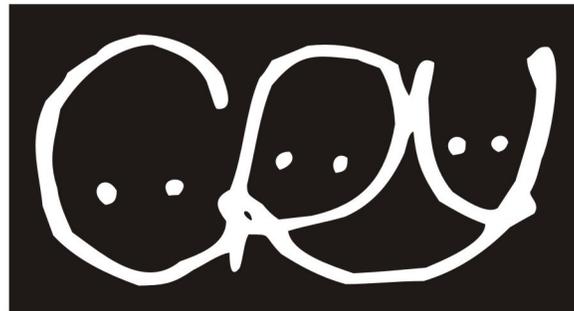


**Sexual Violence against young adivasi female workers on
cottonseed farms of Gujarat and the forums available for justice**

Submitted by

Madhulika



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1 . Purpose of the study

Every year a large number of young adivasi girls from South Rajasthan go for cross pollination work on the cottonseed farms of Banaskantha and Sabarkantha districts of Gujarat. They migrate seasonally in groups with a labour contractor, who is also from the same community. For 2-3 months, these young workers live and work on the cottonseed farms away from their families under the supervision of the labour contractor, sharecropper or the farm owner. During this period they are exposed to several risks – rains, snake bites, exposure to pesticides, physical and sexual violence. The purpose of this study was to understand the nature and the magnitude of violence these young workers face, mostly focussing on the sexual violence. Effort was made to understand the reasons for the violence, dynamics of dealing with it and forums the workers have access to seek relief, justice and rehabilitation.

2 . Methodology

There have only been 2 reported cases of sexual violence on cottonseed farms. Interviews were held with both the survivors and their parents. Both of the girls got married during the course of the study. The researcher lost access to one family after the marriage, but managed to keep in touch with the other and follow the progress of the case as well as the family situation.

Several labour contractors were interviewed with formal questionnaires. Two civil society organizations working on theme of migrant and unorganized labour were interviewed – Dakshin Rajasthan Mazdoor Union and Aajevika Bureau. A lawyer who works with Banaskantha Dalit Sangh in Palanpur was interviewed.

Focus group discussions were held with young female workers. The researcher held focus group discussions in 8 places and then chose 4 out them to have further discussions. The groups were chosen based on the how well the researcher could make friends with the girls and other work she could take up in their village which would take her back to those villages repeatedly. Informal interviews were held with the parents during overnight stays in the villages. Interviews with educated members of tribal society and individuals heading the forums for conflict resolutions within the society were held.

With support from Dakshin Rajasthan Mazdoor Union, the researcher made a trip to Ahmedabad to get an idea of unorganized workspaces the workers from South Rajasthan go to. Four deaths of young workers on cottonseed farms in 2009 were documented with the support of the Union.

Since a lot of workers from Dungarpur go to a major production area in Banaskantha district, the researcher wanted to visit the place. Since this presented risks as the farm owners of the area became vigilant after the coming of child labour checking squads, the researcher joined a UNICEF research team which was going to the area. The researcher participated in their study, got to observe quite a few things, had conversations with employers and local sharecroppers. At the district headquarters (Palanpur) the researcher interviewed the Deputy SP and the labour department. Interviews were held with a group of farmers in Idar of Sabarkantha district. Interviews were held with the labour department, police and social justice departments of Dungarpur.

All the activities taken up and questionnaires used as attached as Annexures.

3 . Conceptual Framework

The unorganized sector, which is the largest employment provider in India characterized by lack of legal protection, casual employment, seasonal work, high labour mobility, low bargaining power, widespread feminisation of labour force, use of child labour, dispersed functioning of operations. The diversity of the sector

in terms of nature of work as well as exploitative practices is overwhelming.

National and international bodies uphold the rights of workers and children through conferences and labour laws, but they mostly remain on paper. *The International Labour Conference 2002 (ILC, 2002)* declared that its goal is to promote decent work along the entire continuum from the informal to the formal end of the economy, and in development-oriented, poverty reduction-focused and gender-equitable ways.

The Indian Constitution recognizes Right against exploitation, Right to Education and Right to decent life as fundamental rights. Article 39 of The Directive Principles of State Policy specifically requires the State to direct its policy to protect the health and strength of children and, to ensure that they are not forced by economic necessity to enter vocations, unsuited to their age or strength, to ensure that children are given opportunities and facilities to develop in a healthy manner and, in conditions of freedom and dignity and, that their childhood and youth are protected against exploitation and, against moral and material abandonment. Article 45 requires the State to make provision for free and compulsory education for all children until they complete the age of 14 years.

Labour laws to protect the rights of children exist, but are incomplete and do not cover all the hazardous work children are subjected to. Farm work including cottonseed production is not prohibited under the Child Labour(Prohibition and Regulation) Act 1986, which is a contradiction with fundamental rights of children as recognized by the Indian Constitution and International bodies. The employers escape the provisions of the Interstate Migrant Workmen Act, 1979 by not getting registered as stipulated in the Act/Rules. This deprives the workers of demanding for decent accommodation, free health facilities, displacement and journey allowances. Other than the sexual harassment guidelines by the Supreme Court, there is no comprehensive legislation dealing with sexual violence at workplace though it is a serious need of the times when there is widespread feminisation of labour force and rationalization of existing labour legislation even in the formal sector.

At the cottonseed farms, a 12 hour work day, with two thirds of legally stipulated minimum wage, harsh living conditions, unsafe environment makes the situation of the children no different from bonded labour.

4 . Literature Survey

4.1 Documentation of child labour in cottonseed industry

There is plenty of literature about the ubiquitous presence child labour in the cottonseed industry and its trend over the past few years. The living and working conditions of these workers and the myths propagated by the industry to keep the supply of child labour are well documented. The studies also present several ill-effects of child labour including workplace abuse. However, they do not present the shades of workplace abuse present on the farms, the young workers understanding of and the response to the violence and the forums they have to seek relief and justice. This report aims to fill in that gap by interacting with several stakeholders with focus on workers themselves. It does not study the issue of child labour on cotton-seed farms.

Dhavaluri Venkateswarlu, (Director, Glocal Research and Consultancy Services, Hyderabad) has done extensive research on child bonded labour in cottonseed industry in India, more specifically Andhra Pradesh over the last 10 years. His articles document the extent of child labour in the industry, preference for girl child, the institutional response to the problem of child labour, the campaigns opposing use of children and actions taken by the seed companies in response to the campaigns over the last 10 years. [Venkateswarlu , 2007] Through an analysis of primary data collected on 430

cottonseed farms of 78 villages in 4 states of Andhra Pradesh, Karnataka, Gujarat, Tamil Nadu (which account for 92% of cottonseed production area in the country), the study estimates that in the 2006-07 cultivation season, 416,460 children under the age of 18, majority of them (54%) younger than 14, were employed in the 3 states. Gujarat, which has the largest cottonseed production area in the country accounts for 42% of the total children employed in the sector. Documenting the use of female child labour, the study [Venkateswarlu, 1999-2000] notes that there are certain wrong notions being intentionally spread by the employers to avoid adult labour, like citing the age-old superstition that it is inauspicious for women to work during menstruation. The female children are pliable and also endure long working hours at lower wages than adult labour. These studies also found that the work in cottonseed fields seem to pose long-term health problems for girls because of their constant exposure to poisonous pesticides used to control pests. Another dimension, which affects the female children, is literacy. About 60% of the children working in cottonseed fields in the study area are school dropouts.

In order to extract more work from children, the employers are resorting to new methods of exploitation by offering several incentives such as chocolates, biscuits, tiffin-boxes, bangles, ribbons, and occasional film shows. The employers also reportedly resort to abusive treatment of the children. Verbal abuse was most common; physical violence, threatened dismissal or retention of wages, or other punishments also happened. These studies however do not discuss sexual harassment of girl children or work place related sexual abuse.

Study by [Khandelwal et al 2008] has estimated that about 60,000 girls below the age of 18 migrate from south tribal Rajasthan to Gujarat every year for about two months to north Gujarat to work on cottonseed production farms. The seasonal migration of these young workers is characterized by long hours of work, low wages, poor living conditions, physical abuse, sickness, snake bites, use of pesticides, sexual harassment and assaults. The report highlights the sexual exploitation through couple of case studies. To quote, "When abused, beaten, sexually harassed, driven away without being paid and finding no one to protect them, they resign themselves to a life of condemnation and drudgery. Their acceptance of the inhuman treatment without any revolt or anger speaks volumes about the psychological impact of such treatment, in a defeatist personality and when resigned to fate. Unprotected, unheard and spurned they become part of culture of silence." This report and the interactions with the authors and the experiences of the group in taking up cases related to violence served as the reference point for the author. It provides a good background of the current situation of child labour in the industry, but does not aim to study the perspectives of the workers themselves. It is based on the suggestion from the authors of this report, that the author embarked on the project.

[Custer C et al 2005] explores reasons for adolescent migration, its impact on workers, their families and communities through quantitative as well as qualitative methods. Through extensive interviews with 172 adolescents (57 female and 115 male) and their families, it reports that 57 (33%) complained of withheld wages, 83 reported misbehavior largely verbal and in 6 cases physical. 50 % females reported they have been verbally abused and 50% females reported they were involved in romantic relationships. Along with several other issues the report identifies unsafe sex as common risk at worksite. It points out that sexual abuse of girls is one of the severe dangers workers face along with health hazards posed by chemical pesticides, factory environment and machinery. It provides a few instances of sexual abuse at the same time acknowledges that the rapport necessary to deal with sensitive issues like sexual harassment at worksite was lacking and hence enough investigation was not done on the subject.

Neera Burra [2008] tried to ascertain the extent of harassment of workers, particularly sexual harassment of child and adolescent workers, but acknowledges that it was difficult to get any precise information. The group met the children in the presence of *meths* (labour contractors). Adults were also reluctant to talk of harassment, particularly sexual harassment. They were told that landlords harassed workers, no one was willing to give very precise information. Some newspapers reported cases of sexual harassment but it is difficult to estimate the extent of the problem as neither children nor parents wanted to broadcast this information.

Some testimonies of children at public hearings, the report says brought out the horror and agony faced by children. “One 14-year-old girl reported to the Chairperson of NCPCR at a public meeting in August 2007, that a ginning factory owner sexually abused her 12-year-old sister and she died as a result. The factory owner provided transport upto half the way. The factory owner called her and asked her to take her sister’s body back to the village. She walked half-way home carrying the dead body of her sister till she reached her village in Dungarpur district.”

4.2 Migration related Studies

The set of papers from ODI [*Priya 2003*], [*Priya, 2004*] observe that in India, internal migration has become a livelihood strategy for poor groups in India and across the world. Huge numbers of people were migrating for part of the year from agriculturally underdeveloped areas to towns and cities and also to other agriculturally prosperous regions. The purpose according to them was positive: to earn money, rather than just a drought-coping mechanism. They state that despite overwhelming evidence that internal migration can lead to the accumulation of household wealth as well as positive changes in both sending and receiving areas, it continues to be viewed as an economically, socially and politically destabilising process by policy makers, bureaucrats, academics and even NGOs. One reason is that migration is an administrative and legislative nightmare: it crosses physical and departmental boundaries confusing rigid institutions that are not used to cooperating with each other. Another reason is that many researchers and NGOs continue to take an old fashioned position that migration through intermediaries for work in the informal sector cannot be anything but exploitative and impoverishing; they are thereby further perpetuating myths about the causes and effects of migration.

In spite of their extremely positive attitude towards migration through contractors, the papers also observe that migrants often have no access to civic amenities or government poverty reduction programmes en route or at their destinations, and they become vulnerable to harassment. A particularly vulnerable group of migrants – whose lives already more often than not are characterised by difficult and unsafe conditions – are girls and women who are exposed to the danger of sexual harassment. They note that women’s migration is greatest in Southeast Asia and South America. The majority of female migrants in East and Southeast Asia are young and unmarried and the concentration of this group is greatest in the mega cities. While legislation does exist in some countries to protect migrant workers rights, it is routinely disregarded due to the lack of political interest.

They call for policy attention in areas of :

- Improving our understanding of migration patterns through more appropriate methods of data

collection

- Better support for migrants in accessing services especially those related to adequate shelter, health, education, water, food, insurance and wages
- Developing ways of maintaining social and financial links between receiving and sending areas

Jagori, (2001) discusses migration in different parts of Rajasthan and Gujarat. In the context of South Rajasthan the article notes that “A unique phenomenon is the seasonal migration of young tribal adolescent girls to work primarily in the cotton-picking fields in Gujarat and also other sectors such as tobacco industries, oil pressing mills and for cleaning out machinery. The young girls 13-14 years onwards – go in groups, with a contractor from the village or with a group of young boys going to work, and are particularly vulnerable to exploitation by the contractor or the “seth” for whom they work or from even some of their own co-workers. Cases of girls being sexually exploited and “kept” by the seth and her family's subsequent reaction rejection and violence when she returns is common but the Panchayat is intolerant of engaging with this issue. The silence around the issue and the pressure on the girls continue this earning, as well as little knowledge of women's bodies and reproductive health issues make it all the more difficult to address these particular vulnerabilities.” During the course of this study, the author also observed certain intolerance, silence and blaming the victim in dealing with the issue, but found the community overall accepting the survivors. From what the author learnt from the workers and their families and also observed, the only rehabilitation for the survivors (as discussed in Section 13) comes from their families and community. These workers do get married and become a part of the social structure.

[David et al, 2002] involves a rapid survey of 2588 households in 42 villages of 3 tribal districts Jhabua (W. Madhya Pradesh), Banswara (S. Raj) and Panchmahals (E. Gujarat) and qualitative work in 4 villages to understand livelihood strategies and household differences, concentrated on adult male migration and family migration for work in sectors like construction industry, brick making etc. The paper observes that a characteristic of Bhil migration is comparatively high level of female migration. 42% of seasonal migrants in the survey were female. But the females mostly accompanied their male family members.

The study concludes that the opportunities and social experience of migration within communities of Bhil tribal are shaped by class, gender and existing relations of reciprocity, obligation or dependency, both within tribal communities and between them and non-tribal traders, money lenders and labour contraction. The case histories show that migration may not in fact improve income or security (may indeed undermine it by perpetuating debt and dependency) and yet it continues as a strategy of survival.

[David, Sanjeev 2005] examines the nature, experience and implications of such migration primarily to major urban centres for construction work. It discussed the failure of those institutions mandated to protect vulnerable informal workers – labour departments, unions and the law – and how in consequence adivasi migrants depend for their welfare upon agents, brokers and contractors who are also their most intimate exploiters. Mosse argues that migration may index neither transformations of social mobility, nor the erosion of rural ways of living. On the contrary, it may have become the only means by which settled, agricultural livelihoods are possible or sustainable. It does not talk about child labour in cottonseed industry, but the insights it offers on the relationship between workers and their intimate exploiters, the contractors are relevant for the cottonseed industry also.

5 . To the cottonseed farms

5.1 Young adivasi workers of Dungarpur

A group of young workers, mostly girls come from a neighbouring village and work on a house being constructed in the authors neighborhood. Every evening around 5:30pm, after work, one can see these young girls change from work clothes into their evening clothes, comb their hair, put powder and even lipstick (all the time looking into the mirrors on the scooters and cars parked around), walk as a group to the nearby market, spend an hour there and then go home. Such is the spirit of these young workers - a day of hard physical labour in the heat does no harm to its freshness.

Children in this district start working very young. Girls are introduced into household chores – bringing water, making rotis, taking care of younger siblings etc, when they are around 7-8 years of age and both girls and boys start participating in farming (mainly weeding) around the same age. Some of them start paid work as early as 7 and even migrate to a different state (Gujarat) seasonally for cross pollination of cottonseed. Once a little older, 14 and above they take up other paid work within the state and in Gujarat – construction (girls and boys), hotels (mostly boys), domestic workers (mostly girls). No matter how hard they have to work and in alien and unfriendly environments, the spirit in them remains undaunted.

5.2 Process of hiring labour

The labour contractors take advances from the farm owners and promise a certain number of labour. The farm owners give advances to multiple labour contractors to be sure they have enough labour. There are also huge farm owners who get lots of labour and then send them to other farms.

The young workers are contacted by labour contractors who are typically from the same or extended family. The labour contractors contact the parents or the workers themselves. While all the labour contractors interviewed said that they contact the parents of the workers, ensure them security, proper wages and food and pay the advance, the adults in the villages said that the contractors also meet the young workers while they are on their regular chores (herding goats, washing clothes, working on the farm) and convince them to go for work. Typically, the jeeps reach the village in the night, wait for a few hours while the labour contractors collect all the workers who promised to go with them. There are several last minute additions though, as the time is convenient for children who want to leave without the knowledge of their parents.

The parents of one of the girls who died on the farm last season said they didn't know when/where/with whom she left till her dead body came to the local police station.

The parents of the boy who died of snake bite last season said the boy had run away as he found studying very hard.

The mothers of 3 girls aged 7, 9 and 10 said one of them was coming home from the farm when she saw the 3 girls go together towards the jeep and that was when they knew that the girls were leaving.

One father said, *“there is enough work at home for all of us. We have farm work and 2 buffaloes and last year we were doing the house construction, but our daughter left without telling us”*.

Another father said, *“my daughter left with her uncle without telling us. I went to Ahmedabad and brought her back”*

These last minute additions usually go without advances. The workers who are contacted 2 months before the season starts, get anywhere between 100Rs – 1000Rs depending the number of labour available in that area. There are some parents who borrow money from the contractors at some point in the year and are forced to send their children for work with them. This is similar to a bonder labour arrangement.

The labour contractors also said that workers also take advances from multiple meths and go with whoever they want in the end.

Most workers especially of age above 14 seem to decide whether or not they want to go for work and with which meth they want to go. When asked how they decide with whom to go for work, one young girl explained that they talk to workers who have gone to the same farm last year (if they know the farm they will be going to) or gone with the same labour contractor before and enquire if the contractor was good at paying the promised wages.

5.3 Reasons for going to work

The reasons for which workers might want to go for work are discussed in [Custer et. all, 2005]. The report discusses the economic, social , psychological and education-related determinants of adolescent migration in Udaipur district.

While the researcher has not investigated all the reasons, some of the reasons revealed from interviews are stated below.

In village C the father of 2 young workers and labour contractor said *“In our village there are 2 teachers in the primary school. One keeps writing all the time and the other who is local keeps going to his house several times in the day. Children who finish 5th or even 8th do not know how to write their name. So, we do not see any point in sending them to school and when there are chances to work and earn, we send them off.”*

In village D, the mothers said *“Earlier lot more kids used to go for work outside of this place. Now, a school has come to the village and the teachers teach well. They ask the children to not go for work. The number of children going out for work has decreased.”*

Another parent said, *“There is nothing to do here. During the lean months, we have cut wood from the forest, walk atleast 10 km and sell in the nearest market. The girls are not allowed to work in the NREGA. So, they have no option but to go for work outside.”*

A child 11 years old who has been migrating for cottonseed work for the last 4 months said, *“I have to*

go to earn money. I feel like going when I see my cousins and friends go. But once I go there I don't like it and want to come back."

One girl who left without her parents knowledge said, *"I wanted to buy payal and so I left without telling my parents"*.

One boy said, *"I failed 5th and didn't want to go to school. So, I just ran away"*

The girls also felt that the cottonseed farm work is the only option available for them. Like this girl from village C said, *"This is the only work for girls. Boys have other options. They can work in the hotels, but we can't. We can't work in NREGA. This work is easier and safer than other work like construction work"*.

Almost all girls spoken said that they liked going as a group and had fun staying with friends.

5.4 Preference for young workers

All the contractors spoken to felt that it was work meant for children as it needed nimble fingers. They also said that the farm owners used to prefer children, but now because of the regulation, they ask for workers not too young and not too old.

In one contractor's words, *"The wage is children's wage. That is why no adult will go for this work"*.

Preference for children is also because of the fact that they are more easily manageable. Since the work is monotonous, it is difficult to engage adults. As one contractor put it, *"There are no beedi breaks. If they refuse to work you can tempt them with a gutka"*.

5.5 Workplace vs. home

Some of the workers seem to like the workplace better than work at home while some preferred working at home. The preference for cottonseed work was mostly because there is only one type of work that needs to be done on the cottonseed farms. At home they have to work a lot harder and many types of work – cooking, bringing water from long distances, work on the farm, take care of siblings.

6 .On the farm

6.1 Farmer co-ops in Gujarat

The discussion of organization of the farm owner groups is important in order to understand the negotiation and settlement process in case of disputes with workers.

The workers from South Rajasthan work on the cottonseed farms of Sabarkantha and Banaskantha districts of Gujarat. The farm owners here are almost all Patels by caste. They are organized as Sanghas (cooperatives). One Sangha the researcher contacted had 800 members, 350 of which are farmers. It had its own building, it sold manure, seeds, pesticides, gave loans at interest rates of 7%. It is 56 year

old institution and employed an accountant and few other staff. The Sanghas get all the farm inputs as a group. They decide on the rates for sharecropping and labour for cross pollination as a group. The labour alone is hired on an individual basis through contractors. Some of the bigger farm owners get more labour and send them to other farms. Some of more powerful farmers are also the agents for cottonseed and own ginning mills.

The experience of Dakshin Rajasthan Mazdoor Union has been that *“Informally, since they all belong to the same caste, the business and community linkages are vibrant. A farmer in Khoda will have some relation to a farmer in Idar which is in a different district. A network also exists at the cottonseed production level. The farm owners are also organized under the Bharatiya Kisan Sangh, which is politically affiliated to BJP. When Dakshin Rajasthan Mazdoor Union reported a case of imprisoned rape, farmers from two districts came together in matter of days and exerted enormous pressure on the survivor of violence to compromise, accept money and withdraw the case”*.

6.2 Work on the cottonseed farms

The workers get up around 5:00am, pluck male flowers and place them in dishes to dry. They have tea around 7:00am and start cross pollination around 9:00am. They take a break for lunch around 11:00am and go back to work around 2:00pm. During the break, they freshen up, make food and eat. They are free to go out to the market. This was the time when the researcher got a chance to interact with the workers in the market. The cross pollination work goes on till 5:00pm or 6:00pm. After that they make food, eat and are then free. They either go out, watch TV, sing bhajans, have some fun and sleep.

The girls make roti and the *sabzi* (vegetables) is given by the farm owners family. In case where the farm owner's family does not give *sabzi*, the boys make the *sabzi*. Some labour contractors said that they make sure they have girls in every group they take, so that they have hands to cook. The expenses for food, mainly the wheat/*bajra* flour are borne by the workers. The farm owners provide the flour and deduct them in the wages towards the end. The cost of the *sabzi* is borne by the farm owners.

One or two of the workers mostly girls are also engaged in house and cattle related work.

6.3 Living arrangements

Farms are usually away from the living spaces of the farm owners. Workers who go as a group mostly stay as a group on the farm. Bigger groups are split between multiple farms. They stay in a shed or a room if the farm has one. On one of the farms that the researcher visited, the farm owner lived in the farm house and the workers stayed in the cattle-shed in front of it.

The girls and the boys share the same space. While some of the contractors spoken to said that the farm owners provide separate spaces for girls and boys, bathrooms for girls, the workers always said they stayed together as a group. The researcher also didn't find any separate arrangements for girls during the visits to the cottonseed farms. Bath is in the open at the well or a hand pump. Nature calls are attended on the farms. The workers are in the open most of the times and are exposed to the heat and rain. They sleep on the floor in most places or if they are lucky, share cots.

6.4 Supervision of work

The cross pollination work on the farm is supervised by the labour contractor, sharecropper or the farm owners' family. Some farm owners leave the responsibility totally on the contractor and in such cases the contractor stays on the farm. New workers learn work from the experienced ones, contractor or the farm owners family. If a worker is seen as slow or not performing well, she/he is screamed at, or beaten.

6.5 Managing young workers

All the contractors interviewed felt that it is difficult to manage workers in the age group 14-18. As a sharecropper put it, *“No matter where they go and whatever the time of the day, they will have to be brought back. Some 25% of the workers turn out to be difficult to manage.”* He continued to say *“sometimes it is the girls mistake, sometimes it is the boys who come along with them and sometimes it is the Patel's son's mistake.”*

7 . Violence against workers.

This section aims to present the nature of violence faced by workers. While 7.1, 7.2 deal with beating and snake bites, the other case studies try to present the shades of sexual harassment the workers face and how they deal with it. The cases presented are also picked so that each one represents the experiences of a different group. 7.3.1 is narrated by a labour contractor, 7.3.2 by a worker, 7.3.3. by a parent and 7.3.4 is the experience of the author herself. There are several other cases studies attached with this document, but a representative sample is presented here. At the end of each case study, the author tried to analyse the avenues open for the worker to seek relief and justice.

7.1 Beating

All the workers and contractors spoken to agreed that beating is a very common phenomenon. But neither the workers nor the labour contractors felt that there was a problem with this. Beating seems to be accepted as a part of supervision of the work.

An older girl in a group said, *“We get beaten when we don't work at home. In the same way, we get beaten at work when we do not work properly”*.

At the same time workers also expressed a limit to the beating. One child age 9 said, *“The seth I went to last year used to beat a lot. Next year I will not go to his farm”*.

A bold girl of 15 narrated an incident – Case Study 1

“The brother of the meth lived on the farm. He went around with the stick and hit whoever he felt was not working properly. He hit the girls mostly. There were also 2 elderly women and boys on the farm, whom he didn't hit. If a petal fell off during the cross pollination, you can be sure that you will be beaten. The seth used to scream at us a lot, but didn't beat us. One day when the contractor's brother beat us very severely, we called my father to come and take us back. My father came and 3 of us, cousins came back with him walking half the way and taking rides for the rest.”

It took this group 1 night and 2 days to reach home. Since the contractor was local to the village, they

managed to get back the wages, but only after a month or so. This young girl went back to work the next year with her father as a contractor.

7.2 Snake Bites

Most deaths on cottonseed farms are reported as snake bites. Most young workers go to the farms from agricultural background and are exposed to risks at home. But the risk is several times more on the cottonseed farms because of the nature of the crop and fact that the workers sleep on the floor.

While discussing the risks of working on the farms, one father asked the researcher - *“You live in the town and take the bus or train to work. Don't we hear about accidents all the time. Do you stop working because you hear of accidents. We are farmers and snake bite is a risk in our work just like accidents are a risk for you. We can't stop farming because of that”*

While what the father said is true, most of the deaths because of snake bites are avoidable. At home even the families with little resources manage to get cots. But on the cottonseed farms they are made to sleep on the floor which increases the risk several times.

The case study below illustrates this.

Case Study 2:

Mahesh is about 12-13 years old. He finished 5th standard and did not want to go to 6th. He felt studies very difficult like most other kids in the village. He left for work in cottonseed farms with the meth and 11 other workers. The family only got to know the day after he left.

The workers all slept down on the floor under a shelter. There were more than 150 workers under the same shelter. Their seth was a big agent who sent workers to different plots.

One morning around 4:30am, the first boy in the line felt a snake crawling on him. There were 3 others in the same row. He told the other kids slowly that there is a snake crawling above them and that they shouldn't move. Mahesh who was 3rd in the line moved and the snake bit him. The seth woke up who was sleeping on the cot in the premises got up, killed the snake and took him to the deodar hospital. When they couldn't help, they took him to a private clinic in Deesa but was of no use. They called the meth who was back in the village and informed him of the death.

The meth took his own sweet time in informing the family. He came and told them that one kid was sick. And their son Mahesh ran away with a group of workers who had come from a different part of Gujarat. The family had to send their own man to know the correct news. When they got the news and finally reached the place it was the next day. They stayed there for 48 hours and Mahesh was on ventilatory support. The doctor said they don't recommend discharge until 72 hours of observation, but at the same time she also said she did everything she can and has no hope. The family decided to bring the body back. The hospital discharged him and got the consent signed by the family (father, father's brother) putting the responsibility on the family, claiming that the kid was alive when they discharged. The family only read the document (the father's brother knew Gujarati) on the way back.

The day before, the seth's people took one of the people in the group to the police station and spoke to

the police. There was no report or investigation. The family brought the dead body back and with it all the 10 workers.

Throughout the treatment some 30-35 people from the seth's side were around. They said they spent 52,000Rs on the treatment and took him to the best place possible. They paid for the 2 vehicles and gave the family Rs30,000. However, they warned the family that if the police back home asks them how the kid died, they should tell them that the kid had snake bite at home and was brought to the hospital in Gujarat.

All the documents only talked about the time and nature of the incident, but do not mention the place it occurred.”

Not all farm owners are so supportive to get the treatment like the one mentioned in this case study. Dakshin Rajasthan Mazdoor Union workers mentioned incidents where dead bodies of young workers reach homes uninformed. A father from village F, talked about an incident where the contractor brought the dead body of a young boy from Gujarat and left it near the river in his village. There was nothing that the parents could do.

While the support given by the landlord for the treatment in this case is unusual, the way the case is handled is typical of all incidents and accidents with workers who go to Gujarat. There is a conscious effort to erase all details of the place of the incident. As a sharecropper from Khoda mentioned, all the farm owners are patels by caste and the police department also has almost all patels. So, it becomes very easy for them to not register FIRs and erase all proof of the accidents.

The parents do not try to pursue the case with the local police for several reasons, the foremost being the age of the child. Like in Mahesh's case, the seths told his father that police will implicate the parents if they register a case because they were not supposed to send him for work in the first place. The other reasons include the costs involved and the lengthy investigation process, fear of having to pay bribes and be humiliated.

7.3 Sexual Harassment.

7.3.1 Case study 3: Contractor pays fine for trying to rescue his workers - Narrated by the contractor

A contractor from village “X” took workers to different farms out of which 10 workers, 3 of them girls were on one farm. The contractor stayed on a different farm with other workers. One day friend came to the contractor and said he had been to the farm which had 10 of his workers and the girls were crying. The contractor went to the farm to talk to the girls, but the farm owners people came and started beating him up. He ran away, took a jeep and a few people, went to the farm secretly and took all the workers and went to the sarpanch of the village. The sarpanch and a few elders called a meeting with the workers and the farm owner. It was decided that the workers could leave provided the contractor paid a penalty to the farm owner as he would incur loss on the crop if the labour leaves. The contractor borrowed money from a different farm owner, paid up and came back with the workers.

In this case the contractor was on the workers side which is huge support for the workers. It can be clearly seen that taking the workers out of the situation is not an easy task. Once the contractor managed to do that, he didn't approach the police as he said the police would take him to the farm owners anyway. So, he had no choice but to approach an all farm-owner forum for resolution. It is worth noting that there was no discussion on why the girls cried or what needs to be done to the culprits. The group only bothered about the loss that the farm owner incurred if the workers left and decided that they pay up. And the the contractor had to borrow the money from an another farm owner, which means that he has taken an advance from him to bring workers that season or the next.

7.3.2 Case study 4: Farm owners seek sexual favours in return for perks - Narrated by a young worker.

In Gujarat, they get married late and the wife comes to live with the husband only after 2 years. In the meantime, the seths go around with the girls who go to work. They pick anyone they want. In the plot we went this time, the old seth had 3 sons and all of them were kharab. These 3 seths picked 3 girls . Two of them went around together publicly and one used to do it in secret. After all the girls slept, the girl used to go meet him. These girls didn't have to work. They made food for us and got their wages. Two of them got married after coming back and one of them was made a meth by the seth for this year. Her father himself was a big meth.

Supreme Court guidelines for prevention of sexual harassment at workplace (Visakha Guidelines), defines sexual harassment as any unwelcome sexually determined behaviour such as physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography, and any other physical, verbal or non-verbal conduct of a sexual nature. It is sexual harassment if an employer /supervisor requests sexual favours from a junior/employee in return for promotion or other benefits or threatens to sack for non-cooperation.

The case study is the most common case of sexual harassment that workers face on the cottonseed farms. The girl who narrated the incident in this case was also blaming the workers and she was asked if the three girls whom the seths chose had a choice to say “no” to them, she unequivocally said you can't.

According to the DYSP of Sabarkantha, very often a young man in the zamindaars family runs away with a worker and come back after a few months. The workers family and the zamindar's family reach a compromise helped by elders in the village who are usually the zamindar's extended family or the same caste. The compromise is always monetary - the girls family is paid some cash. According to the DYSP, police, courts are never approached because the worker is in alien land and cannot afford the costs involved - costs of transportation, cost of the time they have to spent on reporting incidents.

7.3.3 Case Study 5: Death in questionable circumstances and family's struggle to get the body back - Narrated by the mother and co-workers

Kamala is around 15 years. She has never been to school. Her father died 3 years back after being in bed for 10 years. She has 2 elder sisters and 4 younger brothers. In 2009, she went to work on cottonseed farms with a meth and his wife from the same village, but belonging to a different sub caste.

There were 15-16 other workers with her, out of which 4 were boys and 5 were girls almost as old as Kamala.

The meth stayed with them for the initial 7 days and left. His wife and his unmarried younger sister were with the workers. They were a huge group of workers, about 100 brought to one place by 4 different meths. The seth had huge farms subcontracted to 13 different sharecroppers. The seth was not good natured. He would scream at the workers and beat them occasionally. One of the sharecroppers was really nasty. He went around with a stick and hit whoever he could find and never bothered where the stick hit, head, back or leg. He screamed at the workers and harassed the girls calling them names like pili, rati, nili, kali etc. The methani also screamed at them and was not nice to them. The bhagidaaris usually went home in the night and if they stayed, they slept at the well.

On the night before Kamala died, she was perfectly fine. She made food with her group and ate just what the others ate and slept along with a group of younger children. The methani came and asked her to come sleep next to her. It was a huge place where 100 odd workers, both boys and girls slept. In the morning when the girls got up around 4:00am to pluck the male flowers, Kamala said she had a headache and was feeling feverish and asked one of the girls to cover her. Then everyone went off to work. Around 7:00 after she died the girls got the news from a sharecropper and her cousins ran to see her. The methani refused and chased them with a reaper and the girls ran away to the fields. All the workers were made to stay in the field all day. When they came back, Kamala's body was gone.

The meth went to Badi behan's house around 7:30 am and said that one of the girls was sick and then slowly said she died. It was such a confusion in the village, not knowing who it was. Finally after 5-6 hours they got to know that the oldest of them all died, through a relative of theirs. The men in the family (Kamala behan's dad has 7 brothers) left with the meth after speaking to the seth on the phone who promised to keep the dead body as it is and get the post mortem done only after the family reached there.

They reached the seth's farm around 11:00pm in the night. By that time, the dead body was gone, the workers were not around. Only the seth's people were around. They said the body has been taken to the hospital. They were talked into a compromise for 55,000/-. An influential person within their group, father of sarpanch convinced the group that if the seth doesn't give the money, he will. (apparently, this person was the first to know about the death). The group signed on papers in Gujarati and they had no idea what the papers said. They were not given a copy. When they went back to ask for a copy, they were threatened that they would be killed. After they signed on the papers, they were taken to the police station from where they got the body back.

When they asked the seth the reason for the death, he said he doesn't know and they should ask the other workers. He was not around when it happened. The methani didn't even see them. The seths got a worker Ramesh Kharadi, aged 17-18 to sign as Kamala behan's brother and got her post mortem done. The report apparently said she died of heart attack. When they asked for the money, the seth's men asked them to bring Kamala behan's mom and sign saying that she wouldn't talk about the death to anyone in future and then they would give the money. So, the group of 13 men just brought the dead body back. Some of the kids came back with them. When Ramesh sat in the vehicle, the seth's men pulled him out. He is supposed to have said that when he came back after watching the TV at 11:00pm, he saw Kamala crying.

From the case study above, while it is difficult to say for sure that Kamala died because of sexual assault, it surely seems possible. The family also felt that it was a case of rape, but they didn't know how to go about filing a report. They said they cannot trust the samaj as they will only extract money from the farm owner for themselves.

A few things to be noticed here are that

- The contractor is clearly on the farm owner's side. The way the family was informed of the death is very similar to the case study 1. There is no clear information and the family is left to find out and confirm the facts through their own means.
- The Gujarat police clearly stand by the farm owners. There were no questions asked, no FIR, no investigation.
- The compromise reached by both the sides was negotiated by a local sarpanch from Dungarpur who clearly was bought by the farm owners. He was the person who first got to know of the death.
- The workers family does not even have the means to make sure they get the promised amount.

This case study above reveals a total absence of security for the workers and shows how little negotiation power the families have.

7.3.4 Case study 6: Encounter with the judicial system

Leela, 14 year old, worked on a cottonseed farm for 1 month in the year 2008 with 16 other workers from her village. Her older sister and 2 brothers were among them and her father, Hazariji was the labour contractor.

While working on the farm the farm-owner's nephew forced himself upon her twice threatening to kill her if she told anyone. Her friend Veena was a witness to the man dragging Leela to the fields both the times.

After the second time, the girls complained to Leela's brother who in turn complained to the farm-owner. The farm-owner accused her brother of lying and the following day, The farm-owner's nephew along with 2 other friends came drunk to their quarters and threatened to kill Leela's brother . After this incident, they called Hazariji and they all left without settling the wages fully. Hazariji approached Dakshini Rajasthan Mazdoor Union to register a case for the wages as well as abuse against his daughter.

Leela, Veena and Hazariji went to Palanpur, along with 4 Union members. The SP spoke to Leela and Hazariji and the Union members were not allowed in. Hazariji said that the SP tried to figure out if the accusation was false and was motivated by the Union's desire to revenge an assault on the Union members by the farm owners. The SP asked Hazariji how much money he paid the Union and Hazariji replied that he had no money to pay anyone and the Union had supported his travel to Palanpur. After that the SP spoke to Union members and asked them to take Leela and Manju to police station and give their testimonies.

As soon as Leela entered the police station, the accused was brought before her and she was asked by a room full of policemen to tell what he had done to her. When Leela froze in fear she was taken to another room where a female constable asked several unnecessary, insensitive and insulting questions. During this time the farm owner and his supporters kept coming in and out of the police station talking to the police. Finally once started, Leela's testimony took about 5hrs to complete. The request for assistance from a female constable was turned down. During the 5 hrs, there were several interruptions - phone calls, discussions as to what could have really happened, speculations into whether this has anything to do with non-payment of wages. It took the group 2 days to complete the process and all the while they needed security to prevent the farm-owner's men from approaching them.

The researcher was also part of the team which supported Leela in registering the case. The overwhelming feeling that the researcher got was that Leela had no understanding or control of what was happening. The behaviour of the police till now had played a big role in making her uncomfortable. While she could not understand the language spoken very much, she got a clear message that she was to blame for what happened and she was to blame for the trouble she was causing her parents, the police and the farm owner's family. Finally on the second day when a very friendly DYSP came for interrogation, she was herself and boldly answered the questions.

6 months after these incidents Leela got married and the relief from Government arrived after an year and a half. The family withstood the pressure from Gujarat for almost 2 years at the end of which they compromised and took the money from the farm owners family.

Talking to Leela's parents 6 months after they filed the case gives some important insights into the problems the survivors of such violence face in seeking justice.

Leela's father is an active member of Dakshin Rajasthan Mazdoor Union and also the Rajasthan Adivasi Sangh, a forum of the Adivasi Samaj. When he heard about what had happened the foremost concern for him was to bring the workers to safety. He didn't think about going to the police.

Leela's mother felt that they didn't have a choice other than filing a case as their daughter was harassed and the wages were not paid. But they wouldn't have by themselves registered the case. It was an expensive affair and full of insults along the way.

First the SP threatened to put the contractor in prison and then deal with the case. While the testimonies were being recorded, the police advised Leela's father to take the money offered and go back. Only when the DYSP arrived, he got some confidence. Back home it was a difficult issue to deal with. They only told the Samaj that they were fighting the case for non-payment of wages. In spite of being active member of Rajasthan Adivasi Sangh they could not approach the samaj for help as the issue, they felt, involved the honour of his daughter.

Then there was enormous pressure from all quarters. 2 lawyers – one from Kherwada and the other from Dungarpur contacted him asking if he needed help to compromise and demand a suitable compensation. One of the lawyers is also the secretary of Rajasthan Adivasi Sangh. Two contractors from the same village approached him. One of them came drunk and offered a motorcycle and Rs 60,000. Two friends of his got messages from Gujarat asking if they can convince Hazariji to withdraw

the case. A huge contractor who was also a transporter tried convincing him to compromise. Overall there was a single message he got - "What will you get by going to the courts. It will be one lengthy procedure and at the end of it that guy might get some punishment. But what do you get. Compromise now and you can demand the amount you want."

Hazariji also feels that this kind of incidents happen quite a lot on the farms. He couldn't discuss with girls about this but got the information from the boys who had worked on the farms.

8 . Consequences of harassment or forced sexual relationships for the workers

The researcher tried to probe the girls to understand "what happens after", "what are the consequences for the workers mind and body - infections, pregnancies, abortions." While it was very difficult to ask or get a response for this without affecting the sensibilities of the workers, the researcher managed to get a couple of responses.

While the experience of a forced relationship is itself humiliating, the consequences are even worse for young female workers. They are forced to try out local miscarriage inducing techniques (boil jaggery and drink) when they fear the possibility of pregnancy. If it doesn't work, they go to quacks who induce abortion by crude methods which sometimes prove dangerous to their life. The researcher discovered that there is a thriving business for these quacks.

9 . Resolution of disputes

When workers are harassed by the contractor or there is a dispute, they run away from the farm and if the family is powerful enough, they manage to get the wages once the contractor is back to the village.

When any kind of dispute arises between the workers and the farm owner or any worker is harassed by the farm owners' family, the worker has zero negotiation power if the contractor does not support her/him.

If the contractor is fair and decides to take up the case, the only way he/she can get an ear is to threaten to take back the workers. In such a case, a group of elders comprising of local sarpanch, bigger farm owners sits for judgement and the loss to both the sides is calculated. From the composition of this group itself, one can clearly see that this forum would be biased towards the interests of the farm owners. Example is case study 3, where it was concluded that that the seth was the one to lose as the workers were leaving before the work was over.

A few farmers of Idar thus explained the process, "one of the parties contacts the powerful in the area, usually the sarpanch and few elders of the village and both the groups discuss and arrive at a compromise".

In case of a death, all legal proof of the person's presence as a worker on the farm is first erased. The labour contractors are bribed to not back the workers. The farm owners contact the police before the

workers have a chance to and make sure they are on their side. In the 4 deaths that the researcher documented last season, no FIR was registered. When the parents are finally informed, they go as a group to Gujarat to bring back the dead body and demand compensation as that is the only thing possible. This group usually has some influential people in the workers village who sometimes get bribed once they go to the destination village (example: case study 5).

Depending on the negotiation power of the family, cause of death, age of worker and even the sex of the worker the compensation amount is decided. While this factor concerning sex of the worker was not directly revealed when asked directly by the researcher, it came up in conversation several times.

Researcher: How much was the compensation

Contractor: The family was promised 50000Rs. In the end they got 40000Rs and travel expenses

Researcher: Is that only what the family demanded.

Contractor: Yes it was a girl.

10 . Factors that contribute to harassment

10.1 Age of the workers

Almost all the workers on cottonseed farms are below 18. Children are preferred because they can be exploited. In the words of a meth, “it is easier to handle children. You can slap them or bribe them with a gutka when they do not work.” All contractors spoken to felt that the workers in the age group 15-18 are more difficult to handle because they love freedom, they make friendships with fellow workers and more difficult to monitor.

For the young workers, it is a beautiful and exploratory phase of life when one prepares to enter into adulthood. Their tender age makes them very vulnerable.

When they are offered trinkets or money for sexual favours, they also know the consequences of denying them. They have internalised the fact that saying “no” is not option. When they are threatened and forced into sexual relationships, they do not share this, with other workers out of fear.

10.2 Fear of not getting wages

If a worker turns against the farm owner and the contractor does not support her the only option might be to come back by herself, lose work and wages for the work already done. When the contractor is supportive, there is a risk of losing wages for all the workers. So, there is a fear of losing jobs and wages for the worker or for all.

10.3 No adult family members

The workers go to Gujarat in groups without parents since this work is thought of as work for young people. So, the workers do not have older family members to support them in case of harassment. This fact is taken advantage of by contractors sometimes, by sharecroppers sometimes and by the farm owners family sometimes.

Though most workers are able to contact their parents once in a while from the workplace because of cell phones these days, contacting for emergency situations is still very difficult as not every family can afford two (one for the worker and one at home) or even one cell phone.

10.4 Acceptance of harassment as a risk at work

There are risks in every form of work. As articulated by a parent, “when you go to work, are you not afraid of accidents on the way to work.”

Since these young people starting working very early in the open under the supervision of men mostly, it seems like they accept harassment as a part of the work.

10.5 Working and living on the farm

In a reported case of sexual violence, the man who raped the girl repeatedly had only one hand. When asked if she didn't have enough strength to fight him the first time and call people around, the young girl answered that she was scared. “*It was his farm*”.

When asked a labour contractor about the extent of sexual violence he said, “*if there is fodder right before your eyes, who won't eat it*” meaning their constant presence on the farm makes the workers vulnerable.

The workers stay and work on the farm owners land. So, they are on very insecure ground with no support except for fellow young workers who are also as young and vulnerable.

10.6 Absence of the labour contractor

It can be seen from all the case studies discussed that the freedom and security that a worker enjoys depends on the contractor. Repeatedly workers said they are treated better when the contractor is with them.

Most contractors do not stay on the farm all the time. They leave the workers and go back to their homes to manage their farms or bring more labour. Or when they bring more than 30 labour and split them across farms, they can't afford to be everywhere all the time. In case study 6, the father of the worker was her contractor too and she was raped once when he was on the farm, but he was not aware. The second time he had come home to bring more labour.

10.7 Active collaboration of the labour contractor

In a sharecropper's words - the *meth* is usually on the Patels side. The Patels treat him/her very well, feeds him in the house and so some compromise is reached within. The contractor turns a blind eye to what the farm owner does to the workers."

A meth who had confidence of the researcher said - "A worker cannot be touched if the contractor is on their side. Contractors are responsible for most of the risks the workers face."

The Samaj leader in Dungarpur who was also a lawyer felt that the biggest blame lies with the meths as nothing can be done without their agreement or involvement. When asked how it was possible that the meths can compromise the safety of the workers when they are from the same family, he said, "there are one of two from the same family. The rest are from extended family and the contractors don't really care."

10.8 Work environment

Workers are always in the open. Each worker is responsible for cross pollinating in a fixed area of the farm. They start work around 5:00am and often work on isolated patches. Sometimes one or two girls who go to work on farm are picked for doing the housework and cattle related work in the farm owners house. This makes them vulnerable to the whims and fancies of the family.

10.9 Lack of fear of punishment

The farm owners live in Patel land. The village elders are Patels, the police is mostly Patel and the Govt. has enough Patels to provide protection. As a sharecropper put it, "*everything here is controlled by the Patels, the police are Patels, the taluka office has all Patels, the district administration is all Patels and the Chief Minister even if not a Patel, is a Patel's man*"

When a farm owners harasses a worker, he will utmost have to pay money for compensation. This is also escaped most of the times by threatening the worker or offering trinklets.

10.10 Caste/Gender/Employment/Living relationships

Adolescence is when girls and boys start getting attracted to the opposite sex. Almost every one, all over the world, irrespective of the society they belong to, gets infatuated by someone from the opposite sex at that age and in an atmosphere of openness is bound to get into relationships. This is even encouraged by mass media and businesses alike. Similarly, in an atmosphere where girls and boys work and live together, away from families, without much supervision, it is almost natural that they get into relationships. If these relationships are voluntary and both parties have an equal standing and they understand the consequences of the relationship, there is no requirement of such a study at all.

Unfortunately, the reality is far from an equal relationship between sexes in general and on cottonseed farms with multiple levels of hierarchy in specific.

The workers are all Adivasis and the farm owners are all Patels. The Patels consider Adivasis lower

than their caste. For an Adivasi female worker, the farm owner is

- a “*higher*” caste person
- a male
- an employer
- a landlord

The young female adivasi workers are bound in multiple power relationships all damaging to their self-esteem. It seems like the workers have internalised what the system tells them repeatedly and their low sense of self prevents them from resisting or protesting against any kind of excesses they face.

10.11 Perceptions about adivasi girls

A sharecropper in Gujarat said "Did you see the workers in the market. Look at the girls. They are always dressed well, wear lipstick and walk around in the market. They spend most of the money in the market here. They are not inclined to save and take money home".

A big contractor in Dungarpur said, "I do not take many girls because it is risky. The Adivasi girls have loose habits (*kharab aadath*)."

The SP of Dungarpur, "Rape never happens in the Adivasi region. There is consent first and when parents find out they demand money from the boys side. They use the police and courts to get more money from the boys side."

All these statements show the perception of Adivasi girls – that they have “loose morals” and that it is okay to use them.

11 . Workers perception of violence at workplace

The researcher interacted with girls of age group 7-18 in groups and individually. The questions about harassment were not asked in the first session. When this topic was touched in the second session, the none of the workers responded. The author then started meeting some of the girls individually and slowly some of these girls talked about what they see happen.

The author felt that the workers differentiated between voluntary and forced sexual relationships only when there was a big protest from the girls side. Case study 4 is an example of this understanding.

A young girl who worked on cottonseed farms for several years as a child said, “*there were older girls in the group who made friends with the seths. I don't know what fun they had in going around with men who are married and have kids. These girls do not think*” When asked if they had the choice to not “go around” with the seths, she said, “*the seths choose, but they also know who will relent*”

Another girl said, “*when workers drink and do badmashi, they are beaten.*” When asked about what badmashi meant she said, “*harassing girls*”

Yet another girl said, “*Some pick one girl and go around with her. Some trouble whoever they can.*”

Since the author supported Leela through the process of filing and FIR, she got to see her reactions throughout. Leela never displayed anger at the person who raped her twice, or at the police who were humiliating her or at her father who had taken her to the farm for work first and to the police station later. The author could only see helplessness and fear in her. It was hard to even say if she wanted the guy to get convicted. When the author asked her, if she was not angry she asked, “why”. The author felt that the fear because of which she relented to her rapists threats was not very different from the fear she felt during the case proceedings. The maximum she talked about the incident was, “*usne galat kaam kiya* .” The author saw rape being referred to as “*galat kaam*” by other girls too. It was never referred to as violence or rape or harassment.

12 . Forums for workers to seek support/relief/justice

12.1 Labour Contractor

As seen throughout this document, the labour contractor is the closest to an adult family member for the young workers. In case of any harassment, this is the first person the workers can in principle go to. But in the words of a labour contractor, “*90% of the meths are kharab. They do not have the workers' interests in mind*”. Another labour contractor said, “*seth se bhi kharab meth*”. Since they play an active role in getting both the parties comprise in case of harassment or death, there is a huge possibility for them to make money if they support the farm owner.

Even though the labour contractor can be a passive or even active collaborator in crime, his/her presence still makes the workers feel more secure. He/she is the only person the workers and their families can exert pressure on and hold accountable. Since he/she is a part of the same social structure and the same village some times, there are some norms that he/she will have to follow. There have been instances where the labour contractor was forced to leave the village because a worker he has taken along hasn't come back.

The meths who have the best interests of the workers in mind are also helpless most of the times. The bargaining power of the labour contractor which depends on the number of workers he brings with him.

12.2 Village elders at the destination

This is an all farm owner forum as discussed in section 9. This forum mostly decides the amount to be paid in compensation by either side. As discussed before, it is biased towards the farm owner's interests, but sometimes the workers have no choice but to go to them.

12.3 Family and Elders in their villages

The support a workers family can offer depends on their own situation. Most families whose children go for work are not economically strong. There are single mothers, old parents, almost resource-less families whose bargaining power is very low. While the worker might get emotional support from the family, she cannot for sure get support to seek justice.

In all the case studies seen, there are local leaders who are involved in seeking compensation. These

leaders while are supposed to represent the workers interests are almost always bought by the farm owners. In case study 5, the local leader was the first to know about Kamala's death and he played an active role in getting the family sign documents.

12.4 Police and Courts

While the police exists to prevent/punish crime, it is an extremely unapproachable forum for the workers. Dakshin Rajasthan Mazdoor Union feels that, *“People try to avoid the police if they can. The general perception is that police is on the side of powerful”*

Even if a worker wants to report a case, the process for filing an FIR is very complex and expensive. As explained by the SP of Dungarpur, *“If the migrant workers face violence in Gujarat then all police proceedings will be in Gujarat. If the person comes back to Rajasthan and then files complaint then Rajasthan Police will only forward that complaint to Gujarat Police. No proceedings can be done by the Rajasthan Police.”*

When a worker faces any kind of violence at work, the immediate natural reaction is to want to come to safety first, which is their home. They never go to the police at the destination as they feel and experience teaches them that the police will not be on their side. They also cannot afford the costs (time, transportation costs and bribes) the process demands. Since most workers are below 18 and are not really sure of the legality of working at that age, they feel that they and their parents will be arrested first for letting them go to work.

Once they are home, going back to file an FIR is a very expensive affair. Even if the person decides to file an FIR, the proof of violence is lost by the time she reaches the police. As the SP-Dungarpur pointed out, *“Even if there is a genuine rape case (which is very rare according to both the SP-Dungarpur and Deputy SP-Palanpur), by the time the victim comes to the police its too late to get medical examination done hence case becomes too weak to stand in court. Even those who come are mostly interested in compromises and negotiations not convictions.”*

The deputy SP of Palanpur put the conviction rate under the Prevention of Atrocities against SC/ST at 2%. He also felt that workers by themselves would not register any FIRs for fear of losing work, time and money.

The experience of Leela (Case study:6) also shows that dealing with the police can be a very humiliating experience for a survivor of violence. There is a general attitude of blaming the victim and trying to be judges themselves. Experience shows that police also try to encourage negotiations between the parties, even when the party is not interested.

12.5 Government

The existence of Government departments to protect them, provide relief, rehabilitation and justice is unknown to the workers. The general attitude seems to be that there is nothing the Government can or will do. Their only encounter with Government is at the check posts when they need to cross the border for work.

Over the last two years the district administration in Dungarpur has become vigilant about the child labour crossing the border to Gujarat and has started campaigns to stop them. With the support of several government departments, Panchayats and civil society organizations, check posts have been set up at various points along the border. Vehicles have been stopped and some labour contractors have been imprisoned for trafficking of children. It is hard to say if this has stopped children from crossing the border as most of the check posts do not have enough hands and there are several ways to bypass them like traveling in the night, choosing a less conspicuous point to cross the border. However, the awareness that it is not acceptable for children to cross the border for work has increased. The administration in the destination districts has also been organising child labour checks on the farm to curb the practice. Most of the times, the children are hidden when the checking squads come.

Apart from trying to stop children, and checking for child labour on the farms, the Government does little to protect the rights of the workers. In the case of accidents on the journey, harassment on the farms, non-payment of wages, the Government is silent. The 37 cases with the labour department of Palanpur are the ones filed by the Dakshin Rajasthan Mazdoor Union for the violation of Minimum Wages Act and Non-Payment of wages. When the researcher interviewed them in September 2009, none of the cases had been settled. This department has 4 block level labour inspectors and 1 district level inspector for 12 talukas. These inspectors check the farms for child labour and also for payment of wages. Checking for living conditions is not a requirement for agricultural labour. The officer interviewed agreed that the farm owners should be taking license to employ migrant labour, but no one does. The department is too overloaded to take action. They just advise that licenses should be taken.

The labour department in Dungarpur is simply not bothered because the labour does not work in their area. The department runs 24 schools for “rescued” children under National Child Labour project where 173 boys and 227 girls are registered as of 2009 October. Since sexual harassment at workplace is not covered under labour laws this department has no way to deal with this.

In the case of sexual violence which is dealt under IPC sections, the social justice department is responsible for providing relief. But as the experience of Leela (case study:6) reveals, both the Governments (Rajasthan and Gujarat) try to shirk responsibility and blame the other. It took 2 years and carrying several letters back and forth between Gujarat and Rajasthan by the Union members for her to get compensation. Without the support of the Union, the family would never have been able to get the compensation or even register the case. It is almost impossible for a worker to make the system accountable and deliver its promise.

12.6 Adivasi Samaj Forums

Adivasis in Dungarpur have a tradition of settling land and family disputes within the Samaj itself. The adivasi organizations in the area also encourage this tradition of “hamara gaon me hamara raj”. They are mostly reformist and inward looking trying to change practices from within like drinking liquor, excessive spending for weddings etc. Rajasthan Adivasi Sangh (RAS) is one such group, registered in 1964 in Jaipur and has a strong presence in Dungarpur/Udaipur.

When there is a dispute between a couple or brothers the local samaj leaders are called and a meeting is organized. RAS also accepts applications and organizes meetings periodically at block mainly to sort out disputes which are not solved at the village level. The leaders hear both the sides and decide on the

punishment, which is usually a predetermined amount paid to the other side (*dand*). Part of it also goes to the forum itself. When the person is not happy with the judgement of the samaj, he/she is free to go to the court, but the samaj punishment has to be paid, or the person will be boycotted from the samaj. The researcher attended one such formal meeting and interviewed 3 office bearers of the organization. One of them also happens to be a practising lawyer.

The leaders felt that the samaj can mostly only deal with the disputes within. Dealing with issues of workers rights in Gujarat is not something they can focus on. At the maximum they the pressurize the local police into action. Once the samaj leaders tried going to Gujarat to demand the rightful wages on a complaint from workers. But it didn't really help and they had to spend for travel and it is not their area. The seths are influential people and the police is with them.

While the leaders expressed helplessness in dealing with issues that workers face, the secretary of Dungapur block, also a practicing lawyer tried to play an active role in making a compromise between both the parties in case study 6.

A practice of importance here is the *dand* – punishment in the form of money. Because this practice is already in vogue and the fact that the police, courts and Governments are unapproachable, when the victim is paid money, it is seen as justice delivered by the families.

Dakshin Rajasthan Mazdoor Union has tried to get the RAS to take certain stances and impose restriction on mobility of children and young workers unsuccessfully. The organization essentially wants to bring all adivasis under a single platform irrespective of their political and economic affiliations and hence wants to remain only reformist in character.

12.7 Civil Society Organizations

There are several civil society organizations headed by adivasi and non-advasi leaders in Dungarpur. Each of them works on their thematic area of work. There are two organizations Aajeevika Bureau and Dakshin Rajasthan Mazdoor Union which work on the theme of workers rights.

Aajeevika Bureau works as a placement agency for sharecroppers and gets both the parties (sharecroppers and the land owners) reach a written agreement about wages, health benefits and insurance. In case of disputes, they help both parties reach a settlement and if it doesn't work out, they refer them to another group which offers legal services. They have heard about instances of sexual harassment from sharecroppers who come to their office but have not received any complaints so far.

Dakshin Rajasthan Mazdoor Union focusses on enforcement of rights of workers on cottonseed farms and other informal work spaces. In the last 6 years, the group has raised several issues and filed complaints related to accidents and sexual harassment at workplace, payment of wages etc. Having been on several cottonseed farms and interacted with several workers, the impression of the group is that sexual harassment and forced sexual relationships are very rampant. The group has documented 8 cases of sexual violence, out of which 2 of survivors lodged FIRs with their help. In both the cases, the group has seen the employers put immense pressure on the families to compromise. In the experience of the Union, “*They use community linkages and make all the community stand up against the family. Lot of mediators come up and even political leaders are involved*”. So, eventually, as the proceedings

in the courts take their own time, the families are forced to give up and compromise. Unfortunately, the two cases the group took up failed to trigger other workers who have faced similar violence or their parents to take the same path and fight for their rights through the courts.

13 . Rehabilitation of survivors

Just as the system does not provide avenues for the workers to resist/fight against/report about the incidents of violence, it does not provide any support for rehabilitation.

The social justice departments run several schools, but none of them had any provision for temporary shelter for victims. In fact, none of them had any students who once went for work to the cottonseed farms. The role of the department is limited to giving the compensation sanctioned to the victim, if any. As the interview to the officer of the social justice department reveals, they in fact have no idea of the cases even.

The labour department in Dungarpur runs schools for rescued child workers, but again they had no provision for rehabilitation of survivors of sexual harassment. The department has no figures for the number of children who go to work. The only cases filed with them are of minimum wages and non-payment of wages through Dakshin Rajasthan Mazdoor Union.

The only rehabilitation for the victims comes from their community itself. There is some amount of blaming the victim of violence even in adivasi society, but it is not as tabooed as in so called “forward societies.” The victim is accepted within the family and does get married. In the two cases filed by the mazdoor union, the girls got married while the proceedings in the court were still on. But once married, there is a possibility of the in-laws family not supporting the case.

Annexure – I

Activities taken up by the author for the research.

- 2 visits to village A to talk to a worker who has filed an FIR for rape and her parents. Spent one night with them. The researcher lost contact after the girl got married.
- Several visits to village B to talk to a worker and her parents who have filed an FIR for rape in 2008.
- 4 visits each to villages C, D, E to have focus group discussions with workers.
- Several visits to village F for focus group discussions with workers. Informal interviews with parents.
- One visit to 4 other villages for one group discussion with workers.
- Interviewed 12 labour contractors in different villages – 3 of them women

- Attended a RAS monthly meeting to sort out disputes within the society.
- Interviewed 2 office bearers of RAS
- Interview – SP of Dungarpur
- Interview – National Child Labour Project Officer , Dungarpur
- Interview – Social Justice Department, Dungarpur
- Visit to two hostels of Social Justice Department
- Interview – an adivasi RMP who practices in his own village
- Interview – an active political karyakartha
- Interview – Dakshin Rajasthan Mazdoor Union, Udaipur
- Interview – Aajeevika Bureau, Idar, Gujarat
- Interview – Lawyer with Banaskantha Dalit Sangh, Palanpur, Gujarat
- Interview – Deputy SP , Palanpur, Gujarat
- Interview – Labour Department, Palanpur, Gujarat
- Interview and group discussion – farm-owners in Idar.
- Interviews – 4 school teachers from villages C, F and two other ones

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