Act is also in existence. None of these labor laws are implemented well and as a result workers - largely unorganized- are exploited in all manner. How many workers are covered under ESI Act is also not known but from the experience it seems that not all those who are required to be covered, are covered. For registering attendance there is no system to punch cards or no system of attendance card where Supervisor would put his signature. Supervisor on his own would record the attendance, I was told. Workers are not required to sign the register even when receiving payment of their wages. Met would make payment at dormitory in cash. To some, he would not pay or would pay as much he would think fit. No pay slip is issued ever. No weekly off! Worker is not left with any evidence that s/he worked at so and so factory for so and so period. Laws for social security like PF, gratuity, are not enforced here. Induction training or periodical training is not imparted for quality, better industrial relations, motivation or safety. No information on hazards or no training on safety or accident prevention.

**Living conditions :**

Workers are normally provided dormitory type location by gin owners either in the premises of the mill or very near. Dormitories lack most basic amenities like kitchen, storage facilities, washroom/ bath room and toilets. Up to 10 workers live in a single 10 feet by 10 feet room. Normally one group of workers - who may be from the same extended family or village - stay together. The group may include both male and female workers. No separate rooms for male-female. No privacy. Rooms are dark with poor ventilation (no windows or very small windows). While there is electricity, there are no ceiling fans or facility to charge mobile. Some workers on their own would bring table fans

---

---

for their use. The workers sleep on the floor. Some bring with them *charpai* (cot). They have to get their own bedding/mattress. There is a single common water connection in the open. There are no bathroom or toilet facilities. The workers have to use open spaces within premises or outside for their morning ablutions. They cook food on wooden *chulhas* that they may light up either inside their rooms or in the veranda (lobby) outside if there is space available. Most get fuel wood from employer for free while some have to buy from open market.

In India millions of workers stay where they work. Restaurant workers sleep in the restaurant and construction workers, too, stay at work site. In manufacturing sector, workers are provided dormitories which lack basic facilities like toilet-wash room-drinking water-electricity etc. But we have no law in this regards. There is need to make a law urgently in this regard.

**Recruitment :**

Recruitment is done by the met. They are paid commission. Responsibility of the met is to recruit laborers and get them to the workplace at specified time. Once laborers are at workplace it is the Supervisor who will assign duty.

**Advances :**

In course of our study we have not come across any discussion or complaint regarding advances being given to worker either by contractor, or met or factory. We wonder how workers cope up with their credit needs in this situation. Union may set up Co-operative credit society.

**Why they migrate :**

Workers from bordering tribal areas of Rajasthan viz. Kherwara and Dungarpur migrate to work in Gins in Gujarat. Major reason is economical. Hilly terrain with no irrigation facility and low rain leave poor agriculture. Jungles no more left to provide economic activity. Tribal have huge families. High rate of illiteracy and lack of modern health care services until recently has lead to low or no use of contraceptives for birth control. For large numbers of young and adolescent women the reason for migration seem to be their ambitions, attraction of urban living, dreams for better life and get lost from life which has nothing to offer them for life. If they migrate they have nothing to loss but the hard life In hills. For some adolescents migration would full fill their dream of their sexual desires or flirt with liking character. So, for them it is matter of emancipation from closed social environment and march towards progress. Exposure to the economically advanced areas would help bring about change in personality and may hike their social value back home. This is important for getting good offers for marriage. Migration to Gujarat is a long tradition and the new generation is only keeping the tradition alive.

**RECOMMENDATION :**

1. What is most important challenge is how to reduce migration of child labor and adolescents. This is important as they are the victims of most serious accidents.
2. For induction, PRAYAS should open a school at source where before migration workers can be informed about legal provisions for their rights and safety. Old victims may be invited to share their experiences and give practical tips.

- 
- 
3. There is urgent need for campaign on implementation of various labor laws.
  4. There is need to have some rehabilitation efforts for alternative employment for disabled at their home or reemployment depending up on extent of disability
  5. There is need to provide counseling for mental health of the victims. Also there is need for counseling on post-operative care like physiotherapy etc which would help patient recover fast with low disability retention.
  6. There is need to work on the issue of better treatment standards. Some programs may be organized in collaboration with Medical Associations. Better microsurgery options are available at low cost and this information should reach to all concerned. This would help reduce extent of disability.
  7. For prevention of accidents several changes may be suggested to the Gin, Cotton Corporation of India and DISH officers. Machine guarding, tight fitting clothes, use of proper implement and provision of PPE are major areas of work. For tight fitting clothes PRAYAS may start campaign in source villages. Women workers from Haryana area put on shirts which is better than.
  8. Union should put up charter of demands with the industry for implementation of labor laws and reduce rate of accidents. A joint committee may be formed to include members of worker representatives, civil society & industry representatives to encourage and monitor implementation of labor laws.
  9. Compensation is very important and for adequate compensation, disability assessment need to be done properly. If organization can locate a medical doctor who could be trained in disability assessment and certification will go a long way. In India we do not have elaborate criterion for assessing disability though efforts have been made in past and a document has been published in this regard.
  10. Can migration be stopped? This is difficult question and I am of the opinion that as long as there is need one can not stop it. Programs in source villages to stop migration and create local employment opportunities or employment generation programs may not be that effective. For an industrial society it would be prudent for the Union to keep pressing for the prevention of accidents through implementation of legal provisions and continuous education of the workers on one hand and on the other struggling for the compensation as well as getting the culprits fined for their violation of legal provisions is better idea.
  11. Victims of accidents should be organized and their separate Union should be registered. This victim Association then can be torch bearer for campaign to reduce accidents at work, rehabilitation, compensation issues, campaign for amending laws where necessary and so on. In many Asian countries like Korea, Taiwan, Japan, Hong Kong and Thailand accident victims have organized successfully to campaign for better life for themselves. Asian Network of Rights of Occupational Accident Victims is a network of such organizations. Such organizations observe 28 April each year to draw attention of wider society.

- 
- 
12. Sec. 85 of the Factory Act empowers State Government to declare any industrial operation as Hazardous and make detailed rules for protection of workers. Under Sec. 87 of Special provisions, Gujarat Factory Rules have declared several operations as hazardous. Campaign may be taken up to declare Ginning as hazardous based on the study.
  13. More extensive study may also be taken up to cover few more states or more areas in Gujarat to help substantiate the claim by PRAYAS.
  14. Advocacy for a law to monitor dormitories for workers or living conditions at work.



**References :**

1. Biography: Abraham Lincoln, Manibhai Desai, P.122, Pub: Navjivan Trust, 1980
  2. Production and Ginning of Cotton - W. Stanley Anthony, ILO Encyclopedia of Occupational Health & Safety, 4th Edition, 1998
  3. General Technology of Cotton Manufacturing- P.T. Bukayev, Mir Publishers, 1984, p.21-22
  4. Indian Express, 07-10-09
  5. Indian Express 25-05-10
  6. Indian Express, 30-04-10
  7. <http://www.cotcorp.gov.in/technology.asp>
- Statement of dedication

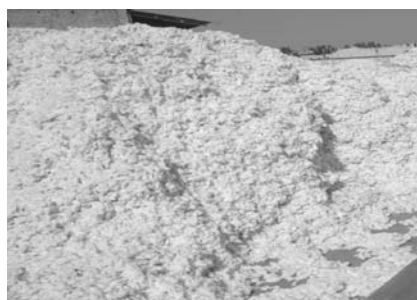


---

---

## INJURIES AND FATALITIES IN GINS

PRAYAS promoted Gujarat Gin and other workers Union started working among migrant, seasonal Rajasthani Gin workers in Kadi area since 2006. In course of their work they came across high number of accidents and they collected as much as possible data to be circulated at Public hearing they organized on the issue in February, 2009. The data, in tabulation form has 105 entries (Annexure-1). This is very valuable piece of information which allow us to peep in the horror of white clouds.



It is very difficult to collect this type of data in India where official figures are either absent or inadequate. Individuals are always not very enthusiastic to share the information. One has to rely on many sources for information and it is always not possible to verify the information. At times the information may come which has many links missing, though important to document. I do not know the complete process of collecting this information. It is obvious that such data will have its own limitations. The data presented leaves impression that data collection is done honestly. Considering all such factors, we have analyzed the data to present the seriousness of the problem and pin point the weaknesses or gaps.

### **When did they happen :**

Out of 105 accidents 18 were fatal and 87 non-fatal injuries. 65 of these accidents took place in 7 year period- from 2003 to 2009. For 39 (37%) accidents date or year of the accident remained unknown. Table below gives more detail:

No.	Year	No. of accidents
1	2009 (Jan-Feb)	05
2	2008	17 (16%)
3	2007	12 (11.4%)
4	2006	16 (15%)
5	2005	10
6	2004	01
7	2003	04
8	1999	01
9	No information on period	39 (37.14%)
	<b>Total</b>	<b>105</b>

Among 105 there are 2 cases of sexual abuse. In one case of sexual abuse, the victim died, though not clear what caused the death. Public hearing was organized in Feb, 09. So, the incidents recorded in 2009 are only for the first 2 months of the year and not the whole year. 1 fatal and 4 non-fatal accidents in first two months of the year in a small town indicates high rate of accidents.

---

---

**Fatal Accidents :**

18 fatal accidents took place in this period. In 3 cases there is complete information like date of accident, place of accident, name-age-address details of victims, compensation -if paid and the amount. In another 9 cases, information of compensation only is missing. In 5 cases some vital information is missing like location or name of the victim. In one case there is no information except that the person who died was from Kherwara and accident took place in 2005.

**When :**

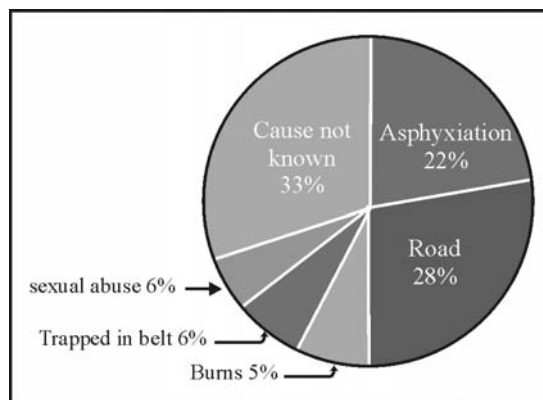
No	Year	Number of total accidents
1	2009	01
2	2008	07
3	2007	02
4	2006	03
5	2005	01
6	2003	01
7	1999	01
8	No information	02
	<b>Total</b>	<b>18</b>

**Cause of accident :**

Cause of accident is NOT known in 6 cases. In remaining 12, prominent is road accident.

Following table gives detail :

No	Cause	Numbers
1	Asphyxiation	04
2	Road	05
3	Burns	01
4	Trapped in belt	01
5	Sexual abuse	01
6	Cause not known	06
	<b>Total</b>	<b>18</b>



---

---

### Road Accidents :

Out of 5, 4 were killed in one incident. They were travelling to Kadi from Rajasthan and some where in between, the vehicle in which they were travelling met with accident. In another case the female worker of unknown age was crossing the road during off-duty hours in front of the Gin in which she was killed. The workers stay in dormitories provided by the employers and location of the dormitories would be in vicinity of high traffic and workers would need to frequently cross the road. This accident took place in 2005. Our national policy for collection of data on occupational accidents do not include road accidents during commuting. But recent amendment in ESI Act now provide for compensation for road accident took place during commuting.

### Asphyxiation :

Asphyxiation may be chemical asphyxiation or simple asphyxiation. Here it is case of simple asphyxiation. The victims were all males in these cases, though women participation is quite large in cotton ginning. Cotton has capacity to kill human being by asphyxiation. Cotton seeds are collected in a tractor trolley after separation from cotton through duct which has opening in trolley. In the trolley, heap of the incoming seeds is formed. To spread it uniformly in the trolley and avoid formation of heap, a male worker is asked to be in the trolley. This trolley is covered by thick cloth or canvas from all sides to the height of approximately 7 feet. Once inside this trolley, the person inside will have no contact with the outside world. The trolley is kept near the out let of the seed flowing duct which is located outside the Gin shed. This is particularly in the Gins which are not in the business of expelling oil from cotton seeds. Once trolley is full, it is driven to the oil mill for sale.



Spreading cotton seeds evenly in the trolley do not demand any specific skill. Any new, inexperienced young boy or child labor is employed in this work. During night hours, where there is no continuous activity, almost dark around, boy would go to sleep and heap of seeds would keep on covering him beneath. In process, contact with oxygen would completely cut off. In many such cases, it has so happened, that no one would come to know about the death of the worker inside the trolley. While emptying the trolley in the oil mill away, dead body would fall from the trolley while emptying and people would come to know about the accident. No records of workers inside the factory or out going is maintained by the factory. In 4 such cases recorded here, 3 were child laborers (Two 12 year old, one 16 year old) and one 20 year old. All were from Rajasthan. Such accidents can be avoided either by banning practice of employing worker inside trolley or enforcing Sec. 36 of Factory Act. Entering trolley is entering confined space and hazards of confined space are well known and taken care of by the law (Section 36 of Factory Act; Rule 64 of Guj. Factory Rules). Uniform spread of seeds can be done by other methods which are simple like using hoe with long handle, while standing out side the trolley. Employers and employees may be made aware of the hazards of confined space. DISH may take up this as campaign, publish literature on hazards of confined space or use other methods of communication.

---

---

**Burns :**

Only 1 fatal accident due to burns has astonished me as Gins are notorious for fires. Here only one death has occurred due to burns. Unguarded pulleys are cause of serious accidents and in one case it has been fatal.

**Sexual Abuse :**

We believe that incidents of sexual abuse must be very high than recorded here. Female participation is very high in this industry. Number of female workers of the age of child or adolescent age is observed high. One fatal case is reported as a result of sexual abuse. The information in this case came from verbal testimony of the girl who shared accommodation with the victim. She said that the girl was taken out in the night and was brought back in a bad shape in early hours of the morning. She died soon after. The Union tried to get the case reinvestigated and Inspector General of Udaipur range wrote letter to Junagadh (Gujarat) IG, where the incident took place.

Some reinvestigation did take place but nothing concrete came out of it. There is no information as to how death occurred. Was it a case of death following injuries or suicide or murder? Large numbers of young girls migrate from tribal area. Some of them might be coming for fun and some also come to make love besides monetary needs. Unsecure dormitories, young girls around and night shifts, all provide fertile grounds for sexual abuse and advances. Factory Act has specific provisions for women workers' protection particularly during night shift. But this is an area where labor laws are not respected and State is conspicuously absent. I tend to believe that there might be many more cases of sexual abuse which do not come to be known for fear of discrimination by the local society. This might have come to be known only because of death. Shobha ( 14) is the victim in this case. It happened in Somnath Gin in Babra town in Amreli district.

**Gender :**

Out of 18 deaths, 11 were female and 7 male. The information on gender and age group can be seen in the following table:

No	Age Group	Female	Male
1	12-15	05	03
2	16-18	01	02
3	> 18	00	01
	No Information	05	01
	<b>Total</b>	<b>11</b>	<b>07</b>

Proportion of male and female is same but what is significant in case of female workers is higher rate of death in young age. There is no information on age in 45% cases which may affect the assumption. It is common among both sexes that with rise in age the death rate has gone down.

Male starts working earlier than female. Only one adult has met with fatal accident is indication that if we can prevent child labor we can prevent fatal accidents in cotton gins. I suppose this is not over simplification.

From the available information, we can observe that majority of those who become victim of fatal accidents are from Rajasthan. We may not make a conclusive statement in this regard from the available information. Since the organization is working among Rajasthani migrant workers, more information-particularly old information- would come from Rajsthan. It is clear from following table

No	State	Male	Female	Total
1	Rajasthan	05	10	15
2	Gujarat	01	01	02
3	UP	01	00	01
	<b>Total</b>	<b>07</b>	<b>11</b>	<b>18</b>

**Location of fatal accidents :**

**Following table give details of locations of these accidents :**

No	Name of the Gin	Town	Number
1	Bhagyodaya	Kadi	01
2	Golden	Rajkot	01
3	Jay Ambe	Harij (Dist:Patan)	04*
4	Kot Ginning	Kadi	03
5	Khodiyar	Kadi	01
6	Mamta	Kadi	01
7	Somnath	Babra,Amreli	01
8	Srinath	Radhanpur	01
9	Tirupti	Kadi	01
10	Vivekanand	Kadi	01
11	No information		03
	<b>Total</b>		<b>18</b>

4 fatal accidents ascribed to Jay Ambe Gin are all road accidents which took place in 2008. All these took place in one single incident. It needs to be clarified that, since these workers were heading towards Jay Ambe Gin\*, incident is considered as happened “during commuting”, though the manufacturing process had nothing to do with this incident.

In Kot Ginning, Kadi, 3 workers died in three separate accidents which took place in 1999, 2007 and 2008. Browsing through the register for fatal accident maintained by DISH, it has come to the notice that only one accident – which took place in 2007- has been registered with them but they

did not move any prosecution against the unit. It seems that this unit has not learnt any lesson from past and should have been severely punished for its violation of legal provisions and carelessness. Those who died were 2 males and one female - all from Rajasthan. In 1999 female worker died after getting trapped in belt. In second incident which took place in 2007, 16 year old male worker died of asphyxiation in tractor trolley while there is no information on cause of death for accident which took place in 2008. From the information collected, it is evident that there is under reporting even in case of fatal accidents. Employing child labors is violation and on top of it when child is killed in course of employment, it is not only embarrassment to the unit owner but also for the State. Therefore, it would be in interest of both to hide death of child labor. This is something very serious.

#### **Compensation :**

Out of 18 fatal accidents, there is information in 5 cases only on compensation. In all Rs. 6.45 lakh were paid toward compensation. In 2 cases Rs. 2.5 lakh was paid. In one case, Rs. 80,000, in another Rs. 50,000 and in third only Rs.25,000 was paid. There is no information on compensation in accidents which took place in 2006 onwards. Amount of Rs. 25-50-80 thousand may be as settlement out of court and not compensation as laid out by the law. This speaks of volumes of our entire legal system, peoples faith in the system, people's knowledge about their own rights and desire to fight for rights, lack of unionization and over all poverty and weak negotiating power.

#### **Non-fatal Accidents :**

51 males and 35 female fell victim to the non-fatal accidents in Cotton Gins.

There is no information in case of 63 cases about the location. In rest, 20 were reported from Kadi, 2 in Morbi and 1 each in Rajkot and Surendranagar. Out of 87, 23 could claim some amount towards compensation. Total compensation amount claimed was Rs. 10.5 lakh. Out of total 87 accidents, names of victims are missing in 2 cases and age is missing in 15 cases.

#### **Profile of victims :**

Out of 87 victims, majority were locals and not migrants. In case of fatal it was completely opposite trend. But we do not have adequate data to substantiate the statement. Do we believe that migrants are more skilled or experienced? See table below:

<b>No</b>	<b>State</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
1	Gujarat	30	22	52
2	Rajasthan	19	12	31
3	Bihar	01	01	02
4	MP	?	?	01
5	No Information	01	00	01
	<b>Total</b>	<b>51</b>	<b>35</b>	<b>87</b>

In table above, difference in total in vertical and horizontal columns do not match only because of information on gender in 1 incident could not be ascertained. Name of the person in question is not known (which might have given clue on gender) and hence gender can not be ascertained.

As can be seen, the workers from Gujarat outnumber the workers from Rajasthan in meeting with non-fatal accidents. In fatal accidents it is the Rajasthani migrant workers who are more in numbers than local. What may be the reasons? Do the local workers enjoy better clout to avoid hazardous jobs?

We have drawn conclusion based on the data we have. Data has its own limitations as it is collected through personal contacts. The data is not verified and neither industry nor Government has endorsed it. Union has done it voluntarily and do not claim any 'totality'. There is possibility that for Union it was possible to contact local workers fully for past accidents. That might not have been possible in case of Rajasthani workers who are spread out in remote villages. So they may have left out a number of old non-fatal accidents in Rajasthan. This becomes very clear if we take a look at the accidents for 2007-09 that have been mapped out better. Of 22 non fatal accidents reported in these two and a half years (excluding both death and missing), 14 are from Rajasthan, 6 from Gujarat and 2 from Bihar.

**Age profile :**

**Female :**

No	Age Group	Gujarat	Rajasthan	Other	Total
1	13-15	01	03	00	04
2	16-17	03	01	00	04
3	18-25	11	02	00	13
4	26-35	02	01	01	04
5	36-50	02	00	00	02
6	51-65	02	00	00	02
7	No information on age	01	05	00	06

**Male :**

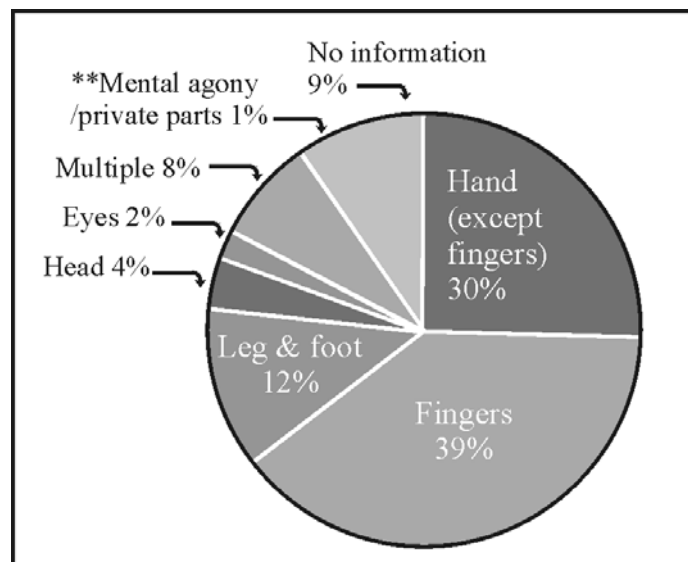
No	Age Group	Gujarat	Rajasthan	Other	Total
1	13-15	01	04	00	05
2	16-17	02	03	00	05
3	18-25	12	04	00	16
4	26-35	06	00	00	06
5	36-50	00	02	00	02
6	51-65	04	00	00	04
7	No information on age	05	06	02	12
	<b>Total</b>	<b>30</b>	<b>18</b>	<b>02</b>	<b>50</b>

Male workers from Gujarat again out number their Rajasthani counter parts in meeting with accidents. This is the same trend as seen in female victims.

**Body parts affected :**

Hand is most vulnerable body part in Gin. Since fingers are more frequently affected in hand, separate data is given in the table below:

No	Body Part	Male	Female	Number
1	Hand ( except fingers)*	13	12	26
2	Fingers	20	09	29
3	Leg & foot	06	06	12
4	Head	02	01	03
5	Eyes	01	00	01
6	Multiple	04	03	07
7	**Mental agony/ private parts	00	01	01
8	No information	05	03	08
	<b>Total</b>	<b>51</b>	<b>35</b>	<b>87</b>





---

---

\* Gender in one case involving hand injury is not known. As a result horizontal addition in row 1 and total would not match with the vertical addition.

\*\*Case of sexual abuse

Case of sexual abuse took place in a gin in Muli town of Surendranagar district in January 2007 with a 14 year old girl from Simalwara in Rajasthan. The abuser was supervisor. First Information Report was filed in Muli police station. It is not known if convict was sentenced.



#### **Permanent disability :**

Data on permanent disability is not very clear. From the available information, one can conclude that at least in 19 cases victims suffered permanent disability. Fingers and hand cut off are most serious injuries. Medically the disability may not be significant in some cases but for a young unmarried woman with deformed hand or loss of fingers or limping leg affect not only their carrier or limit earning capacity but disrupts whole life, when they are not able to perform domestic duties or discriminated and can not get married. Whole family pass through unbearable pain for a long time. It is extremely disappointing to see young people doing nothing in the hills, their life become boring and they lose purpose of life. Disability also needs to be seen in context of capacity to earn in job market. In existing system of evaluation of disability, this is not considered at all, which is major drawback of the system that needs to be corrected by including economists (experts in the labor market) and social scientists in the panel evaluating disability along with medical professionals. In country like India where labor is surplus, even small disability severely affects employability of the victim.

#### **Frequency :**

Out of 87, there is no information on employer in 23 cases. Remaining 64 accidents took place in 42 different gins. In 31 Gins only one incident took place while in remaining 11 more than one incident took place.

No	Number of Gins	Frequency of accidents	Total Number of non-fatal accidents
1	31	01	31
2	05	02	10
3	03	03	09
4	01	04	04
5	02	05	10
<b>Total</b>	<b>42</b>	<b>-</b>	<b>64</b>

During the period of the study, in Amul Cotton Ind, Thol Road, Kadi and Rajeshwari Oil Ind, Kalyanpura Road, Kadi 5 accidents in each, took place while in Raja Ind, Nandasani Road, Kadi 4 accidents took place.

---

---

**Amul Cotton Industries :**

No.	Gender	Age	Year	Description
1	M	21	2007	Leg trapped in belt; fracture
2	M	25	2006	3 fingers chopped off
3	M	?	2003	4 fingers chopped off
4	M	20	?	Thumb got cut off
5	F	45	?	Leg trapped in roller; fracture

**Rajeshwari Gin :**

No.	Gender	Age	Year	Description
1	F	20	2007	Fingers of both hand fractured
2	M	18	2005	Palm fractured/deformed
3	M	?	?	Fingers got cut off
4	M	?	?	Bruises on fingers
5	M	?	?	Bruises on hand

**Raja :**

No.	Gender	Age	Year	Description
1	F	19	?	Hand got cut off
2	M	32	2003	Fingers fracture
3	M	16	2007	Left hand fractured
4	M	?	2007	Fell down

**Compensation :**

Union has ventured in one of the most challenging field of social work. Compensation for the accident victims has still remained an issue which would need lot of efforts. The Union filed compensation claims for 6 victims (from the list of 105) before Compensation Commissioner, Kalol, Dist: Mehsana. Union engaged one Medical practitioner to examine the victims and assess their disability which should have been done by the employer under provisions of Workmen's Compensation Act, 1923, now renamed as Employees Compensation Act. Union got disability assessed which formed basis for amount of claim. In one case, disability was assessed by Insurance Medical officer. Out of 6, in one case, the victim received Rs. 6,000/- towards compensation and settled. Rest 4 are under progress. In few cases Union succeeded in getting claims settled without approaching

---

---

the Commissioner. Union has filed claims for the accidents which took place after February, 2009. But those have not been included in this study.

**Important issues :**

Accident prevention is an important activity for any industry. It is clear from the study that no investment is done in this area by the Gin managements. Post-accident issues are:

- First aid box and trained man power in first aid: Factory Act provide for both. They do keep first aid box but we do not know how well these are maintained. Only few told us they used it. The contents of the box is used by those who are more powerful in the set-up. Supervisors and fitters are most powerful among the shop floor while workers neither know nor are they allowed to use the Box. It is possible that workers, out of fear do not dare to touch such items in the shop floor. Out of inferiority complex they might be imposing self-censorship.
- Transfer to hospital: In many cases we were informed that they were transported by motorcycle which is again very unsafe and that may further damage the wound. Industry association may maintain ambulance. Now Sate ambulance service-108- is also available which may be used.
- Notification: In case of fatal accident DISH, Police and DM are required to be notified. In case of non-fatal if accident is lost time accident it is to be notified to the DISH. We believe that under reporting is very high. Legal action need to be taken against violators.
- Intimation to the family: Since young workers, males and females, come alone with the *met* (contractor), it becomes duty of the *met* to inform family of the accident. We have observed that in many cases neither met nor factory management informs family in time. Sometimes it takes 3 months for family to come to know. Some times even the victims do not want family to know to avoid stress on family.
- Treatment: It is clear from the case studies that minimal treatment is given immediately after the accident. In most cases because proper and good quality treatment is not given, extent of residual disability remain very high which badly affect the victim's personal life, carrier and livelihood. Post-operative care is lacking which also retain higher disability. Counseling on post operative care and better advice like going for microsurgery for better results is not done. In most cases accident victims are taken to the private hospitals where they can avoid medico-legal case. In private hospitals, patients are not handed over any medical papers like prescriptions or discharge card or test reports etc. Workers have no control over private medical practitioner. In Kadi, it is said that the Ginners and the dominant class has established Bhagyodaya hospital which is controlled by the Gin owners and hence, in most cases workers are sent to this hospital only. In Kalol there is ESI hospital but accident victims are not treated there.
- Treatment expenses: Normally, expenses should be taken care by the Gin management but they do not, in many cases or they pay partial payment.

- 
- 
- Rehabilitation: In most cases workers who have gone disabled, are kicked out or not employed in next season. They are not provided any mental health counseling nor are provided any vocational training for gainful employment.
  - Compensation: Very few get the compensation as laid out by the W. C. Act or ESI Act.
  - Lost wages: Victims are not paid wages for the period they remain under treatment as required by the W. C. Act
  - Care & Support: In the periods of treatment the patients need specific support which they do not get. E.g. a patient who can not squat during the treatment period need separate toilet. Workers are provided with the dormitory which do not have toilets and in such circumstances workers use open space outside for attending natural calls. When a person is disabled, how can s/he go out in open ? When patient is in hospital s/he needs at least one attendant. Gin management do not pay for the time given by the attendant. In many cases family members have to come all the way from Rajasthan and stay with the patient to attend.
  - There is need for counseling provided to the accident victim on post-operative care like physiotherapy etc which would help patient recover fast with low disability retention.
  - Insurance: If the factory is not covered under ESI Act, factory should buy insurance for compensations to be paid under W. C. Act. It seems that most units do not buy such policies and as a result deny paying legitimate claim of the accident victim.
  - There is need to work on the issue of better post-traumatic treatment standards. Some programs may be organized in collaboration with Medical Associations. Better microsurgery options are available at low cost and this information should reach to all concerned. This would help reduce extent of disability.
  - For prevention of accidents several changes may be suggested to the Gin, Cotton Corporation of India and DISH officers. Machine guarding, tight fitting clothes, use of proper implement, supplying standard personal protective equipments (PPE) are major areas of work. For tight fitting clothes PRAYAS may start campaign in source villages. Women workers from Haryana area put on shirts which is better outfit to work in industry.
  - Union should put up charter of demands with the industry for measures to reduce rate of accidents. A joint committee may be formed to include members of worker representatives, civil society & industry representatives to encourage and monitor the measures including enforcement of law for safety & health at work.

**Recommendations :**

1. Asphyxiation in trolleys can be avoided either by banning practice of employing worker inside trolley or enforcing Sec. 36 of Factory Act. Entering trolley is entering confined space and hazards of confined space are well known and taken care of by the law (Section 36 of Factory Act; Rule 64 of Guj. Factory Rules). Uniform spread of seeds can be done by other methods which are simple like using hoe with long handle, while standing outside the trolley. Employers and employees may be made aware of the hazards of confined space. DISH

---

---

may take up this as campaign, publish literature on hazards of confined space or use other methods of communication.

2. Sec. 85 of the Factory Act empower State Government to declare any industrial operation as Hazardous and make detailed rules for protection of workers. Under Sec. 87 of Special provisions, Gujarat Factory Rules have declared several operations as hazardous. Campaign may be taken up to declare Ginning as hazardous based on the study.
3. In existing system of evaluation of disability, this is not considered at all, which is major drawback of the system that needs to be corrected by including economists (experts in the labor market) and social scientists in the panel evaluating disability along with medical professionals. In country like India where labor is surplus, even small disability severely affects employability of the victim.

**Conclusion :**

Had PRAYAS team not collected this data, Society would have been deprived of this opportunity to know the horrible crime the Gins are perpetuating. I thank and congratulate PRAYAS for this superb work. Gins employing child labor, engage in sexual abuse, do not provide guards to the rotating parts of machines, not providing tight fitting cloths, not providing personal protective equipments, lead child laborers to asphyxiation, not allow workers weekly off, run 12 hour shift as a routine, not provide workers with identity cards or attendance cards, not providing coverage under ESI Act- the list can go on and on - how the hell have they right to exist at all, is beyond understanding. This is pure statelessness and society has to be mute spectator to these heinous crimes. We are not living in 21 century but they take us to the journey of barbaric age. Bravo!

---

---

## BABU DAMA

Babu Nemabhai Dama is 21 old young boy resident of tribal village called Kakan in Sagwada (Rishabhdev Taluka, Rajasthan). When I asked him what do you do, he stared at me. His father helped me, saying, “what else will he do *now*, he is grazing the goats. Who will feed him *rotla* (local bread) if he does not work.” Babu looked disappointed when I asked another question if he is married. Again it was his family members replying me, “who will marry him *now*.” I was visiting this distant village in hilly terrain. Babu was on another hill, when we reached climbing up this hill. He was informed through someone’s’ mobile of our arrival. We were told that he has started coming and it will take at least one and half hours to reach here. After taking few snaps here & there I took long nap before he came.

Mystery of ‘Now’ was not confusing as we already knew that Babu is accident victim. He used to go to work in Cotton Gin in neighboring State Gujarat since last 4 years. Cotton gin is a seasonal business. After October-November it starts working and works till May or some till June. Cotton is separated from cotton seed by passing it through rollers and packed in bales using hydraulic press. Some gins extract oil from cotton seeds to manufacture cotton seed oil and byproduct is cattle feed. In his 4 year experience he never met with accident.

He was employed by Malguru Gin in Nani Kadi area in Kadi as daily wager through Ambalal contractor. He was paid Rs. 80/- per day for 12 hour work.



It was 21 February (2009). He started working at 7 in the morning. He was working at a height on conveyor belt. There was not enough space to stand and work on side platform of conveyor. Water was being sprinkled at that stage on the conveyor as next process was to feed cotton to hydraulic press to make bale. Platform was not guarded and was open on one side. Worker would hold a iron rod with one hand welded with roof for support and clean the belt with another hand. How risky!

He had to visit this location every hour to clear clogged cotton. First he went at 8 am and again at 10 am to clear the belt. At 12 he took lunch break. Workers are provided free residential quarters for their stay, within the campus. Before resuming duty workers prepare food in the early morning which is consumed during lunch break. Accordingly he went for lunch.

After coming back it was again time to climb up the conveyor and clean the belt. It was about 1.30 pm when he was cleaning the belt with broom and the broom got entangled in pulley and got pulled in and with broom his right hand too got pulled in. He was wearing full sleeve shirt. Many people have habit of keeping their cuff open leaving the ends of the cuff hanging & protruding out. These can easily get caught in pulley nip. He cried for help. He even could see his own cut-off hand from shoulder moving over the conveyor on the other. Co-workers rushed and switched off the conveyor.

---

---

He was brought down and taken to the hospital of Dr.Kubavat by employer's car. After primary treatment he was shifted to a private nursing home in Ahemdabad. He was discharged after 10-12 days. He stayed in the factory for few more days for follow up dressing.

During this stay he was neither paid any wages nor daily expenses. He used to get it from friends and relatives. He claims to have spent Rs.25000/- over treatment and stay in Kadi after accident. He was asked to continue the job but with one hand gone he was finding it difficult to wash clothes, prepare food and other daily domestic chores. Since he was lone he himself had to take care of all these. He had decline the offer. He was not yet married. Family had plan to get him married after Holi which was very near. Just before Holi accident took place. Now family has no hopes of his getting married. Now, he can not help family in agricultural activities and has to contend with taking goats to graze. Babu studied up to 5th at local school. His father has 6 kids. Babu is second eldest.

He was taken to an organization helping get prosthesis but as stump is not available where prosthesis can be fitted, it was not possible.

He was paid Rs.2.52 lakh toward compensation under W.C.Act. He paid Rs.2500/- to the lawyer towards his fees. PRAYAS staff helped him claim compensation.

Was this accident notified under Section 89 of Factory Act and Rule 103 of GFR? We have no knowledge.

The accident was result of unguarded platform, unguarded nip, improper supervision, lack of training, poor design of the worktable, lack of implement and so on.

Interview: 15-03-10

---

---

## DAYARAM BHAGORA

We were kept waiting in the car when Mangniram got down to inquire if the person is available. After few minutes, Mangniram waved to signal, the person is available. I was pleased - not just because we came to know that our subject is available for interview, but also because I was relieved to know that the victim's house is on the bottom of the hill and we do not need to climb any hill! We were still in Dhikwas (Kherwara, Rajasthan) and it was evening now. I was hesitant initially in visiting him as I was anxious to take Bus for Baroda from Kherwara which is 6 hour journey and it was already 5 pm when we reached Nalfala area.

We were greeted by a young man who looked to be 35/40. He looked very healthy and had well built up body. I was wondering how he can be a accident victim. Mangniram did not part much information about victim before we reached. The way Mangniram greeted the person and the way we received warm welcome, I thought this is *THE* person whom we are looking for. We were offered chairs pulled from here & there. It was a well built house and person looked wealthy who would not need to migrate to Gujarat for labor, I thought.

It was long wait for me before HE actually appeared before us. Dayaram, only 18, studied up to 7th in local school and left. Ramesh Parmar, his neighbour was working as fitter in a cotton gin in Gujarat. He encouraged Dayaram to go with him to work with him in gin. He agreed and went with him without getting formal consent from family.



He was taken to Sri Raj Cotton Ind., Vaktapur, Himmatnagar in October 2008, where he was employed at Rs.3,000/- per month as helper of fitter. He had no prior experience. Neither did he ask for any identity card, mandatory under Factory Act, nor was he issued by the factory. Workers were also not given any pay slip but while paying wages they were required to sign register. He do not remember now, whether the amount in the register matched with the amount paid. He had not come across any accident at work till he met with one himself. *Met* used to give sermons like – “be attentive while working”, “see that you do not injure yourself” etc. Information on hazard was not given, formal training on safety not even thought of. There were no women workers employed. It was a big factory with oil mill. There were 7/8 workers from nearby villages from

Rajasthan and all were working as fitter. Dayaram was assigned work in Gin section.

He was in night shift and reported duty at 5 pm. No fitters are assigned in night shift. Two helpers of fitters are assigned that duty. It was 23 February, 2009. There were 24 machines out of which one faced some technical problem around 4 am. Rollers kept rolling but did not yield any product. Cotton was jammed in the roller preventing passing of cotton through them. He was summoned to look into. Dayaram switched off the machine first, he claims. There was no system for electrical lock out. He had not heard of any such system. He then lifted the roll with one hand and cleared the trapped cotton with another hand. And suddenly the machine restarted *automatically*. How a switched off machine can restart automatically is beyond my understanding. I tried to cross check him but could not extract any specific. Can there be a design problem? Did he not switch off? Did he switch off another machine and not one in question? Was there any other person who switched on the machine? Did he commit any mistake? Questions hover around me.



---

---

Suddenly the machine restarted *automatically* leaving his hand seriously injured. For initial few minutes he was unconscious but regained soon to see himself bleeding. He was taken to a nearby clinic where Doctor was awakened. Doctor cleaned the wound and applied bandage, gave injection and medicines. His family was informed immediately. His parents started on their motorcycle from this Dhikwas village in Rajasthan immediately in night hours and reached Himmatnagar by 8 am. He took Dyaram to another hospital where he was operated upon spending Rs.4,000/-. He was discharged same day but after 3/4 days wound was infected and he was readmitted for 2 more days. Over next 2 months he had to attend hospital several times. Total expenditure family incurred was Rs.17,000/-. Parents did not prefer to lodge police complaint.

Any permanent disability? Probably, not. Dayaram says he can not lift weight any more with that hand.

Rehabilitation: His father confesses, the incident has taught him a lesson. He did not pay much attention earlier on Dayaram's education. Dayaram has been now been re-sent to local school to finish his studies. He is now continuing his studies in 8th standard.

Initially one of the partners of the gin Sri Sureshbhai had consoled father of the victim that they will pay for the expenses but later turned their back. They started challenging employment saying, "We did not employ him. .... *Met* might have brought him on his own, we have no knowledge. .... You must meet the *met* for your grievances and bla bla bla." It was then that the family registered complaint with the Union. Union took up the matter and lodged complaint with DISH and other authorities in Gujarat State.

Dayaram was employed on verbal invitation of a fitter without any formal discussion or letter from the Gin management. Question is - Was he employed by the GIn? If not, then how did they allow him to roam inside daily for 12 hours and extract work?

During the discussion, his father brought us few documents to look at. Two separate letters dated 3/7/09 and 03/08/09, both were written by the Union and signed by Rina Parmar addressed to DISH Officer. The letters stated that "Dayaram injured himself while cooking in kitchen for himself and not in course of employment." It was after this submission by the Union that employer paid Rs.25,000/- towards expenses. Again, set of questions hover me. Probably he is not left with any permanent disability and Union might have thought it prudent to withdraw the complaint if that is the pre-condition imposed for getting some money to cover expenses. Unions have to be tactical at times and take decisions in immediate interest of individual victim in consultation with the complainant rather than wedge long term legal battle. At times the victim's family insist Union to issue such a letter so that they can broker deal with the employer themselves and Union has to bow down before such demands for many reasons. This is a good example of the status of accident victim worker's rights, social security, labor laws and democracy. In Indian context this is how system works.

Was this accident notified under Section 89 of Factory Act and Rule 103 of GFR? Union has withdrawn the claim and hence the question does not arise. This accident was result of set of direct and underlying factors like no system of electrical lock out, unsafe work practice, no training either for job to be done or for safety, no information on hazards of work, non use of implement and so on.

Interview: 16-03-10



---

---

## HANSABEN



Hansaben (20), resident of Indiranagar, Balasar, Kadi was born on 20-08-90. Her father Bhopabhai Parmar is a construction worker. Bhopabhai (55) has 4 children - 2 sons and 2 daughters. Both his sons are mentally retarded. Hansaben studied up to 7th standard but could not go to Secondary school. After leaving school, she started working as construction laborer.

One of their relations, Lakhiben won contract of construction of Vaibhavlaxmi Industries in Nani Kadi. Lakhiben gave sub contract to Nareshbhai who is cousin of Hansaben. She was paid Rs.50/- per day towards wages.

On 15 June, 05 they were assigned to get the bricks which she completed with her mother by 12 noon and went back to home. Then there was no work for the day. Next day they went to the site by 9 am. Slab work was to be done that day (16-06-05). In slab filling, cement concrete mix is prepared on the ground and workers arrange themselves in chain over scaffolding to carry it upwards. On the top, where cement concrete is to be filled, few workers arrange themselves in a chain. Hansa was on top with her colleagues Sharda, Papudi, Hiral, Bhanuben etc. Kisan, Alpesh and Jitu were on ground floor. 3-4 centering workers were also on top.

After working for one and half hours the incident happened. She was returning after emptying the cement concrete bucket when suddenly she came in contact with the live 11000 volt electricity line passing from above. The wires were about 7-8 ft above the top surface where the slab was being built.

She was not given hand gloves by the contractor. Normally they used empty plastic bags to wrap around hands to protect hands from cement exposure. But she did not wrap even plastic bag that day for unknown reasons. Plastic wrapped around hands might have prevented her getting electric shock. She was using metal bucket (trough) which is normal practice in the region. Had she been using plastic bucket that also would have prevented exposure as plastic is poor conductor of electricity. Buckets and other tools are provided by the contractor.



She do not know how and who separated her from the wire. She was unconscious. She was brought down and taken to Bhagyoday hospital in Kadi. She regained consciousness after an hour or so. There she spent 13 days for treatment. She had not fully recovered when factory owners insisted Hospital authorities to discharge the patient. Hansaben was consoled by the owners that they will continue her treatment as outdoor patient.

Company paid Rs.6,000/-towards hospital expenses to the hospital. For next one month her dressing continued but Company refused to pay for the expenses. Then her mother decided to take her to Dr.Ketan Bhatt's dispensary. He operated and removed one finger which was beyond recovery.

---

---

She had to spend one week there and spent about Rs.10,000/-. Later she reported to Plastic Surgery department in Civil hospital where in the span of next one year she was operated for 3 times. In all, the family had to spend Rs.25,000/- towards plastic surgery.



After one month of the accident her father visited the owners for compensation. They paid Rs.500/- and asked him to leave and warned never to return. Once again, after some months when Hansa had unbearable pain, she, along with her mother went to meet the owner to request him to help them meet expenses for the treatment. They flatly refused to oblige.

After the accident the owners had warned the family not to register the police complaint or they will not pay the hospital expenses. Hence the family decided not to pursue police complaint.



Hansa has permanent disability. She can not perform any work with her right hand as all the finger are bent and has lost movement, including thumb. Two of her fingers have lost sensitization. She has a scar on right fore arm. On her right leg she has white spots. At times, she has attacks of pins and needle in the leg when she cannot move the leg for half an hour.

She can not hold pen or ball or bucket in right hand palm. Still she manages to carry out all the house hold work with one hand. She washes clothes and cleans utensils. She can make *roti* but cannot make *Rotla* which needs two palms to be used. She also is not allowed to take head load by her mother.

After the disability, family had some trouble in finding groom for her. But in 2007 she found one and they got married. Her husband is working in a factory in Ahemdbabd. Within 6 months of the marriage her in-laws started harassing her on the ground of her disability. Before the marriage they knew about the disability even though they harassed her. Then they abandoned her. For 18 months she stayed with her parents. Later, with the help of PRAYAS, Navsarjan and Samajik Nyay Kendra she filed police complaint against her in-laws. Police summoned them and then after persuasion they agreed her to accept. They gave written guarantee to the police that she will not be harassed. This happened in February, 2010. She stayed with her husband at Ahmedabad for some time and again there were disputes. Now they have separated.

PRAYAS has, in the meanwhile filed claim for compensation under W.C.Act. As reported by Union, disability as assessed by Doctor appointed by Union has assessed disability to be 20%. Since family needed some money urgently, they settled the matter out of court in which she was paid Rs.15,000/- towards compensation.

This is an accident which took place during construction. This is case of electrocution. Again, lack of - proper personal protective equipment, training, supervision & planning caused the accident.

Interview: 06-03-10

---

---

## ILYASIBEN



The house was right on the road i.e. road-touch and that was the reason I was pleased. I was relieved thinking we do not need to climb hill to catch the family. Dolatramji had joined us from his village Falasiya. I had taken early morning ST bus from Vadodara to reach Kherwada. After taking lunch at Kherwada ST depot with Amrut Bodat we had started our journey. Temperature must be around 400 C. It was a great relief for me that in this difficult terrain and long distances Amrut had arranged for vehicle.

We reached Bichhiwada in Jhadol taluka by 2 pm when family members in the house were taking afternoon nap. They were woken up. Ilyasi Kailas Vadera (18) is very confident, charming, smiling, courageous, extrovert and innocent - most unusual to find this sort of personality in this area, I thought. I was impressed with this pleasant personality.

She studied up to 5th in local school. She is the only child of her parents, which is again an unusual thing in this area. After leaving school she used to help family in agriculture. Son of local 'Bhuva' (witch hunter; Black magic practitioner) had long been luring Ilyasi to join his labor team going to Gin in neighboring Gujarat. She was not very enthusiastic about it but he kept pressing. Her cousin had joined the team and one day in the late evening at about 8 pm he came with his vehicle, parked at distance so that it may not be noticed by the family. He pressed her to join him and almost dragged her - probably she was willing to be dragged, I guess. She decided and informed her mother before leaving and just walked out of house with him. It was 18th March in 2007. He had promised Rs.60/- per day for 12 hour day.

This was her maiden trip to Gujarat for labor. She was taken to G.B.Cotton, Kadi in Mahesana district in Gujarat. She was employed on Chrkha machine. Normally on both sides of the machine one laborer is employed but on that fateful day - 23 March, 2007 - laborer on the other side was absent and Ilyasi was requested by the Supervisor to look after both sides of the machine and in lieu she was promised to be paid double the wages! Under pressure, she agreed. This was 5th day of her first employment.



Space between two charkha machines is kept as low as possible to accommodate more machines. The pulley and belt is located on the side of the machine. Ilyasi had to squeeze herself to pass between this narrow space to reach other side of the same machine. Pulley and belt were not covered by guard. It was 7.45 am in the morning. While crossing the narrow space her 'Ghaghra' got entangled in the belt and she was thrown away forcefully, struck with other machine and fell down. She had injured her head, chin, right hand, right leg and left leg.

Her cousin was working in the Hall above. She noticed Ilyasi's *Ghaghra* flying. She immediately knew something was wrong. She rushed down stairs and saw Ilyasi fallen on the ground bleeding her wounds. She observed that Ilyasi's blouse was torn completely and her chest was open. When fitter Pravin saw this, he immediately put his shirt to cover her chest.



She was first taken to the Jignesh Patel hospital in Kadi for first aid treatment and then to a hospital in Kalol. She was taken to hospital in tractor trolley. She was laid on *Charpai* (cot with woven rope) which was lifted to trolley. She remained unconscious for 2-3 hours, she was informed later. She had to be in hospital for 12 days. After discharge, she stayed in the same dormitory she used to occupy for follow up treatment. Later she was admitted again for an operation. She had fractured her right hand arm bone.

How much she was paid, I asked. She said she was paid Rs.1500/- towards one month wages but the *Met* took away that complete amount saying it will be difficult for you to preserve this amount and I shall do it on your behalf but never returned that amount back.

Now there is no obvious disability but she says she can not carry water pot on her head as it needs support of one hand at least, can not lift bucket full of water, can not knead the flour. She can wash small quantity of clothes and so on. She gets bouts of severe pain when there are clouds in the sky, she adds.

Most important part of life is, marriage. She was able to get married. But not normal marriage between two similar age group persons. She had to contend with marrying a married male, as a second wife. She has a 3 month old baby girl out of this marriage. The groom knew of the accident and resultant disability. I was informed that in this area you find people who like to have two wives! Was the accident and resultant disability reason for such a nice girl to accept such groom?

She has not been paid any compensation. It was said that Union has filed compensation claim but she has no details like amount of disability assessed. As reported by Union, disability as assessed by Doctor appointed by Union has assessed disability to be 24%. Claim is under progress in Kalol Labor Court.

There is no information as to whether this accident was notified with DISH office or not by the factory management. Lack of machine guarding, lack of tight fitting clothes, long working hours, lack of man power planning, inadequate man power, lack of proper training and supervision are some of the factors responsible for the accident. Small investment would have prevented the accident.

Interview: 12-04-10



---

---

## KALUBHAIMAVJI



Kalu Mavji is 52 but looks as if he were as old as 70 or more. It is poverty which has eaten away his body or has prevented sustain him in good health. When we climbed up the hill right on the road in village Rail in Kherwara taluk of Udaipur district in Rajsthan, it was already 7.20 pm and it was almost dark. We could see electric lamp in one of the houses on top of the hill. We did not know where exactly on the hill he is staying. Little far away I could hear people singing some songs which prompted me to think if it was religious gathering or social and if our subject would be attending that program. On top of the hill we could not notice any human activity until we reached a door of a house. A lady was feeding the cattle and we asked for Kaluji. She pointed house in her neighbor. When we went there, it was all dark and a lady came out of the dark house. She confirmed it is Kalu Mavji's home. In their neighbor we could see lights on and some construction activity going on. To be able to see the faces we went on that side and waited for Kaluji there. We found that the house was owned by Kaluji's elder brother. He came out of his house and welcomed us. To my shock, he looked much younger with his belly out, though he was elder than Kaluji. I learnt that he was school teacher working for Govt school - well fed, I thought, maintained him in good health.

Kaluji could not or did not go to school. Not all children like the school or schools fail in attracting *all* children. As a result those who cannot cope up get pushed out of the school system.

Kaluji was employed by Kisan Oil Mill in Himmatnagar in Gujarat. He worked for 2 seasons earlier in this mill. He was employed as daily wagger. For 12 hour shift he was paid Rs.100/-. His duty hours were from 7 pm to 7 am. For this night duty there was no extra wages.

When I asked him, if he could find any time slot to sleep during night shift, he replied emphatic 'NO'! He said the Supervisor was very strict. He would himself neither sleep nor allow anyone to sleep.

What was his duty? He had to pick up 60 kg. castor seed filled jute bag, drag it little far to the conveyor, open the bag and empty it on conveyor. Over the night he had to empty 450 bags. It was hard work, he said.

It was 27th June in 2008 and time was 6.30 am - end of night shift. He was picking up a bag when stacked bags fell. Force of the falling bags pushed his hand back. Because of this forceful push his hand was injured. He had sudden pain and he sat down. There were 7 workers at that time. They all rushed and helped him to come to term.

Employer was informed but he did not come. Fitter and Supervisor took him on motorcycle at 8 am to a private clinic. Doctor examined and gave bandage and prescribed some medicines. By that time his hand had swollen up and he had unbearable pain. Doctor charged Rs. 200/- which was

---

---

taken care by the Mill. For next three days he stayed there only but no one helped him getting better treatment. He talked to two of his colleagues who are from the nearby village but they did not help.

Then he came back to native where his brother is teacher and sister-in-law is staff nurse in Govt clinic. She helped him getting X-ray and seen by an orthopedic expert. Doctor put his hand in plaster. He kept it for one month and then did not go for follow up. He removed the plaster on his own at home. No physiotherapy, no repeat X-ray, no medical counseling, nothing. Again, poverty takes its own toll.



He has 4 children. Eldest son, out of his first marriage is 30 while from the second marriage 3 more in the age group 3-10. He can not lift weight, he said. Now, he does not migrate to Gujarat for labor but find locally available work.

He was NOT paid any compensation under W.C. Act nor did he claim.

Was this accident notified under Section 89 of Factory Act and Rule 103 of GFR? We have no knowledge.

**What can be concluded as causes of accident can be summarized as under :**

1. Long working hours
2. Deficit of sleep, may be.
3. By end of shift, he might be tired.
4. Lack of proper nutrition.
5. Improper stacking of bags.
6. Lack of material handling equipment.
7. Lack of another helping hand - inadequate manpower for the particular work.
8. Improper treatment. Doctor should have recommended for X-ray. Unethical practice on part of the doctor.
9. Worker was not member of any Trade Union nor did he go after the accident to seek help. Hence he could not get any compensation.
10. Worker did not complete treatment. Lack of awareness and counseling.
11. Lack of quality health care services in rural areas.
12. Lack of training
13. Lack of supervision.

Interview: 15-03-10

---

---

## KIRAN LAXMANBHAI KHARADI



At Nenbara (Jhadol-Falasiya, Dist: Udaipur), I had to finish my conversation with Rambha in little haste. Primarily, time and Rambha's mood. I was also upset as the family surrounded us which did not allow me to talk to her straight. This was natural in this social set up and I should not have complaints about it but during those moments, I was feeling helpless for I could not interview her, the way I wanted. I was relieved on the thought that now only one more visit and then back. Sun was already set but still it was not too dark yet.

So, this was our last visit for the day in my second spell of visit to this area. Some one accompanied us to guide us our way. At both the places, we were fortunate that despite uneven terrain, we could reach as near as we could to avoid long walk and climbing hills. Whole family and neighbors were waiting for us when we reached there. I wondered what these people might have thought of me. What would be their expectations from this visit? How much did they know about me and the mission.

I had met Kiran earlier at Public hearing at Kadi but that was not time for detailed one-to-one interview on accident to know the root causes. After visiting Rambha earlier that day, I was bit nervous on the state of these victims. I saw Kiran (16) and was little relieved. I found her in better mood than Rambha. She is not as disabled as Rambha, that may be one reason.

Kiran did not attend school as she had to look after her younger siblings. Kiran is eldest among 5. Rest all are attending school, I was informed. So, Kiran is illiterate and do not know write her name.

Ambalal *met* took her to work in Uday Cotton Gin, Kadi after Diwali celebrations in 2007. Season starts immediately after Diwali and they joined at right time when they were needed. She was accompanied by her grandfather and uncle, both. She had earlier worked in Malguru Gin, Kadi and Satyam Gin, for one season in each. So, she was experienced Gin worker. Earlier at both places she worked on Charkha machine to pick up lint. No where earlier was she issued I-card or attendance card. Attendance was recorded by the Supervisor in his register. I asked if she kept her own record and she said, no. They trusted Supervisor and never had bad experience. Uday Gin employed around 100 workers as it had oil expellers, too.

They stayed in dormitory provided by the Gin. There were 20 small rooms which were not enough for 100 workers. So the room was used in two shifts. Once the day shift workers leave for their duty, room would be occupied by night shift workers and vice versa. Kiran was permanently in night shift. Gin had 24 charkha machines.





---

---

It was 2 am (27th or 28th? May be, 28th morning), 27 November, 2007 when accident took place. She would be 14 by then and 'child' as defined in Child Labor (Prohibition and Regulation) Act, I thought. Clear case of child labor. Some one should have filed prosecution to try the employer, not only for employing but also for assigning night shift and extracting work for more than 8 hours. Employer should have been prosecuted by DISH for violation of Factory Act, too. Employers are not prosecuted, nor do they have to pay for the compensation. They go completely scot free.

I was curious whether workers had opportunity to sleep and rest for some time during night shift. In most cases workers find some time for rest. I was told that, no, they did not have that opportunity. On further inquiry, I was informed that for one hour, from 1 am to 2 am, they gave rest time. Probably workers would use that time to take nap. During the recess, tea was not served by the management. During recess they would take breakfast of *Rotla and Shak*. Those who needed had to arrange for tea at their expense. Her grandfather and uncle were in day shift. She was accompanied by Sanju, her cousin.

Employer Pareshbhai was strange person. He insisted on using bare hands to collect lint from Charkha, I am informed. I do not understand the logic behind not allowing use of implement like small piece of stick. After first two days working without wooden stick, Kiran demanded for it with the Supervisor and was refused. It was fifth day at this gin when her hand was trapped in nip of charkha. She tried to pull back but could not. Sanju was working right there and she immediately stopped the machine. Even after machine was stopped, hand remained trapped. Fitter came and opened the machine to relieve trapped hand. Wound was bleeding profusely. Fitter covered the wound with his handkerchief. She was taken to Bhagyoday hospital in company car. Doctor was not available and was given call by hospital. She lost 4 fingers.

She was discharged after 4 days and then stayed there for next 1 month for follow up treatment. They spent Rs.4-5,000/-. Company did not pay any expenses. She came back home a week before *Holi*. After gap of 2/3 months they visited Gin management to demand compensation. Company refused to pay any compensation.

With her disability now, she helps family in taking goats for grazing. She would go to fetch water but she would need some one to put the pot on her head- she herself can not do that. She can not lift bucket of water or any other weight. She can not cut grass and bring home to cattle feed (this is normal, daily activity in rural parts who rear cattle). She can collect *Mahuda* flowers by one hand which considerably hampers speed to collect flowers. Mahuda flowers have multiple uses and is an important activity. Stitches on the palm are painful, restricting physical work.

She too, badly needs proper rehabilitation. There is urgent need for rehabilitation efforts. Proper medical care would have reduced the disability. Possibility of reconstruction operation should be checked. It seems that had she been provided better quality of treatment, she might not have ended up with the disability to this extent.

Family do not know the extent of disability assessed. Neither do they have any speculation on probable amount of compensation she might won. Union has filed claim for compensation but they have no knowledge where the claim stands now. The doctor appointed by the Union assessed her disability to be 40%.

---

---

She is unmarried. As per tradition it is the groom side which would visit the bride's family with offer. This family is waiting for some one to visit them with offer but in vain so far. How would you calculate this pain for compensation?

There is no information as to whether this accident was notified with DISH office or not by the factory management. It was criminal on part of management to insist for not using safer method and refusing implement as simple as piece of wooden stick to collect lint from charkha. Law must make it mandatory on use of implement and amend the Rules, if need be. Gin operations should be declared as Hazardous under section 85 and set of rules be made under Section 87 of Factory Act.

It can be summarized that lack of use of implement, long working hours, lack of tight fitting clothes, lack of training & Lack of proper supervision were some of the direct and indirect causes of the accident.

As reported by Union, disability as assessed by Doctor appointed by Union has assessed disability to be 40%. Claim is under progress in Kalol Labor Court. Is permanent night shift good option for a worker and that too, for a child labor? During the day time would worker get peaceful sleep at dormitory which is poorly ventilated and shared by many others at the same time? Would the sleep deficit piling up day after day affect the body reflexes? Would this coupled with unsafe conditions have lead to this accident? These are valid questions and it is not only employer or industry that is responsible but the welfare state, too.

Why do they need to employ child labor? Most middle class people think that by employing child labor they are helping the poor family. What they do not understand is, they are doing disservice to the family. Child laborers in job market create competitors for adult laborers affecting their employability and income.

Interview: 13-04-10

---

---

## LALITA BHIMAJI KAROVA

This was second day of my this second visit to this tribal area of Rajsthan to meet the victims of accidents in gins in Gujarat. We had planned to set out early in the morning for field visits but some how we were late by 4 hours as my host Amrit had some unavoidable visits early in the morning.

We reached Garanwas by 1 pm and asked for location of our destination on the road and we were told that it is near school. On our right a narrow cement road was leading to school till some length and then it was *kachcha* road. I was afraid, the driver of the car would deny driving us any further. But he didn't. He was local and he knew the problem. We reached at small school building where even *kachcha* road ended. There was a hand pump beside and a lady was drawing water.



We asked her the location and she said the Karova family stays very far from there and car can not go. Before us was lying huge, landscape shining under afternoon sun - in various shades from deep green to yellow and in between barren land going up and down and far away a hill. We asked her if we can see the house from there and she replied that since the house is near the hill, we can not see it from this distance. It was too hot now and it was not a pleasant thought to walk this unknown distance at this time. But we were determined to visit the family and we had no alternative. I started following Amrut on narrow *pagdandi* (foot track).

The way went down after few meters and then it was flat for quite some distance and then again we had to climb down which was shadowed area and hence relieving. We came across two women who were head loading Mahuda. They asked us where are we heading and Amrut replied in local slang that we are there just for fun and the women said they don't believe. People from urban area would not visit this place unless they have some reason! How true ! Now we had to climb up and up and we lost the cover of shadow. Sun on top and height - I was tired, drenched with sweat, hot and thirsty. Suddenly I saw a raw mango fallen on the ground at some distance and I leaped, for it would quench my thirst. I had to request Amrut to halt for few minutes before we proceed. By that time he inquired with nearby hut and he was told that our destination is still further away and we kept on marching.

Finally we reached our destination when family was resting. They were woken up by the neighbors. Bhimaji and his family welcomed us. They did not know us and might have thought who we are and why have we gone to them without giving notice. But they did not ask any questions. A girl came with broom and started cleaning the floor. She was Lalita.

Lalita is only 14. She studied up to 5th and wanted to continue her studies but father did not allow. She went to work in Gin in Gujarat with her elder brother Manilal and cousin Sangita (14). A woman from Katarwas was *met*. She beseeched the family that only two laborers



---

---

fall short in the team required to be sent and family should send these two girls. Family agreed to her requests and sent Lalita. Rs.80/- per day was fixed.

The team was sent to Dhartidhan Gin, Kadi. No identity card was issued, neither were they asked to submit their passport size photo required for the card. They were also not registered under ESI Act. Wages were paid at the dormitory. As usual, factory worked two 12 hour shift.

It was 29 December 2009. Lalita and her brother both were in day shift. The resumed duty at 8 am. Work was being supervised by supervisor Narsi. Lalita's job was to collect lint from Charkha machine. It was about 6 in the evening. While taking lint suddenly her fingers got trapped and pulled in. Her thumb was saved from getting pulled. She immediately knew the danger and with all the energy at her disposal, she pulled back the had and she succeeded. Machine was not needed to be stopped. Her brother Manilal was in the hall above, who rushed to help her.

I asked her why she was not using wooden plank and she said she was using. Then how were fingers got pulled, was my another question. Then she replied that she did use wooden plank. First it was plank that was pulled and then fingers. I wonder how then she did not drop the plank which would have saved her fingers getting-in? It is this very purpose for which plank is used. May be that was the reason she could pull back her hand and was saved from severe injury. Many questions remain unanswered and we are left with various possibilities to ponder up on. While interviewing respondents at their home, family members keep on replying questions rather than the victim him or herself. This is one important limitation. Some times when we cross check their replies, it is not always liked. I had fear of putting my host in embarrassing position. So some where one has to stop asking questions to cross check.



Manilal noticed and rushed down stairs. Wound was bleeding so her *Odhani* was wrapped around the wound. First aid box was available but they did not use. May be there was none trained in first aid. Keeper of the box was fitter and they had seen the box being used in small injuries.

She was taken to the Bhagyodaya hospital on motorcycle driven by Supervisor and some other. Doctor was available. She was admitted as indoor patient. Dressing was done and medicines were given. Stitches were taken next day morning. She was given discharge at 4 pm. For next one month she had to go for dressing which together cost Rs.1300. Half of the expenses was borne by the *met* (contractor). After the wound was healed she resumed the work for 10 days. No wages were paid for the lost time. I asked her whether the work was tiring and she said, yes, by evening one would get tired. She did not make any claim for the lost time or disability. It was contractor who introduced them to the Union, which has filed claim for compensation.

Now the parents do not let her lift weight for fear of further damage.

Contractor informed them that he has lodged police complaint but she never visited police station any time. She had seen police visiting factory but when I asked if they were sure, it was in connection

---

---

with this accident, they were not. It was said that Union has filed compensation claim but she has no details like amount of disability assessed.

There is no information as to whether this accident was notified with DISH office or not by the factory management. This is clear case of employment of child labor getting injured. They employ child labor and apply same rules to them governing adult laborers. Child laborer has to work for 12 long hour with their adult counterparts. They say, Gujarat is wealthy. The wealth is accumulated at the cost of rights of workers.

Employer should have been severely punished for the violation of provisions of Child Labor (Prohibition & Regulation) Act, Factory Act and ESI Act. CLPR Act and Sec. 3 of the Guj. Rules under the Act prohibit employing child labors in Cotton ginning.

Interview: 12-04-10

---

---

## MAHENDRA MINA



He was waiting for us at the hall, when we returned from late afternoon lunch break. Since morning we had engaged ourselves in meeting with few of the Rajasthani *mets*. We were not sure if it will be possible for us to meet him. His *Met* was attending the meeting when the accident (which took place recently) came up for discussion. We expressed our wish to meet the victim and *met* was perplexed as to how to bring him. Fear was, the employer or any of his agents may come to know and may object. Other senior *mets* showed him some tricks. He left us assuring us of his honest efforts. When we were in restaurant we received his call that he has succeeded and we rushed back.

A frail young man in *lungi* and shirt was sitting on *Otta* (raised platform constructed around tree trunk) under tree in Gandhi Ashram in Kadi. He had kept stick beside. Bandage on his foot. It was not difficult to recognize him. He was Mahendra Mina alias Bhil alias Thakor. We went to the room and he followed us limping with the help of the long

stick he was holding.

He is 23, resident of Jadola Fala in Katarwas, Kherwara, Rajasthan. He studied up to 9th standard. He is unmarried. He is only brother among 7 sisters. Since last 2-3 seasons, he keeps coming in Vaibhavlaxmi gin in Nani kadi area of Kadi. He initially worked in Ginning section and then since last 2 years he was placed in oil mill section. This year too, he was placed in oil mill section. He came before Diwali. 12 hour duty is a norm here. He is permanently given night shift - From 8 pm to 8 am. Wages: Rs.120/- per day.

This factory is covered under ESI Act, informed Rina. But he has not been issued ESI Card. Thanks to the corrupt system, managements succeed in registering worker's name after accident has taken place. But in this case that, too has not been done, it seems. He has not been issued identity card under Factory Act. Attendance card or Leave card is not issued, too.

It was 15 February (2010) night shift. Conveyor is placed under ground to transfer cotton seeds to upper level to be fed to the hopper of the mill from top. Heap of cotton seeds collected from Gin are fed to the conveyor located under floor. Heap outside the shed was pushed towards conveyor by the help of tractor trolley which covered the conveyor under floor pit. It was 16th February, 7 am in the morning, toward end of the shift. Mahendra had gone for tea when supervisor pushed the heap. When Mahendra came back, he went inside walking over the heap of cotton seeds. Conveyor pit was just beneath where he put his foot. Left foot straight went into the conveyor pit before he could know anything. He lost his balance and fell down on his back. His foot got cut from top and it cut through the foot. He was fortunate that foot was saved from getting completely separated from leg. His foot was thinly hanging when foot was taken out of the pit. He was profusely bleeding.



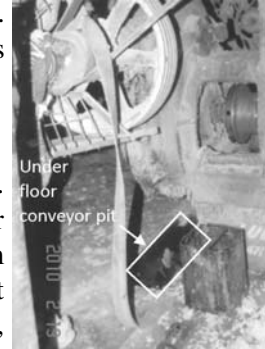
---

---

Workers of both the shift were present. Ashok switched off the machine. His met came later and he arranged for ambulance calling 108. There was no first aid box, nor any trained

Under floor conveyor pit Conveyor pit

person in first aid as provided for by Factory Act and Guj.Factory Rules. But workers wrapped ordinary piece of cloth around wound. Supervisor Shailesh Patel informed Rameshbhai, the owner. He instructed to take him to Bhagyoday hospital. When they reached hospital, doctor was not available. Compounder cleaned the wound and applied bandage. Niranjnabhai, one of the partners followed to Bhagyodaya hospital and instructed to shift



the patient to Yash Hospital in Kalol. He was operated up on there. 4 bottle blood was needed. He was discharged on 20/2/10. Total bill was Rs.17,000 (Hospital bill) + Rs. 730/- (Medicines) + Rs.1400/- (Lab. bill for different tests). These were paid by the Gin management.

Since then, he has gone thrice for follow up dressing. His family was informed and his father and sister came. Now they both work in Gin in lieu of Mahendra. Mahendra is not paid his lost wages yet.

He is staying in a dormitory allotted by the Gin. The room do not have toilet and workers have to go in open little away. Now, with the bandage on left foot how about toilet? For first few days he was using the room itself. Refuse was collected in jute bag which was then disposed off. They can not even get pot. Now he goes in open though he can not squat properly. I asked him, while you are holding the stick with both hands for support to keep the wounded foot hanging while walking, how do you carry water mug for toilet? "My sister follows me with the water mug", he replied. How far is open space? "It takes 10-15 minutes to walk that distance." I asked him, what do you do if sister is not around and you have natural call. He said, he has to wait till she comes. He does not have chair in his room. Now because he walks on one leg, right leg pains. So pain the shoulders. This is the development. Kadi town must have huge turn over in this business but there is nothing for the workers who toil their labor.

Was this accident notified under Section 89 of Factory Act and Rule 103 of GFR? We do not know.

This factory is also covered under ESI Act. We understand that even ESI Corporation is not notified about the accident.

Could this accident have been prevented? How? Workers are not provided with personal protective gears. Had he been provided with shoes, his injury would not have been so severe. Workplace was poorly designed in this case. They should have covered the conveyor pit completely and properly. Hazardous area should have been marked and fenced to prevent accidental entry. This was not done. A warning board might have been placed which was not done. It seems that there is no understanding about prevention of accidents among employers. There is small investment that would have long way in preventing accidents. Do they need to rethink about material handling systems? May be, they can use system other than conveyor. Trainings always play important part in preventing accidents but they do not spend on training.

Interview: 29-03-10

---

---

## MANTRILAL HURJI

What is in the name, Shakespeare said. His name is *Mantrilal*. Very unusual name. I was hearing for the first time, a person with such name. It means - Minister! So, I thought, it would be a proud moment for me when I shall see Minister in this rural tribal hilly area. Though area was hilly, I felt privileged that I did not have to walk or climb up hill. Our car went up to his house -after all it was Mantrilal's house!



He showed up in few minutes. A young chap of 18 in this area called Kanpur in Katarwas village in Kherwara taluk in Rajasthan. He was in the school and appeared in the 10th class exam. When results were declared, he had failed. He was disappointed and decided to discontinue studies. For about 6 months he was roaming in the area aimlessly.

In the meanwhile he came in contact with a local *Met* (Contractor) who lured him to come with him to Surat in Gujarat for labor. Surat is second largest city in Gujarat with 3 million population.

On 23 January (2009) he went to Surat with *Met* Dalpatsinh and 4 other youngsters from his village. They were taken to plastic recycling unit in Sachin GIDC for employment. Name of the unit? Victim does not know or not willing to share. Wages decided were Rs.3,300/-. Tuesday will be weekly off. If you work on weekly off, you will be paid extra at the rate Rs.100/- per day. There was no written agreement or employment offer. Dalpat, the senior worker was paid Rs.4200/- per month. Employer had hired 4 rooms in nearby village Un for the workers to stay. It was free accommodation. Factory employed 18 workers. 6 were from Rajasthan including Mantrilal and 2 were from Uttar Pradesh. 10 women workers were locals. Factory run in 2, 12 hr shift. 4 workers in each shift. No peons or watchman. Employer was a 70 year Gujarati gentleman.

Unit was buying used plastic bags from rag pickers and recycled it to make plastic rolls. Unit had 4 different machines. On one big machine (Extruder, I thought) on which 2 workers were employed, explained Mantrilal. Rest 2 would look after 3 other machines. Process was like this: plastic bags would be first washed in a washing machine with water to clean them. Women workers would then take washed bags to get it dried in open. They would open the dried bags and cut it into small pieces.

He continued describing the process: The small pieces would then be fed to another machine where pieces would be cleaned again. Pieces would then be fed to a machine where it will be melted to get solidified into prills. These plastic prills will be then fed to a pallet machine where pallets would be formed. Pallets will be warmed in next machine before being fed to the extruder. They reached Surat on 23ed January and he was assigned work on washing machine for first three days.

On 26th January, when rest of India was celebrating Republic day of India as a public holiday and Police Parades and flag hoisting - Mantrilal and his colleagues were toiling their labor in this small unit. He resumed duty at 9 am. This was the fourth day of his employment. Employer reached in few minutes and asked him to be on the hopper to feed plastic bags. He was given a small wooden stick to press the bags in the machine - I assume this was plastic shredding machine, but not sure.



---

---

The stick was about 6 inch length. Employer then went in his cabin. Dalpat was looking after this machine at another end. It went on well till first half an hour and then machine stopped pulling the bags. Instead, fed material was bouncing back.

Dalpat, the *Met* and senior worker, who was on the other end, advised Mantrilal to keep the stick aside and use his hand instead to push the plastic feed. Respecting instruction, he put aside the stick and pushed material in the hopper by hand. He pushed twice but material refused to get in. Third time when he pushed with hand, suddenly, material got pulled by the machine and his hand, too. Hand got cut off instantly. He was working standing on the ground as the height of the hopper was 2.5 -3 ft only. He immediately cried for help. Dalpat rushed and switched off the machine. He lost three fingers of right hand.



It seems from the description that there was no facility for first aid. Ordinary piece of cloth was wrapped around the wound. Employer himself drove him on his scooter to the clinic. Wound was bleeding, he had pain and was feeling giddiness. Still, he did not cry - shows his boldness. One another worker was accompanying them on the same scooter to hold the wounded. He was taken to Dr. Bakul Upadhyay's hospital. It was big hospital, states Mantrilal. He was hospitalized for 10 days. Employer would visit him daily in the hospital. Employer sent one of his accomplice to his home in Rajasthan to inform his parents. His father immediately came down to Surat. All expenses were paid by the employer. Employer informed that he had to spend Rs.50,000/- in all. Mantrilal had to stay back in Surat for 2 more months for his treatment. He was not paid any wages for this period but his living expenses were taken care.

No police complaint was filed. That was not even discussed any time. Employer told him that he has insured all the workers and he will be paid Rs. 1 lakh towards compensation. When he was cured completely, he resumed his duty at Rs.110/- per day on washing machine. He worked for next 6 months. Then came Diwali festivals. So he came back home for celebrations. The group then decided not to go back to Surat.

He was NOT paid any compensation under W.C.Act. OR ESI Act. As I understand, the unit should have been covered under ESI Act.

Was this accident notified under Section 89 of Factory Act and Rule 103 of GFR? We have no knowledge.

**What can be concluded as causes of accident can be summarized as under :**

1. No induction training on process and working of machines
2. No training or information on hazards of work imparted for safety.
3. Lack of experience.
4. Lack of trained supervisor.
5. Wrong instruction by senior worker to work without using implement.
6. Dangerous part of the machine unguarded which could have prevented hand getting caught up.

Interview: 16-03-10

---

---

## MELABHAI VANKAR: SUICIDE OR NATURAL DEATH?

### Who to blame?



Melabhai Trikambhai Vankar worked as jobber in Madhu Textile, for 13/14 years. When company closed down the family came back to their native village called UNTWA near Kadi.

He found job in Arbuda Textile mill in Kadi which is spinning mill. Here he was covered under ESI Act. His ESI No. was 9714630731. He worked 3-4 years in Arbuda Mill. On 9 April, 2003 he met with an accident at work. He was on night shift. NO one in family now knows how that happened. It took place between 3 & 4 am in blow room. He was immediately taken to Dr. Niranjana Patel's hospital in Kalol. He had injured his right hand. Later he was transferred to ESI Hospital, Bapunagar. He had to be operated 4/5 times, claimed his wife..

He suffered from permanent partial disability. ESIC assessed his disability to be 60%. Each month he used to receive Rs. 1100/- towards disablement benefit towards permanent partial disablement. But Mill refused to reinstate him after he was declared 'fit to work' by ESIS medical officers.

After the disability and loss of job he was passing through lot of mental pressure and his mental health deteriorated. His wife informed us that he took treatment from ESIS for mental illness but could not provide any documents in this regard. He was irregular in taking food and will speak to himself as & when. He had two sons and wife to be supported. Since he lost his job his income went down.

On 7-03-09 in the evening he came back home with complaint of sickness and asked his wife to call his sons. He soon died on the same day. He died after 6 years of accident. The death is direct consequence of the accident at work.

We visited the family on 18-02-10 so as to know more details. Widow was not specific on sickness which took his life. Melabhai was only 48 when died. PRAYAS field worker was informed by a neighbor that Melabhai brought end to his life by consuming poison. But family was not in mood to reveal details. On our part we were not sure if that will help them any way.

In this case study we could not ascertain exact cause of accident but following may be contributing factors.:

1. Night Shift: Poor sleep may have led to poor coordination.
2. Illumination: During night hours adequate illumination may be a problem which might have contributed.
3. Noise: Normally, textile mills are noisy. Noise can lead to poor communication, discomfort, poor concentration on job and higher heart beats.

- 
- 
4. Dust: Blow room is known to be highly dusty department. Cotton dust keep on flying. One does not know what was the situation at Arbuda mil on that particular day. Dust causes discomfort, obstruct vision and affect illumination.

His death was result of-

- Refusal by the employer to reinstate him causing mental stress. i.e. he was not properly rehabilitated.
- Unemployment and decreased income.
- Inability to find another work where he can get engaged and earn his living.
- Poor quality treatment for mental illness and lack of counseling to help him cope up with the situation arisen out of accident at work.
- Lack of legal services. Legal provisions might have been used to re-employ him.

He was Schedule caste member and we do not know how much that contributed in his death. How was he treated at work? How was he treated in his village? How was he treated by family? How was he treated by ESI and other Govt agencies? How was his relationship with others? How relations got affected after his disability and so on.

We assume that Mill must have reported the accident to the DISH under provisions of Factory Act and rules. What we do not know is whether DISH made an inquiry or not and whether they took any legal action or not and if taken what was the out come.

Fact, however, remains that family lost its member at crucial junction in their life.

This case study is eye opening. Though the worker was covered under ESI Act and he could claim compensation, he was under great stress. We do not know if he got any benefits of PF and gratuity, whether the family is receiving any pension from PF or not.

In our society large numbers of people have no cover for social security. What they might be passing through in such situation?

Interview: 18-02-10

---

---

## MUKTABEN



Born on 11-11-90, Muktaben Mansinh (20) is resident of Indira Nagar, Nani Kadi. She worked in Gin at the age of 14, as child labor, in 2004 for 1 or 2 months. Then in 2006 she again started working and worked for 4-5 months. She used to work on *Chrkha* machine.

It was a day in 2006 when she went to Ambesh Ginning to work with her mother. They used to pay Rs.60/- per day. They demanded to raise the amount without naming any figure. The owner refused to raise the wage. In protest, they returned home. The owner sent his clerk to follow them, with message that he is prepared to raise the wages. So, they went back again to work.

In Ginning process, seeds are separated from cotton and packed in bales to be supplied to textile mills for spinning and weaving. "Gin" is short form of "Cotton Engine". The lint or fiber is separated from the seed in a ginning machine either of the roller or saw type. The roller gin separates the lint from the seed by the friction of a leather roller set at a small distance from a knife edge bar or doctor's blade. The saw gin separates the lint from seed by means of saw mounted on a circular shaft which pull the lint whilst the seed is restrained by narrow grids. After ginning, the fiber is blown through ducts into a hydraulic press in which it is compresses into bales.

The nip of the rollers need to be kept clean of "yellow" (impure cotton). The yellow lint coming out of the machine has to be picked up and taken out not to allow it to enter the roller. Only 'white' lint is allowed to let pass through the rollers. Machine operators are required to keep tab on it and prevent the nip from getting clogged. Mukta was machine operator responsible to look after 8 machines. Operator has to continuously keep moving from one machine to another to clean them and also clean the floor to collect the yellow lint at one place. The heap of yellow lint is later fed again to the machine.

Picking the yellow lint was being done manually by operators by putting hand directly near the nip. This is dangerous practice. Operators should be taught to use tool like ordinary stick to remove the lint. As Muktaben informed, those days the machine rollers were not covered by metal barriers. She was not trained or informed about hazards. While taking lint, fingers of her left hand were *suddenly* trapped between the rollers and pulled-in. She tried to pull back the fingers but could not. Supervisor and fitter were present there who noticed and rushed to help. They stopped the machine. Even after machine was stopped, the hand could not be pulled out. So, they lifted the roller using some tool after which she was able to free her hand. Her fingers were crushed and she was bleeding. Owner took her to Soham Hospital in Kadi. She was treated there for 8-10 days. Treatment fees were paid by the owner but he did not pay the wage loss. When family thought of filing police complaint, the



---

---

owner consoled them that he has insured all the workers and they need not worry for the compensation. On hearing this they decided not to go for registering police complaint.

Muktaben is now suffering from permanent disability. She lost two phalanges of one finger, two other fingers are permanently bent and lost movement. One finger and thumb have normal function. The hand pains at times. She avoids working with left hand for fear of pain. Civil Surgeon refused to issue disability certificate. With the help of PRAYAS, she has filed claim for compensation. Doctor appointed by PRAYAS assessed her disability to be 15%.

Her father has 8 children - 7 daughters and one son. Muktaben is youngest. All her sisters and brother are married. Because of her disability family is finding it difficult to find groom for her. Normally girls get married by 17/18. By this standard Mukta is over age for getting married. She completed her primary education and then left studied. Brother is working in a plastic factory nearby. Father is about 60 now and do not keep good health. He used to sell vegetables to earn his living while his wife used to work in Gins. Now since his health has deteriorated his wife accompanies him to sell vegetables. His vending trolley is in bad shape which needs repair. That would cost them Rs.5000/-. The family has run out of saving and can not afford any spending. So, they are caught in vicious cycle.



There is no information as to whether this accident was notified with DISH office or not.

As reported by Union, disability as assessed by Doctor appointed by Union has assessed disability to be 15%. Claim is under progress in Kalol Labor Court. Lack of proper instrument to remove lint, lack of machine guard, noise and dust at workplace, tiring work hours – all contributed to the accident.

Interview: 06-03-10

---

---

## NARASIBHAI NANJIBHAI VASAVA



On 28 December, 2009 accident took place in Madhuvan Ind., Kadi-Karan Nagar Road, Karan Nagar, Tal: Kadi. Madhuvan employs 50-60 workers in all. It manufactures cotton seed oil and cattle feed is its byproduct.

Narsibhai Vasava (45/50) was skilled worker employed as a fitter. He was paid Rs.5,000/- as monthly wages. They also employed his son, Shailesh (20) as his father's helper and paid Rs.2500/- per month. They were offered servant quarter inside Mill complex and were staying there with family.

Narsibhai earlier worked in Dipak Mill, Harij and then worked in Shivshakti Cattlefeed, Gozaria for 15-17 years as fitter. Since last two years he found employment in Madhuvan. Father-son duo were covered under ESI Act. However, they were not covered under Provident Fund Act. Even ESI coverage is only for few privileged workers, not all, in the factory. No privileged leaves, as provided for under Factory Act are given.

Narsibhai married Shardaben and had 2 daughters and a son out of this marriage. All three have been married off.

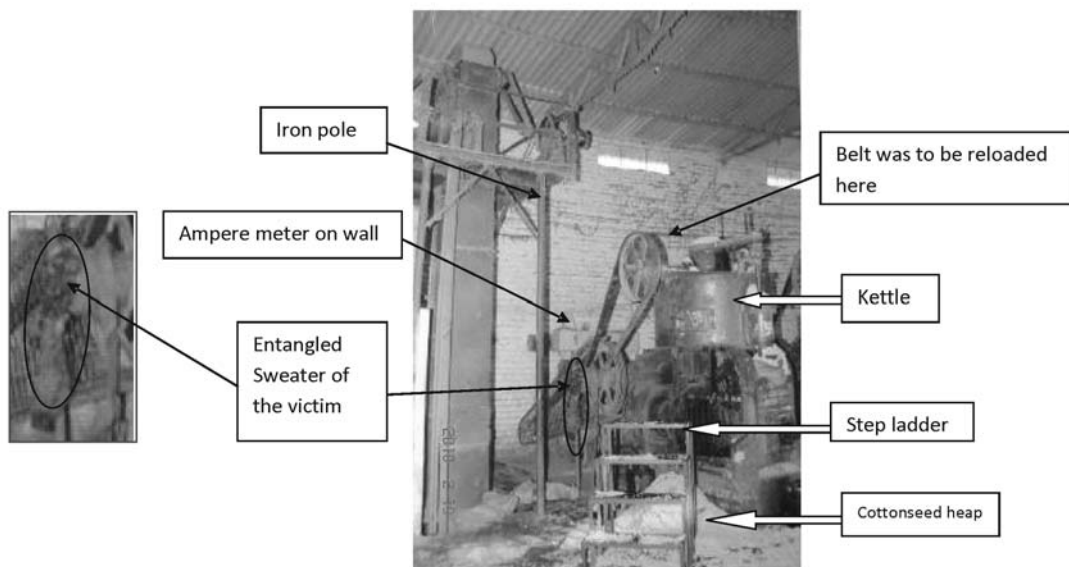
It was 8.30 am in the morning on 28 December when accident took place. Father-son duo started working at 8 am on that day. Job was to reload the conveyor belt on pulley. Son was with him and he went away for a cup of tea. In few minutes he heard cries for help. When he went inside he saw his dad fallen on floor in pool of blood. Narsibhai was immediately taken to Civil Hospital, Ahmadabad. His one arm and a leg was amputated there. Within an hour after reaching in hospital, he died.

Immediate cause of accident was his sweater got trapped in the nip and was pulled inside. His body would have lifted and then body may have hit the machine structure and then fallen down. Pulley belt was unguarded.

We had chance to talk to his son. He described the incident and replied to my queries.

Height of the pulley was about 4 ft. Motor was on. Belt of driver shafting main pulley attached to feeding chute or Kettle had to be reloaded. To accomplish this job, fitter has to climb 4 steps of the step ladder seen in the picture. The belt is pushed with force on pulley. Fitter would put his arm around the iron pole (support of the platform beside) for leverage and push the belt over pulley. If kettle is fully loaded with cotton seed, it has to be emptied first to help load the belt. It seems that he had got the kettle emptied as we can see the heap of cotton seed near the machine in the accompanied picture. It is believed that after finishing the job he might have decided to go towards wall to look at the meter to check the amperes of the machine or some other purpose. To travel towards wall, nearest way was the narrow space between the pole and conveyor. This space is barely one foot which is not adequate enough. One will have to twist a little to pass through that space. While passing from that space with his back towards machine, his sweater got entangled. One can see the trapped, torn sweater in the picture below. Normally workers protect themselves with shawl in winter. Open ends of shawls get entangled in the nip, which is common cause of accidents. Here it was pleasant surprise that worker was wearing sweater. His son bought it from local market when

winter started this season and it fitted his size well. It was not oversized, I ensured. Now when 20 HP motor is on, running belts have some suction nearby which will pull in anything in close range. I wanted to know if the floor was slippery. Since it is oil expeller, oil splashes will keep on wetting the floor, making it slippery. Cotton seeds are round in shape and that also can make floor slippery. To prevent oil spillage, some millers use plates arranged so as to contain the oil drops. Here such plates were absent. So floor was little slippery. Narsibhai had put on slippers and not shoes which is normal practice. Company did not provide shoes. Slippers used on oil seeds with slippery floor is dangerous combination.



After the oil is expelled from the seeds the remaining waste is sold as cattle feed. After oil is separated from the seeds, the waste is collected at the bottom of the machine from where conveyor will carry it to storage out side. This conveyor is located in space below floor, below the machine. This under floor conveyor pit was open and not covered or fenced. Chance of ones' leg getting in the pit is though rare here, still for complete safety it should have been covered.

Conveyor is given separate motor but to save on electricity expenses, they used the electric motor of the oil expeller machine by adding one more belt and pulley. It was this belt where Narsibhai's sweater got entangled. Had they not added this belt it would have left more clearance between iron pole and machine making it easier to pass through. No one ever raised a demand to remove the belt and use separate motor. There was no written instruction in this regard but employer gave oral instruction to the fitter not to use separate motor.

There was no warning put up to prevent the gap between the iron pole and machine for through fare neither was it closed by any partition.

For cleaning the floor, 2 sweepers were employed who worked 12 hour shift. Night shift worker would clean the floor at 5 am in the morning - i.e. end of the shift while the day shift cleaner will

---

---

clean the floor at 5 pm in the evening. Oil drops in running machine would be cleaned every now and then using oil seeds.

Direct and indirect causes of accident can be summarized as under:

1. No safety training imparted to the workers.
2. Lack of adequate machine guarding
3. Poor house keeping
4. No personal protective equipments like shoes
5. Poor layout
6. Lack of warning or partition to prevent use of the space between pole and machine for thoroughfare.
7. To save on electricity use of additional belt to run conveyor.

In addition we have observed following:

- Conveyor pit not covered. Violation of Sch. II of Rule 54 of Gujarat Factory Rules.
- 12 hr shift for cleaners
- ESI coverage not extended to all the workers barring few.
- No coverage of PF Act.

We do not know whether DISH officer has made an inquiry and if so what was their finding. Here, based on our information, violation of Sec. 21 (Fencing Of Machinery), 22 (Work on or machinery in motion) of Factory Act, 68-A (Protection of workers attending to prime movers) of GFR has lead to fatal accident. There is enough ground for prosecuting the employer and if proved guilty he can be fined and jailed. Further there is also violation of Sec. 33 (Pits, sumps, openings in floor etc.), 54 (Daily hours), 79 (Annual leave with wages) noticed. Our inquiry was in connection with the accident and not implementation of Factory Act per se. Hence there is possibility of more violations of various other provisions. We know that to make statement is one thing and prove them in court with documentary evidence is another. Court needs evidence. Worker's statements in support of Govt officer's statement is important. In this case the photographs are evidence which can prove the point. And these are photographs taken by police hence very credible.

Interview: 19-02-10



---

---

## NATUBHAI MAGANBHAI GOHIL

Natubhai (22) is also known as Mukeshbhai. He studied up to 9th. After failing to pass 10th, he decided to leave study and immediately joined Veer Plastic in Kadi. He worked as helper there for a year. He was paid Rs. 90/- per day as contract laborer for 12 hour duty. Problem was, he was hourly rated workmen and in a month he could get work for 12 hours only for 15-20 days. In rest of the days depending on the work load, he will get work. His parents were working in Mamta Cotton where the wages were Rs.70/- per day. Here workers would get work for all 30 days. So his parents requested the Manager to employ their son Natubhai. Manager agreed. Here they would get weekly off and festival holidays without pay. No social security like Provident Fund or ESI is extended to any worker. If Govt officers come for inspection the Management would ask the workers to tell lie and they have to obey or they would be fired next day. Cotton gin normally work for 8 months in a year. During monsoon production comes to halt due to rain. Cotton needs huge storage space. These units store cotton in open space out side shed. During monsoon most workers are asked to go home when production is stopped.



Hydraulic Press is one of the important machines used in Gin to make bales of cotton by pressing hard. Existing Press was not working properly and Management ordered new press from a supplier in Andhra Pradesh. New press was delivered and installation was going on. Three helpers- including Natubhai- were engaged in addition to 2 supervisors for the job. There were two technicians from the Press manufacturer also. Employer Mr.Rajubhai himself was supervising the process. Rajubhai is one of the three partners. Press was fixed in its place and it was being tested. Day was 17-09-08.

The supervisors asked Natubhai and his colleague Tirath Darbar to enter the 20 ft deep pit. They were given a ladder to climb down. Inside it was dark but a lamp was lowered for illumination which was not adequate. Inside the pit there was water to 2.5 ft. height of the pit. They were instructed to put lubricant oil when ram opened. They switched on the machine but ram did not open. They tried for 2-3 times but did not succeed. On 5th or 6th trial it suddenly worked and press was lifted up and rams opened. Mukesh had put his hand on it when rams opened suddenly. No one warned them that switch is being pushed ON. His thumb was crushed between plate and ram. His colleague saw this and immediately called for help. He held Natubhai so that he does not fall. Had he fallen, there was water enough to drown him in few seconds. Also had the colleague not held him he might have struck with the wall, injuring head. When Natubhai saw his thumb cut off, he was shocked and he became unconscious. While taking him to the hospital, his colleague made it a point to take with him the cut off thumb in his pocket! The doctor said it is of no use for surgery.

All those who were on ground floor, rushed and helped unconscious Natu climb on ground floor. He was taken to Dr.Ketan Bhatt's



---

---

Soham Surgical Hospital. It was 5/5.30 pm. They had worked till 8 pm earlier day and had started working on 8 am on the day of accident. He was discharged next day at 11 am and was advised 8/10 day rest. Total bill was Rs.1300/- which was paid by the employer. He was advised plastic surgery but employer refused to pay for the expenses. The family decided not to go for plastic surgery since they can not afford.

When they demanded for compensation they- all three of the family- were fired. When they came to know about the public hearing organized by PRAYAS, they participated and presented his case. Later the organization wrote to the local DISH officer. In response, the officer contacted the Management and pressed them to compensate Natubhai.

Because of his disability he can not do some day to day chores like buttoning the shirt. He used to eat with his right hand but now he eats with left hand. He is able to write with right hand.

As a result of public hearing and its follow up, management processed the claim with their insurer M/s. United Insurance Co. Insurance company settled the claim through the office of Compensation Commissioner appointed under W. C. Act. Accordingly, he received Rs.1.05 lakh towards compensation.

He and his family lost the job when they demanded compensation. This is in violation of Disabled Person Act and Industrial Disputes Act but they have not filed any complaints under these provisions. Though, he could get compensation with the help of Union it has not motivated him to be a member of the Union or participate actively in organizing other workers. He is still, unorganized. And this is not an isolated case. Union provide services but in turn the Union is not getting strengthened either by way of membership or monetarily.

Interview: 19-02-10

---

---

## RAMBHA KAMJI KHARADI

We had set out at about 2 and after visiting Lalita in Garanwas we went to Falasiya on our way to Nenbara (Jhadol-Falsiya, Dist:Udaypur) to collect Dolatramji to accompany us. And now sun had almost set and yet we had not reached our destination. I was worried as I intended to take evening bus for Ahmadabad. When we reached Nenbara, my hosts started locating the house. They had sent two of their colleagues in advance to meet three victims in this area. They were contacting them on mobile. I was told that all victims have been asked to wait for us at one place so that we do not have to waste our time in reaching out to all one by one.



But that was not so. Rambha was at her home in Zablo Falo, they found out. We decided to visit her first. When we were trying to locate the house, we came across a person who introduced himself as Rambha's uncle. He readily agreed to accompany us in car to show us way to the house. He was out to fetch water. He put his pot beneath a tree and came with us. That made our job easy.

She was sitting on the *otta* (raised platform in front of house) alone. She looked confused, tense and in despair. She did not participate much in conversation. Family members gave the information I needed. May be, she was being interviewed for nth time and that she may have lost her enthusiasm. After the accident and resultant disability has clamped her wings at the young age of 15 and she is not adequately rehabilitated, must be painful and she has not come out of it completely. I also thought what life she has here when she cannot walk for long distance. She can walk shorter distance with the help of stick. I wondered, if she had any friends to share views, thoughts, successes, failures, ambitions and disappointments and moments of joy. I really felt pity for her and others like her. How a small accident at distant factory turns one's life entirely. I thought she must have seen great dreams for her but now she is confined to this remote place which has nothing to offer to a young girl. She had now her own world of loneliness. Was this a permanent state of mind? Or something happened just before we arrived today? Any temporary physical discomfort? or anger of unavoidable one more interview which would not bring any qualitative change in her life? I do not know the reason nor were the circumstances permitting me to go in-depth to know the truth. Her face still haunts me. She must be full of life once, I thought.

She is one among 3 sisters and one brother. Brother is eldest. Rambha is second among daughters. Only youngest daughter is studying in the school, now in 5th standard. Rambha was not sent to school so that she can look after the goats owned by family.

After Diwali, she went away with Kalu, the *met*, to work in factory in Gujarat, without taking family into confidence. She was just 13 by then. A 'child' as defined by Child Labor (P & R) Act. Cotton Gin is hazardous as provided by the is Act. No child labor can be employed in Cotton gin. Her father came to know only after few days. Kalu took away with him 5-6 girls and 2-3 boys. She was taken to Ganpati Gin in Kadi where there were 20 workers in all. Rs.60 /- per day for





12 hour duty was the condition. Shift would be changed each week. No identity card issued. Dormitory provided by the Gin in the premises.

It was January 27,2008. She was in day shift. It was evening 5. Her duty was to sweep the floor in Charkha room. Her left leg fell and trapped in screw conveyer under floor. She fell down on back. Her left foot got cut vertically from toe to heel. Fitter was there and he immediately stopped the conveyer. It is obvious, under floor pit was uncovered. But how she could not save her self? She had put on plastic slippers, I was told. She was tired. Was she sick? I do not know. She does not know who, how and when was she taken for treatment.

She stayed for one month in a private hospital in Kadi and then was discharged but stayed back for follow up. Sangita stayed with her to look after her in hospital but she was not paid for this service by the management, neither Rambha was paid for the lost time. No one informed her family back home till one month. Later, they informed asking them to visit to collect the wages paid to the girls. Even then, they did not say a word about accident.

Father recollects that there was police complaint filed by Union and *Met* but Rambha do not recollect if her statement was recorded by police. She was brought home few days before Holi. Factory paid all treatment cost plus Rs.1000/- towards travel. At home they continued treatment for some time for which they had to spend Rs.1500/-.

Now she helps in kitchen. She can not do any other domestic chores. She walks with the help of stick limping on one leg. Injured left foot is completely deformed and only toe would touch the floor. Walking is painful, she told and hence avoids. There is urgent need for rehabilitation efforts. Possibility of reconstruction operation should be checked. It seems that had she been provided better quality of treatment, she might not have ended up with the disability to this extent.

Family does not know the extent of disability assessed. Union has filed claim for compensation but they have no knowledge where the claim stands now. As reported by Union, disability as assessed by Doctor appointed by Union has assessed disability to be 40%. Claim is under progress in Kalol Labor Court.

How could this have been prevented? Had screw conveyer properly guarded, the accident would not have taken place. Practice of cleaning the floor using ordinary broom is old. Had they employed mechanized technique, this might not have happened. Had she been wore shoes her disability might have reduced. Even better treatment after the accident helped her reduce disability.

There is no information as to whether this accident was notified with DISH office or not by the factory management. Shoes-tight fitting work clothes-covered under floor pit-regulated work hours-better supervision and little training would have prevented the accident.

But how about illegal employment of child labor? Had she been not employed at all, she would have been saved.

Interview: 13-04-10

---

---

## RATANSINH KAMALSINH

Mangniram, local NGO field staff was accompanying us to visit Ratansinh Kamalsinh in Khatravan area of Dhikwas in Kherwara taluk of Rajasthan. He asked to stop at one place and we thought we are at the door step of Ratansinh. No, it was a small village shop. Mangniram, without any discussion, led us to a lonely road. I could not see any houses nearby. We were following him blindly. When road ended, we could see a rivulet and wide bank was full of sand. We crossed the small portion of water and kept on walking on the sand. It was beautiful scene. But I was anxious. Where is victim? It was quite along walk along the river. Then again we had to cross water stream by walking over stones placed by people. Again we had to walk along river on our left. But now we could notice few village women washing their clothes and children taking bath and swimming and jumping from a top. On the opposite bank it was all high and hilly. Still, I could not see any houses. Once more we had to cross river over the stones and we were now on the side where women were washing clothes. On this bank there was not sand road and we had to climb up and down the hills and then up and up and then walk on *pagdandi* to reach Ratansinh's house. We reached our destination but we could only find two women, goats and cows. Mangniram still traveled ahead and brought Ratansinh and his father along.



Ratansinh is 20 now. He is one among 14 children! Ratan is 6th in chronological order. Two of his brothers have studied up to B.Ed. but he himself did not go beyond 5th. Since last three years he had started going to Gujarat for labor. In first year he went to Vadali in Gujarat to work in Gin. Next year he went to Gurukrupa Gin in Babra in Gujarat. Third year he went to Kukma near Bhuj in Gujarat to work in Gayatri Cotton Gin.

While in Babra, he learnt skill of a fitter. So, when Dinesh Kawa from his village rented Gayatri Gin, he invited Ratan to join him as fitter. In Gyatri Gin, they had 36 Charkha machines. He was paid Rs.2300/- per month as wages. Timings were not fixed - minimum were 12 but sometimes if work demanded he had to work for even longer. No weekly off.

It was December 3 in 2007. Since last more than a week he was working in night shift. The metal sheet on the side of conveyor shaft was broken from which cotton would pass and get entangled in the shaft. If not cleared, it would jam the shaft and would also increase load on motor. During a shift 3-4 times it had to be cleared. This was above charkha machine at height, where no laborer were placed. Hence fitter had to do this work.

He reported duty at 5 pm. By 7.30 he went to clear the shaft. While cleaning the shaft, his right hand got entangled between shaft and belt and got pulled. He was all alone at this height. He cried for help. It was time for tea break and all the workers had gone out of the compound at tea shop for tea. Ratan had finished his tea ahead of others and came in while others were still out side. Only one woman worker was there below.



---

---

She heard the call for help and called others. It was Kawa who switched off the conveyor. By that time it would have been 5 minutes that the belt was running.

Was illumination adequate? He replied that it was OK. How about dust? He replied that there was a tube light which would be covered with dust and had to be cleaned daily. It was not too noisy but charkha machines would always make some noise. He had never come across any accident in his 3-4 year carrier in Ginning though he had heard of accidents taking place in gin. He had never thought of any hazard.



After his hand was caught up, he fell unconscious. He was lowered by the colleagues and taken to orthopedic hospital of Dr.Rudani, which is 8-10 km away from the Gin. He does not know how was he taken to the hospital. He had to remain hospitalized for next 15 days. Later he stayed in Bhuj for next 2 months for follow up treatment. He lost his right hand beyond elbow.

He informed me that there was practice to use stick to remove cotton, if cotton is deep inside, when machine is not in operation. But when machine is running normally cotton remain outside which can be picked up by hand to remove, without using stick. His father interrupted to add that “not using stick was his mistake. He was not needed to put his hand in it and he did.”

Employer paid Rs.70,000/- towards immediate relief in addition to treatment cost Rs.17,000/-. Police was intimidated, claims Rattan’s father. He was all praise for the employer Gangaram. Later, under W.C.Act he was paid Rs.3,90,700/- as compensation. Lawyer charged Rs.1.10 lakh as his fees.

Was this accident notified under Section 89 of Factory Act and Rule 103 of GFR? We have no knowledge. Had side metal sheet repaired timely which allowed cotton to slip and jam the shaft the accident could have been prevented. Proper preventive maintenance was not done. Nor was he trained properly how to carryout the work. He was not instructed not to work without first stopping the machine. He was not being supervised to prevent him from taking risk. He was not given any implement to remove jammed cotton. All this would have increased cost. Employers know where to cut cost and maximize profits. What lessons they might have learnt put of this incidence is an important question.

Rehabilitation of accident victims is a big issue on which adequate attention has not been paid. The family does not know anything about the new law for disabled enacted in 2005 nor do they know anything about State Government schemes for disabled. They have not tried for artificial limb yet. With this disability his chances of getting job has been considerably affected. “He was intelligent boy”, his father remembers. Now with this disability he has no option but to roam in these hills aimlessly.

Interview: 16-03-10

---

---

## SHANTA RATANSINH GEHLOT

Shanta (17/18) lost her father when she was still 3. Ratansinh had gone to the village *Talab* (tank) fro wash and got drowned. She is the youngest among 6; 4 brothers and 2 sisters. Mahatma Gandhi took tour of the nation at the instance of his political Guru (Mentor) Gopal Krishna Gokhale. At one place he noticed that a woman had only one cloth to cover her body and she had to wait till the sun set so that she can take bath in the river. Gandhi was so perturbed that he decided that he shall put on only loin cloth. He kept the promise given to himself till his death. I do not know how Gandhi would have reacted had he heard this story: Shanta could not attend school only because they did not have enough cloths! Still she is literate and knows little bit of reading and writing. Till now, village had school only up to 8th. From this year now it is up to 10th.

Agriculture is completely dependent on rain in this area as there is no irrigation facility. Terrain is hilly If there is rain they can take crop of maze.

Dipsinh of her village used to work as met and he encouraged het to go with him. It washer maiden trip. She was accompanied by 6/7 others from the village.



She was taken to work in Jay Khodiyar gin which is located near Dev Cotton Gin in Kadi in Gujarat. She was given a room in the company dormitory to stay with other colleagues. Factory used to work in two 12 hour shift from 8 am 8 pm and 8 pm to 8 am next day. She was employed in day shift. Her job was on Charkha machine where she had to push the heap of cotton to the charkha machine from hall which is on top of the series of charkha machines.

It was 20 December, 2008. It was now about more than a month that she was working here. It was about 10 am. She had been working since morning 8 and was tired and thirst. She decided to take break and she went down stairs. While climbing the stairs back, free end of her *Odhani* got entangled in the pulley belt. She was pulled and was thrown away. She lost her consciousness.

Other workers working nearby rushed to the spot and took her to a hospital in Nani Kadi. Neither employer nor met were present when accident took place. She was transferred to the hospital on motorcycle by the fitter. They thought she is dead. She had fractured her right leg. Doctor took X-ray and injected some medicine but no bandage was given. X-ray was kept by the doctor with himself. Little later her leg got swollen and was paining. She had bruises near her neck and back. She stayed there for one day only. Expenses were paid by the met, she recalls.

When her family came to know her brother went and took her to Vichhiwara - a small town in Rjasthan on way of her native village. She was not able to walk, even put her leg on ground. It was difficult for the family to shift her by private Jeep. At Vicchiwara she was examined in the screening machine and was given bandage and then shifted to Government hospital in Udaipur - 90 km from



there by road. There she was put on traction for a week but her pain continued. Later in the week she started vomiting. Family decided to take discharge and took her to home. They intended to take her to a private orthopedic hospital in Idar town in Gujarat. There was no money. They had already spent Rs.2,000/- by then. It took 2/3 days to arrange for Rs.15,000/- on interest.

Equipped with money in the pocket family took her to Niti hospital, opp: College. Valasana Road, Idar. Dr. Yaswant Patel, owner, after examining the patient, asked family to deposit Rs.25,000/- before he starts treatment. Family had to again get Rs.10,000/- more on interest and that again took few more days. Treatment kept on delaying till Rs.25,000/- was deposited. She was operated up on and was discharged after few days. Twice, at the interval of 15 days they had to visit the doctor for follow up. Doctor refused to give official bill when family asked for. Later, massage and exercise were done at home for next 6 months for complete recovery.

She was not paid any salary though she worked for more than month.

She is now disabled to an extent that she cannot lift weight - hence she is free of getting water from well, down below the hill at a distance. She is yet to get married. Her marriage would need Rs.50,000/- . She may have to wait for getting married till family can manage this amount. Shanta is being looked after well by the family. She is shy and all my questions to her were replied by the family, particularly her aunty who has good leadership quality and is member of area committee of the Union. I had to request them to allow her to reply. Her wry smile still haunts me, reminding me of the inner pain she might be passing through.

Though this was her first migration, family had earlier experience of not only migration but also of accident at work. One of the daughters had earlier worked in gin and had met with accident. When there was offer for Shanta, family thought that it is a matter of few days. Let her go and earn little. Money is badly needed in this hilly area where there is no development and no employment opportunity.

She has not been paid any compensation. It was said that Union has filed compensation claim but she has no details like amount of disability assessed. As reported by Union, disability as assessed by Doctor appointed by Union has assessed disability to be 30%. Claim is under progress in Kalol Labor Court.

There is no information as to whether this accident was notified with DISH office or not by the factory management. The accident could have been prevented had provisions of factory act



---

---

implemented like guarding of moving parts of machines, adequate space between machines, tight fitting clothes, proper training, working hours, man power planning. But neither owners want to follow the law nor the Government is interested in getting the laws implemented. After implementation of recommendations of 6th pay commission, salaries of public sector employees have gone to sky but pro-people governance is lacking. Old laws of British era need to be amended urgently to give civil society a role in implementing the law.

What can be concluded as causes of accident can be summarized as under:

1. Lack of machine guarding (Violation of Sec.21,22 of Factory Act & GFR 54)
2. Improper work clothes. ( Gujarat Factory Rule 55-A provides for tight fitting clothes)
3. Congested work area -machines installed keeping narrow space in between.
4. Lack of training
5. Lack of proper supervision
6. Lack of experience.

---

---

## SUKABEN BHAGWATILAL DARANGI



It was late evening when we reached Karel village in Zadol taluka. It was little difficult for us to locate the house as it was in interior part. We had to ask quite a few people and when reminded, people would indicate the direction. Sun was about to set when we located the house.

Upon reaching we found that head of the family, Mr. Bhagwati was away to nearby village and it may take some time for him to return. We found Sukaben's mother and brother at home.

Sukaben died in fatal accident in Srinath Gin in Radhanpur on 03-03-03. *Holi* was only week away when accident took place. *Holi* is very important festival in the area.

Suka had earlier migrated for one season and this was her second trip. She was taken by Ramlal Kasota, the *met* (contractor). She was accompanied by her mother's sister Rupa. She was only sister among 3 brothers. She was barely 12/13 when went to work in gin.

No one knows how exactly accident took place. But probably it was fire at gin in which she was caught up and died of burns. Accident took place at 3 pm. Family has no information if there was police complaint or if post mortem was done or not. Her brother opined that he believed that post mortem was not done. The family was informed that the girl has died. Upon knowing, her father and grand father went to Radhanpur. They were paid Rs.25,000/- as compensation.

There is no information as to whether this accident was notified with DISH office. This is clear case of child labor being employed and fatal accident taking place killing child labor. The way the family described the whole thing it is clear that the management succeeded in hiding this accident from the authorities. In case of fatal accident management is supposed to inform police, district collector and DISH.

During our visit the family members were either not willing to share any information or they did not have or they did not know whether sharing the information – in absence of the family head- will have any adverse impact on the family. Normally, unless they trust completely, they hesitate in revealing the information and it was now 7 years that the accident had taken place and if that can help them in any way.

It was getting dark, we were tired of travel since morning and decided not to wait for Bhagwatibhai to return home.

Interview: 12-04-10

**ANNEXURE - 1**  
**LIST OF ACCIDENTS ANALYZED**

No	M	F	State		Fatal	Compensation: Y/N	Compensation: Amt.	Employer	Location	Victims's Name
1	?	-	Rajasthan	Kherwara				Malguru	Kadi	
2	-	30	Rajasthan	Kherwara				Morbi Oil Mill	Morbi	
3	16	-	Rajasthan	Jhadol		y	80,000	Janki	Kadi	
4	-	18	Rajasthan	Kherwara	Death			Golden	Rajkot	Ramila
5	25	-	Rajasthan	Kherwara				Gurukrupa	Rajkot	
6	-	?	Rajasthan	Kherwara		y				
7	18	-	Gujarat	Kadi				Tirupati	Kadi	
8	-	?	Rajasthan	Dungarpur	Death			Jay Ambe		Durga
9	20	-	Gujarat	Kadi				Mamta		
10	12	-	Rajasthan	Kherwara	Death			Kadi Cot		Goma
11	?	-	UP	-	Death			Khodiyar		Kalu
12	-	14	Rajasthan	Jhadol				Ganpati	Kadi	
13	14	-	Rajasthan	Kherwara						
14	-	15	Rajasthan	Dungarpur	Death			Jay Ambe		Marti
15	15	-	Rajasthan	Dungarpur	Death			Jay Ambe		Mukaeh
16	20	-	Rajasthan	Kherwara		y		Ambesh	Kadi	
17	20	-	Rajasthan	Kherwara		Y	70,000	Gayatri		
18	-	17	Gujarat	Kadi						
19	-	15	Rajasthan			Y	17,000	Jay Khodiyar		
20	16	-	Rajasthan	Jhadol				Uday	Kadi	
21	-	15	Rajasthan	Dungarpur	Death			Jay Ambe		Urmila
22	20	-	Gujarat	Kadi	Death			Mamta		Vikram
23	?	-	Bihar			Y		Raja		
24	-	29	Bihar	Ijara				Kisan	Prantij	
25	16	-	Rajasthan	Kherwara	Death	Y		Kadi Cot	Kadi	Govind
26	-	16	Rajasthan	Jhadol		Y		GB Cotoon		
27	-	19	Rajasthan	Jhadol				Uday	Kadi	
28	21	-	Rajasthan	Kherwara				Amul		

No	M	F	State		Fatal	Compensation: Y/N	Compensation: Amt.	Employer	Location	Victims's Name
29	-	20	Gujarat	Kadi				Rajeshwari		
30	-	14	Rajasthan	Simalwara		Y		Neninath	Surendranaagr	
31	16	-	Gujarat	Kadi				Raja		
32	-	30	Gujarat	Ahemdabad				Kadi Cot		
33	-	14	Rajasthan	Jhadol	Death			Somnath	Babra,Amreli	Shobha
34	-	20	Rajasthan	Jhadol		Y	0,10,000	Shivani	Kadi	
35	12	-	Rajasthan	Kherwara	Death			Bhagyodaya	Kadi	Govind
36	25	-	Gujarat	Kadi				Bhuyangdev	Kadi	
37	-	18	Gujarat	Kadi				Ambesh		
38	-	18	Gujarat	Kadi		Y		Vaibhavlaxmi		
39	18	-	Gujarat	Mahesana						
40	-	15	Gujarat	Kadi				Shiv		
41	15	-	Rajasthan	Kherwara				Kangdara		
42	12	-	Rajasthan	Jhadol	Death	Y	0,80,000	Vivekanand	Kadi	Ravan
43	-	14	Rajasthan	Jhadol	Death	Y	0,50,000	Trupti	Kadi	Reena
44	15	-	Gujarat	Kadi				Vivekanand	Kadi	
45	-	24	Gujarat	Kadi		Y		Samrat		
46	30	-	Gujarat	Kadi						
47	-	55	Gujarat	Ahemdabad				Jalaram	Kadi	
48	17	-	Gujarat	Kadi				Maharaja		
49			MP					Dudhdev	Morbi	
50	25	-	Gujarat	Kadi				Amul		
51	15	-	Rajasthan	Kherwara				Vaibhavlaxmi	Kadi	
52	38	-	Rajasthan	Kherwara		Y			Kadi	
53	-	?	Rajasthan	Kherwara				Samta	Kadi	
54	24	-	Gujarat	Kadi				GB Cotton		
55	-	20	Gujarat	Kadi				Yogi		
56	-	18	Gujarat	Kadi				GB Cotton		
57	14	-	Rajasthan	Kherwara		Y		Jadar Sahkari		
58	-	?	Rajasthan	Kherwara	Death					

No	M	F	State		Fatal	Compensation: Y/N	Compensation: Amt.	Employer	Location	Victims's Name
59	-	40	Gujarat	Kadi		Y	1,75,000	Kumkum		
60	18	-	Gujarat	Kadi		Y		Rajeshwari		
61	24	-	Gujarat	Kadi				Uma		
62	32	-	Gujarat	Kadi				Raja		
63	?	-	Rajasthan	Jhadol				Amul		
64	-	13	Rajasthan	Jhadol	Death	Y	0,25,000	Srinath	Radhanpur	Suga
65	23	-	Gujarat	Kadi				Nilakanth		
66	-	?	Gujarat	Kadi	Death			Kadi Cot		
67	-	?	Rajasthan	Kherwara						
68	-	32	Gujarat	Kadi						
69	35	-	Gujarat	Kadi				Vyopari		
70	-	?	Rajasthan	Kherwara	death	Y	2,50,000			Huradi
71	-	18	Gujarat	Kadi				Avadhesh		
72	?	-	Gujarat	Mahesana						
73	?	-								
74	17	-	Rajasthan	Kherwara				Dasrana		
75	34	-	Gujarat	Kadi				Bholenath		
76	-	?	Rajasthan	Kherwara	Death	Y	2,50,000			Khemli
77	?	-	Rajasthan	Kherwara		Y				
78	-	?	Rajasthan	Kherwara		Y				
79	?	-	Gujarat	Kadi				Rajeshwari		
80	-	55	Gujarat	Kadi				Satyam		
81	?	-	Rajasthan	Kherwara		Y				
82	55	-	Gujarat	Kadi		Y		Bhagyodaya	Kadi	
83	65	-	Gujarat	Kadi				Kumkum		
84	30	-	Gujarat	Kadi				Bhagyodaya	Kadi	
85	20	-	Gujarat	Kadi						
86	55	-	Gujarat	Kadi				Vyopari		
87	25	-	Gujarat	Kadi				Kumkum		
88	-	22	Gujarat	Kadi						

No	M	F	State		Fatal	Compensation: Y/N	Compensation: Amt.	Employer	Location	Victims's Name
89	61	-	Gujarat	Kadi				Krishna		
90	?	-	Gujarat	Kadi				Rajeshwari		
91	?	-	Gujarat	Kadi				Rajeshwari		
92	?	-	Rajasthan	Kherwara						
93	36	-	Rajasthan	Kherwara						
94	20	-	Gujarat	Kadi				Amul		
95	-	16	Gujarat	Kadi				Sardar	Kadi	
96	?	-	Rajasthan	Kherwara						
97	-	?	Rajasthan	Kherwara		Y				
98	-	45	Gujarat	Kadi		Y		Amul		
99	?	-	Gujarat	Kadi						
100	-	17	Gujarat	Mahesana						
101	-	19	Gujarat	Kadi		Y	0,50,000	Raja		
102	-	20	Gujarat	Kadi						
103	-	21	Gujarat	Kadi				Sardar	Kadi	
104	30	-	Gujarat	Kadi				Bhagyodaya	Kadi	
105	-	?	Gujarat	Kadi						

---

---

## ANNEXURE - 2

### PUBLIC HEARING ON HEALTH AND SAFETY ISSUES OF WORKERS OF COTTON GINNING INDUSTRIES- REPORT OF PANEL OF JUDGES

**Prayas Centre for Labour Research and Action (PCLRA)** – an NGO, organised a Public Hearing on the above topic at the Gandhi Vidyashram in Kadi on 24.2.2009. The Panel of Judges consisted of Prof Vidyut Joshi academic, Mr. Jagdish Patel Occupational Health Expert, Dr. Jagdish Parikh Occupational Health Expert, Mr. Amrish Patel labour Lawyer. Mr. D.V. Joshi, Ex-Chair, Industrial Court, Gujarat headed the panel as Chair.

In Kadi town and the adjoining areas, there are about 225 cotton ginning factories operating, and details about these operations have raised a lot of interest in the issues of health and safety of the labourers working in them. Cotton based industries are some of the most important industries in Gujarat, and cotton crop production is critical to farmers here, as it is a cash crop that enhances livelihood incomes. Ginning factories purchase raw cotton from the farmers and gin it, removing seeds from the fibre and then tying into bales. The gin machine that does this process is called 'charkha' in the local parlance, on which the labour works. It was revealed during the hearing that most of these labourers are brought in by the agents (contractors/mates) from remote areas of Rajasthan. Many of them are under 18 years of age (**Child Labour**). As compared to local labour, the migrants from Rajasthan are more, for whom residence quarters are provided on the factory campus. It was revealed during the hearing that the living facilities are very inadequate and poor. There is no proper potable drinking water, nor are the basic living and resting facilities adequate. They are cramped in sheds. These labourers work the shifts, which is regularly of 12 hours. They get wages of only Rs. 70-80 per day. Subsequently, under what formula they are being paid is also unclear.

There is no recorded information about the health issues of these workers, and in cases of industrial accidents, the labourer is given initial medical treatment, and a paltry compensation some times, and sent back home. Prayas has identified about 105 such cases and many of them were present at the hearing. On asking them (the victims), it was orally verified that no one was compensated as per the provisions of the **Workmen's Compensation's Act**. Rather, after paying some small sum along with basic treatment, the workers are asked to return home. The accident causes permanent damage and the workers are legally entitled to proper compensation, a practice that seemed non-existent in the ginning industries. In several cases, where treatment was given, it was found to be incomplete, and no compensation for completing it was given. In the year 2006-2007, the total no of fatal cases was 7, while those of permanent and partial disability seemed to be numerous. In such cases it was a fact that the gin owner tried to hide or underplay such accidents. A possible nexus between agents of labour and their brokers, as well as the gin owners cannot be ruled out. There was big question mark on the safety norms that have to be observed by the gin owners in their factories, under the **Factories Act**.

Further there is also a question mark on whether the implementation of the **Payment of Wages** and the **Minimum Wages Act**, which should stipulate the working hours as well as full payment of wages, and which should be supervised and inspected by the concerned

---

---

labour officers, actually happened. Although, technically, these labourers were not bonded, yet their conditions could be described as such. All these above issues were highlighted and specially, the narration of the accident cases by the victims revealed a heart wrenching and pitiable condition of the workers. For labourers migrating to earn their livelihood especially from out side the state, there is the **Interstate Migrant Workers (Protection and Regulation) Act**. It seemed unclear whether any action has been taken under this or whether the gin owners were bound to apply its provisions, and so it would be appropriate to conclude that this law is hardly being implemented and more information needs to be sought from the authorities. Incidentally, the Government was not represented by any officer at the hearing, and thereby several such aspects could not be verified.

The Panel directly and in person examined the cases of accidents presented and assessed the nature of disability and disfigurement. It seemed that most accidents if treated carefully and completely, could have prevented much of the disabilities, but due to the casual nature of treatment and discharging the injured labourer at the earliest resulted in more disability. It was learnt that the treating doctors did not return the treatment papers to the victim. It seemed that although of a noble profession, the doctors functioned carelessly, and treated victims based on instructions of the gin owners.

PCLRA, has taken keen interest and studied in depth the health and safety related issues arising in the ginning industry, and produced a very good report This report can prove very useful to the Government Officers and other stakeholders including social workers and can be a major guiding light for the labourers in this industry. In spite of it being absolutely clear beyond any doubt, that the implementation of the laws that have to be undertaken by the concerned departmental officers, it seemed that is not happening. Further, the labourers working on a long term basis in the gins also suffer other health morbidities related to respiration and weakened lungs. It seemed that safety provisions to prevent these were not available at the factories. If factory owners purchase worker's insurance under Workman Compensation Act, at a very nominal price, it would be very useful to the labourers. However even for this there seems to be total indifference. It is a requirement under the Factory Act that when an accident occurs the factory owner should have informed the concerned (Industrial Health and Safety) Authorities, about it, while under the Workman Compensation Act, he must deposite the amount with the compnesation commissioner's office. But no fact emerged to show that such thing was followed or being implemented, in these cases.

**Briefly we can conclude, that there is little evidence to show whether in the ginning industries, the various provisions of the laws are being applied and whether they are being inspected by the government officials,** while the situation as existing is very serious. Labourers seem to be living a life of bondedness, while the gin owners seem to be exploiting them totally. Besides, it cannot be denied that the agents/ contractors of the labour and the Government seem to be aiding in protecting the gin owner. It is a fact that this situation is very grave, while the callousness of the concerned authorities further aggravates it. It is imminent to consider all the above issues as urgent and move to resolve them in a comprehensive manner.