



Gujarat Visit Report

**To Assess the Child Labour & Child Trafficking Situation
in the Bt. Cotton Seeds Farms of Gujarat**

**NCPCR Team was led by Dr. Yogesh Dube, Member NCPCR
Other Members of the Team: Shri Lov Verma, Member Secretary
and Dr. Ramanath Nayak, Sr. Consultant, NCPCR**



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Abbreviations

ACL	-	Asst. Commissioner of Labour
AHUs	-	Anti Human-Trafficking Units
ATR	-	Action Taken Report
CWCs-		Child Welfare Committees
GLO	-	Government Labour Officer
JJ Act	-	The Juvenile Justice (Care and Protection of Children) Act
NCPCR-		National Commission for Protection of Child Rights
RTE	-	Right to Education
SCPCR-		State Commission for Protection of Child Rights
SDM	-	Sub-Divisional Magistrate

Visit of NCPCR team led by Dr. Yogesh Dube (Member) to Gujarat for Meeting with the Government on the issues and concerns relating to Children involved in Bt. Cotton Seed Farms

From 7th - 10th October 2011.

1. Team Composition

Dr. Yogesh Dube, Member, National Commission for Protection of Child Rights (NCPCR) led a team of three members to Gujarat from 7th - 10th October 2011. He was accompanied by Shri Lov Verma (Member Secretary-NCPCR) and Dr. Ramanath Nayak (Sr. Consultant-NCPCR).

2. Background and Purpose of the Visit

The National Commission for Protection of Child Rights has been highly concerned about the situation of migrant/trafficked child labour in the Bt Cottonseed farms of North Gujarat. Taking serious cognizance of the increasing number of child labour in the State (as reported by media as well as complaint received), the Commission constituted a three-member team led by Dr. Yogesh Dube (Member, NCPCR) to visit Gujarat from 7th - 10th October 2011. The other team members who accompanied Dr. Dube were: Shri Lov Verma (Member Secretary) and Dr. Ramanath Nayak (Sr. Consultant).

The Gujarat visit was consequent to NCPCR's visit to Rajasthan in August 2011, led by one of its members Dr. Yogesh Dube. The objective of the visit to Jaipur was to review issues and concerns of children migrated/ trafficked from Rajasthan (especially from Udaipur, Banswara and Dungarpur districts of Udaipur division) to Gujarat (Banaskanta, Sambarkanta and Patan districts) for engaging them in labour work in Bt Cotton farms. During visit the team interacted with the representatives of civil society organizations, international NGOs (e.g. UNICEF, Save the Children, etc.) and members of trade and labour unions to get the feedbacks on the issues and concerns of the migrating/trafficked children engaged in the Bt cotton farms. The team too had debriefing meeting with the officials of various Departments, such as Labour, Sarva Shiksha Abhiyan, Home, Social Justice, Women & Child Development, Tribal Development and other district officials to receive feedbacks on various government initiatives to ensure the child rights and steps in curbing trafficking. Based on the interactions, NCPCR made recommendations to the State Government.

The child trafficking and child labour in the Bt cotton seed farms of North Gujarat engross an inter-state issue. So the Commission realized that the issue cannot be addressed by a single State Government and it needs joint action or initiative to ensure the protection of rights of the children in general and children engaged in the Bt cotton fields.

3. The Tour Itinerary

Date	Activities
7.10.2011	Arrived at Ahmadabad and night halt in State Guest House
8.10.2011	<ul style="list-style-type: none">• Field visit to Banaskantha and Patan districts.• Visit to the Bt Cotton Seeds farm of Kausa village of Bagdud Police Station, Taluk/District Patan.• Field visit to Khimana village on the Khimana-Khoda road and Khimana-Jasali road.• Meeting with the officials of Banaskantha district at Shihori Rest House.
9.10.2011	<ul style="list-style-type: none">• Meeting with the representatives of the civil society groups at State Guest House, Ahmadabad.• Visit of the Children Home Khanpur (near Cama Hotel) Ahmadabad.
10.10.2011	<ul style="list-style-type: none">• Meeting with the representatives of the government of Gujarat (department of labour, social justice & empowerment, education, home, health, woman and child development, among others) at State Secretariat, Gandhi Nagar.• Meeting with the Child Welfare Committees (CWCs) of Banaskantha and Sabarkantha districts at Gandhi Nagar.• Meeting with the Chief Secretary, Government of Gujarat (along with the secretaries of department of labour, social justice & empowerment, education, health, woman and child development) at State Secretariat, Gandhi Nagar.• Departure for Delhi

4. World Cotton Scenario

The World cotton production is estimated at 25.19 million tons in 2010-11 which is 13% higher than the previous year 2009-11 due to 9% increase in the area and 4% increase in the productivity and better price for cotton. India continued to maintain the second largest producer of cotton next to china with 22% of world production. China, India, USA and Pakistan are the major cotton producing countries in the world with share of 75% and 71% of the world cotton production and area, respectively. India is the largest cotton growing country in the world with area under cotton around 33% (10.7 million ha) followed by China (5.4 million ha). China and India are the major cotton consuming countries in the world (around 58% of world cotton consumption). China consumes 9.9 million tons and

India consumes 4.4 million tons of cotton produced in the world. As regards export, USA and India export around 55% of the world cotton with USA share of 3.1 million tons and Indian share of 1.2 million tons. Among the major cotton growing countries, Australia tops the productivity level of 1579 kg/ha followed by Brazil (1480 kg/ha) and China (1301 kg/ha).¹

There was huge price rise in the international market for cotton. World cotton price has increased all time high of 213 US cents per lb. in February 2011 as per monthly average Cotlook- A index. It was ranging from 52 to 77 cents per lb. from 2005/06 to 2009/10 and it is calculated at an average of 148 cents per lb. from August 2010 to February 2011 and still expected to rise.

China, India, Pakistan, Brazil, Uzbekistan and Turkey – six of the world’s top seven cotton producers – have been reported to use child labour in their cotton fields. In India, where as much as 70% of the country’s estimated 100 million child labourers work in agriculture, several hundred thousand children – mostly girls – sacrifice their education and health to produce hybrid cottonseed for a thriving industry.²

Children spray pesticides commonly used in cotton production, which pose serious health and safety risks. EJF field research in October 2007 in India discovered children in the fields during the spraying season where plants were soaked with chemicals.³ The young children engaged in the cotton farms work in shocking conditions for more than 12 hours a day in extreme hot weather and often suffer from physical, verbal and sometimes sexual abuse.

Supply and Use of Cotton (2010-11)

Country	Area (000 ha)	Yield (kg/ha)	Production	Opening Stock	Import	Consumption	Export	Ending Stock
China	5442	1301	7079	3160	2831	9899	10	3160
India	10720	516	5532	1498	130	4419	1231	1509
USA	4211	943	3970	615	-	703	3117	765
Pakistan	3265	670	2188	469	276	2353	100	480
Brazil	1000	1480	1480	857	26	1000	472	889
Uzbekistan	1330	775	1031	263	1	273	759	263
World	33174	759	25185	9454	8016	24922	8016	9716

Source: *Cotton world Statistics, ICAC, September, 2010; (000 Metric tons)*

¹ All India Coordinated Cotton Improvement Project – Annual Report, 2010-11, A-2, http://aiccip.cicr.org.in/CD_10_11/2_PC_report.pdf.

² “Children Behind Our Cotton”, a press release by the Environmental Justice Foundation (EJF), London, 5th December 2007, <http://www.ejfoundation.org/page481.html>

³ Ibid.

Bt cotton is a genetically modified cottonseeds which contain the Bt toxin. The GM technology arrived in India in 1995, when the US biotech giant Monsanto teamed up with India's Mahyco to import Bt cotton seeds, which was seen as an attempt by multinational companies to control India's agriculture and markets. In 2002, India allowed farmers to cultivate Bt cotton — the only GM crop commercially grown in India to date. But because of a weak regulatory system thousands of illegal Bt cotton seeds had already been sown in Gujarat.⁴

Andhra Pradesh and Vidarbha region of Maharashtra too aggressively promoted GM technology, though the state governments came under attack and had to suffer severe agricultural and financial losses, as farmers committed suicides in large number due to repeated failures of cotton crops. Most of the seeds companies are based in Andhra Pradesh and facilitating the supply of seeds to Gujarat.

Bt-cotton was first planted in India in 2002 and following its success, the area under this crop and the number of farmers who adopted this technology increased significantly from year to year as shown in the table below:

Area under Bt-cotton in India, 2002 to 2007

Year	Total cotton area in hectares	Bt cotton area in hectares	Bt cotton area in acres	% area occupied by Bt cotton	No. of Bt farmers
2002	87,30,000	29,000	72,000	0.3	20,000
2003	76,70,000	86,000	2,13,000	1.1	75,000
2004	76,30,000	5,53,000	13,66,000	7.3	3,50,000
2005	89,20,000	12,67,000	31,31,000	14.2	10,00,000
2006	91,58,000	38,00,000	94,00,000	41.5	23,00,000
2007	94,00,000	62,00,000*	153,20,000	66.0	38,00,000

Thus, in about 6 years, the area under Bt-cotton has increased by more than 210 times to record 6.2 m ha and the number of Bt-farmers by 190 times to reach 3.8 m in 2007. Further, Bt-cotton has occupied 66% of the 9.4 m ha of the total cotton area in India in 2007.⁵

Bt-cotton has so far been commercialized in 9 countries – the USA (first introduced in 1996), Mexico (1996), Australia (1996), China (1997), Argentina (1998), South Africa (1998), Colombia (2002), India (2002) and Brazil (2005). In 2007, it occupied globally 15 m ha which comprised 43% of the total cotton area of 35 m ha. With 6.2 million hectares

⁴ GM in India: the battle over Bt cotton, 20 December 2006 | EN, <http://www.scidev.net/en/features/gm-in-india-the-battle-over-bt-cotton.html>

⁵ Foundation for Biotechnology Awareness and Education (FABE) <http://fbae.org/2009/FBAE/website/our-position-bt-cotton.html>

under Bt-cotton, India occupied, the first position in terms of area occupied followed by China with 3.8 m ha.⁶

4.1 Bt Cottonseed Farms In North Gujarat (Banaskantha, Sabarkantha, Patan and Mehsana districts)

Large number of children is being trafficked to Gujarat (Banaskantha, Sambarkantha and Patan districts) from Rajasthan (especially from Udaipur, Banswara and Dungarpur districts of Udaipur division) for engaging them as child labour in the artificial pollination work in Bt cottonseed farms. The young children between 8 and 15 are preferred as labour force for the same job. Over the years production of Bt cotton is going up, bringing more prosperity to Gujarat's agrarian economy, which grew by 16.6 per cent last year. The State contributes to one-third of the country's cotton output, as the region got better irrigation facilities from Narmada and Sujalam Sufalam canals and getting cheap labour from the neighbouring State. The State of Gujarat is prospering at the social cost of the child labour.⁷

Statement showing districtwise Area, Production and Yield in Gujarat state based on Final Forecast reports for the year 2007-08, 2008-09 and 2009 -10

Area in 00 Ha., Production in 00 M.T., Yield in Kg/Ha

Unirrigated Cotton (LINT)

Sl. No.	District	2008-09			2009-10			Average		
		Area	Prod.	Yield	Area	Prod.	Yield	Area	Prod.	Yield
1	Banaskantha	21	27	214	43	50	199	25	31	214
2	Mehsana	40	66	278	92	108	199	97	115	201
3	Patan	505	447	151	468	299	109	500	409	139
4	Sabarkantha	205	305	253	87	121	236	135	190	239
5	Gujarat	9512	13806	247	6668	7763	198	8517	12367	247

Total Cotton (LINT)

Sl. No.	District	2008-09			2009-10			Average		
		Area	Prod.	Yield	Area	Prod.	Yield	Area	Prod.	Yield
1	Banaskantha	282	1146	691	326	1075	561	285	1031	614
2	Mehsana	413	1442	594	563	2119	640	470	1587	574
3	Patan	713	1513	361	666	1213	310	681	1250	312
4	Sabarkantha	1101	3616	558	1125	2975	450	1079	3203	505

⁶ Ibid.

⁷ Bt cotton fostering illegal child labour?, Rajiv Shah, The Times of India, Ahmedabad, Sep 2, 2011, http://articles.timesofindia.indiatimes.com/2011-09-02/ahmedabad/30105487_1_child-labour-bt-cotton-labour-department

5	Gujarat	23536	70138	507	24644	74010	511	24133	75635	533
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Source: *District-wise Area Production and Yield of Important Food and Non-food Crops in Gujarat State, Directorate of Agriculture, Gujarat State, Krishi Bhawan, Gandhi Nagar, March 2011, P. 23.*

Statement showing area, production and yield of food and non-food crops in Gujarat State for the year 2007-08 to 2009-10

Area on '00 ha, Production '00 MT and Yield in Kg/ha

Cotton	2007-08			2008-09			2009-10			Last 3 Years Average		
	Area	Prod.	Yield	Area	Prod.	Yield	Area	Prod.	Yield	Area	Prod.	Yield
(Irrigated)	14848	67226	770	14024	56332	683	17976	66250	627	15616	63269	689
(Un-Irrigated)	9372	15531	282	9512	13806	247	6668	7763	198	8517	12367	247
Cotton Total	24220	82757	581	23536	70138	506.605	24644	74014	511	24133	75636	533

Source: *District-wise Area Production and Yield of Important Food and Non-food Crops in Gujarat State, Directorate of Agriculture, Gujarat State, Krishi Bhawan, Gandhi Nagar, March 2011, P. 29.*

Agricultural Map of Gujarat



Cotton has been a leading commercial crop in India, with number one in terms of total area under cotton plantation (accounts for 20%) and ranks third position in production of cotton (13%). Cotton is highly susceptible to insects, causing huge loss due to damage of more than 50% cotton crops. To overcome the huge loss, the farmers of Gujarat adopted the Bt cotton to protect the crop against potentially the most damaging bollworms and thus reduce the risk of crop failures, which proved to be major benefit to cotton growers ever since 2002. As per information from the Agriculture Ministry, today almost 90% of the cotton cultivation area in the country is under Bt Cotton.

Gujarat, Maharashtra and Andhra Pradesh are the top producers of cotton with 105, 88 and 53 lakh bales cotton respectively, and 81%, 92% and 98% of their total cotton cultivation area under Bt cotton. The Bt. cotton cultivation in Banaskantha, Sabarkantha and Patan districts of North Gujarat has gone to many folds.

5. Field visit to sabarkantha, Banaskantha and Patan Districts, October 8, 2011.

The NCPCR team led by Dr. Yogesh Dube (Member) left Ahmadabad for the field visit to the Bt cotton seed farms of Banaskantha district. On their way to Shihori the team could see children working in a cotton seeds farms along the road sides. The team got down from their vehicles they were travelling, seeing a group of people working in one of the cotton farms of the Kausa village, Bagdud police station, taluk/district Patan. The team entered the Bt cotton farm and found 3 children along with 3 adult members plucking the cotton seeds. Those children were:

1. Ms. Sonal, 9 years,
2. Ms. Naina, 12 years, and
3. Master Mahesh, 13 years.

Naina's father Harjibhai Lal too was working in the field, along with other labourers like Leelaben. On inquiry they told that they are being engaged as labourers by one Gadlal (labour contractor) of Kausa village.



In the left The NCPCR team members (Dr. Yogesh Dube- Member and Shri Lov Verma- Member Secretary) in a Bt. Cotton Seeds Farm, Kausa village of Bagdud Police Station, Taluk/District Patan on October 8, 2011, in *right* the owners of the farm.

Seeing the team entering the Bt Cotton farm, a person named Sanjay came on a bike and introduced himself as the owner of the farm. After a while one old man (Narsinghbhai) came on another bike and claimed that he is the owner of the farm. According to him, Sanajy is his nephew. Both Narsinghbhai and Sanjay were of the opinion that the crop has failed this season because of heavy rain. They also informed that the wage for an adult labourer is Rs. 100 per day and for a child labourer it is Rs.50 only.

The NCPCR team was accompanied by the security personnel and Government departments while going to the field. So the team members decided to send a separate team comprising the civil society group to go to the Sabarkantha district. The team was not accompanied by any government or security people. On their way to Himmatnagar (Sabarkantha) they found children working in Bt. Cotton farms. Seeing them photographing the Bt cotton fields and the children working over there, two local youth on a bike followed them for few kilometers before intimidating them. They also mobilized the local people to thwart the efforts of the team. Despite the resistance from

the local farmers and people, the team comprising the civil society group managed to visit few Bt cotton farms and get the photograph of children working there. When the youth on bike threatened them and asked for their identity proof, they called the NCPCR team led by its member Dr. Yogesh Dube. Realizing threat to the life of the civil society group deputed by NCPCR team, Dr. Dube asked the Asst. Labour Commissioner (Mr. Bhatt) to go for their rescue. Then the team proceeded towards the Shihori Rest House and met the NCPCR team. Both the team met in Shihori and had a debriefing meeting with the SDM (Deesa), Dy. SP (Deodar), Dy. Commissioner of Labour, Asst. Commissioner of Labour, Government Labour Officer, among others to take stock of the situation of the child labour in Bt. Cotton seed farms.



6. Field visit to the Bt Cotton Seed farms of Khimana village on the Khimana-Kheda road and Khimana-Jasali road, October 8, 2011.

The NCPCR team visited Khimana-Kheda road and Khimana-Jasali road to get an overview of the Bt cotton fields, as both sides of the road are found to be only Bt cotton plants. The team led by its Member Dr. Yogesh Dube was shocked to know from the people in the market that child labour is abundant in various sectors including the cotton fields. While traveling the team could see the children working in the cotton farms along with other adult labourers. However, seeing the vehicle stopped and team members coming out the children started running away and lay down in the farm so that no one could see them. The farms are fully fenced from the roadside and one cannot enter into the field easily. In spite of that the team interacted with few children in different farms (*their photographs are given below*).



The team members interacted with the children and adult members working in the cotton farms. They were surprised to hear same language and same set of replies from the children they interacted. Despite the fact that anyone can make out that the people

working in the field are labourers from their appearance and confidence, but they used to reply collectively that they are the share-croppers and the children working there are not labourers but their own children, helping out their parents on off time. The single child found in the photo below is of Master Sravan who was there with one Sankarbhai, claimed to be the owner. On the arrival of the team a child ran away from the field but Sankarbhai denied the fact that there was any child except Sravan. In second photo Dakshaben was found working with her 11 years old daughter Kanchan.

7. Meeting with the officials of Banaskantha district at Shihori Rest House, October 8, 2011.

A meeting of the NCPCR team with the district officials held at the Rest House, Shihori at 12 noon on 8th October 2011. Following Members were present in the meeting:

1. Dr. Yogesh Dube, Member, NCPCR
2. Shri Lov Verma, Member Secretary, NCPCR
3. SDM, Deesa
4. Dy. SP, Deodar
5. PS1, Thara
6. PS1, Shihori
7. Mamlatdar, Kankrej
8. Dy. Commissioner of Labour
9. Mr. A.T. Painter, Asst. Commissioner of Labour, Himmat Nagar
10. Mr. G.L. Patel, Asst. Commissioner of Labour
11. Government Labour Officer (Agri)
12. Government Labour Officer (Industry)
13. AGLO, Vankar
14. AGLO (I/C) Girdhar

And many more officials and NGO personnel

The NCPCR team interacted with the officials to take stock of the situation of the children in general and children engaged in Bt cotton farms vis-à-vis the number of inspections carried out and preventive measures adopted by the district administration. As informed by the GLO (Agriculture) a large flock of labour force comes from the neighbouring state, i.e., Rajasthan, who are migrate during the season.

Providing details of the three children found working in a farm in Kausa village of Patan district, Dr. Yogesh Dube, Member-NCPCR asked to enquire into the matter and furnish an action taken report (ATR) on the same during the meeting in Gandhi Nagar with the Government of Gujarat.

After taking feedbacks from the officials on the situation of the child labour in Bt. Cotton seed farms, the team returned to Ahmadabad in the evening for night halt.

8. Meeting with the representatives of civil society groups at State Guest House Annexe, Ahmadabad, October 9, 2011.

Meeting with the Representatives of Civil Society Groups of Gujarat on Child Rights at State Guest House Annexe, Ahmadabad on 09.10.2011.

Sl. No.	Name & Designation	Address	Phone & E-mail
1.	Shyam Prakash Singh Project Manager,	SAATH, Nandanvan V, Jodhpur, Ahmadabad	9727710023
2.	Geeta Oza, Consultant	Janvikas, 104/105, Royal Chinmay Towers, Budakdev, Nr. Judges Bungalow, Ahmadabad	
3.	Rafi Malik, Program Manager	Centre for Development, F15, Banas Apartments Ellisbridge, Ahmadabad- 6	9825272146
4.	Prof. Aswin N. Karia	1, Shri Aangan Apartment. Dr. LJ College, Vastrapur, Ahmadabad- 15	9374018111 ganatar@gmail.com
5.	Sukhdev Patel State Repr- RTE	GANATAR, Prabha Colony, Last Tenament, Near Vidyanagar High School, Usmanpur, Ahmadabad- 14	9825012036
6.	Hirendra Rathod	DHRM, Ahmadabad-	9724681513
7.	Tejabhai President	Gujarat Jan Jagaran Sangha (GJJS), Jamnagar	9874182982
8.	Ashok Parmar	'Prayas' Centre for Labour Research and Action	9924472489 ashokparamar101@gmail.com
9.	Rajesh Solanki	Dalit Hak Rakshak Manch	9898650180 rsolanki0@gmail.com
10	Dipak Rohit	PCVC-Pratham	9898012516 child_humanface@yahoo.co.in
11	Ranry Herry Demjibhai	Bahujan Shramik Trust- Rajkot	
12	Kashard Hitesh K	BAAG- Gujarat, G-2 Arbada Apartment, Gulbari tekara, Navrangpura, Ahmadabad	9913236100 kashad_ritesh@yahoo.com
13	Ramesh Srivastav Executive Member, DRMU	DRMU, 19 Narayan Residency, Behind Highway Mall, Chamal Kheda, Ahmadabad	9825025500
14	Denis Macwan Executive Member, MAM	19 Narayan Residency, Behind Highway Mall, Chamal Kheda, Ahmadabad	9099147066 denis-macwan@yahoo.com

15	Mandiya Baranbhar	Adivasi Sarvangi Vikas banaskantha	9662626632
16	Charmar Rasikbhai Babubhai	Adivasi Adhikar Abhiyan, Sabarkantha	
17	Mukulana Jayanti	Buniyadi Adhikar Andolan Gujarat G-2 Arbada Apartment, Gulbari tekara, Navrangpura, Ahmadabad- 4	9426840785 jay_ckr@yahoo.co.in
18	Bharat Kantharia	Buniyadi Adhikar Andolan Gujarat	
19	Karan Desai	MARAG-Sanjay AGRO, Dayanand Complex, P.O./Taluk- Behraji, Mehsana	9714384579 karan.MARAG@yahoo.co.in
20	Purusottam Parmar	“RAAH” 4, Indira Park Sopciety, Kalapinger, Ahmadabad-16	9925064083 rahgujarat@yahoo.com
21	Nirupa Shah	Gijubhai Academy, Prabha Colony Last Tenement , Near Vidyanagar High School, Usmanpur, Ahmadabad-380018	9429893934 marinishal@gmail.com
22	Shital Shukla	Sahyog Charitable Trust “working on child rights” 2, Amanpur K Society Near Vishal Circle, Juhapura, Ahmadabad	shukla_shital@rediffmail.com
23	Basher Noyadu	Gram Swaraj Sangh, Nilpur Rupar Kutch	9879296131 maxyss@rediffmail.com
24	Abdul H. Noyudu	G.J.J.S.- Kapurdines, Tal- Bhanvad, Dt. Jamnagar	9712805338
25	Vipul Pandya	Bandhkam Mazdoor Sangathan 8, Mangaldeep Flat, P.O. Gandhi Ashram, Ahmadabad- 27	9427263563 bandhkam@yahoo.com
26	Raju Deepti	Child Rights Collective Gujarat, Jeevan Tirth Juna Koba, Gandhinagar - 382009	079-23223619 jeevantirth@gmail.com
27	Mandakini J. Dave	Parwaaj Sangathan, B-7, Rehnuma Society, Sarkhej Road, Ahmadabad- 55	
28	Pathan Khairun Nisha	Juhapura	9998022282
29	A.U. Dave	WCD, ICOD	

Issues came up in the meeting with civil society group:

The representatives from the civil society groups attending the meeting brought to the knowledge of the NCPCR team that the resettlement colonies in and around Ahmadabad are lacking educational infrastructure and the garbage is being dumped next to the schools. As a result the schools are getting unhygienic and filthy, breeding mosquitoes and dengue, and unapproachable in rainy season. There are no open spaces or play ground nearby for the large number of children residing in those colonies. The members were of the opinion that the children are discriminated on the ground of religion and caste, as majority population in such resettlement colonies are Muslims, Bengali and tribes.

The representatives of the civil society groups were largely concerned about non-implementation of the Mankad Committee recommendations on right to education and delay in notification of RTE Rules. As of the State has issued a GR only in this regard. Instead of complying with the RTE Act, the State has been closing down schools on the ground that student enrolment is less than 100. Also the Government is not serious about constitution of a full-fledged State Commission for Protection of Child Rights (SCPCR), which is symbolically attached to the State Women Commission.

It was informed that large number of juvenile cases has been pending under JJBs and CWCs in the State as they lack proper infrastructure and regular sitting. The representatives of the civil society groups felt that the children, especially the minority, have been falsely implicated by slapping stringent sections of various laws. And they are denied information under right to information, as it falls under restricted information.

The representatives of the civil society groups strongly suggested that the survey undertaken by the Save the Children in 2010 on status/situation of the children should be used as the database. After listening to the representatives of the civil society groups the NCPCR visiting team proposed a Public Hearing in Ahmadabad to address the issues on child rights which have remained unaddressed.

9. Visit to the Children Home, Khanpur, Ahmadabad, October 9, 2011.

The NCPCR team led by its member Dr. Yogesh Dube, accompanied by the Member Secretary (Shri Lov Verma) and a Sr. Consultant (Dr. Ramanath Nayak) visited a children home at Ahmadabad located at Khanpur, near Cama Hotel. It is a combination of Children Home and Observation Home. The team in the children home was facilitated by Mr. Mehul Patel, House Master. On enquiry Dr. Dube was informed that there are 19 children staying in the house who are in conflict with law. The team also found 16 children present in need of care and protection as 4 children had been shifted to some other place on the same day. The team was told that JJB is sitting on every Tuesday and Friday.

Photo: Children home



The House master informed to the visiting team that there is plan to make separate arrangement for the children in conflict with the law. For this they may use the terrace with proper security arrangement. The home has one language teacher and one craft teacher and the counselor visits every Monday and Friday.

The team too came to know that one Mr. Ganesh has been released by the JJB but still living in the Home as his parents are no more. His uncle had come to take him to his house but he was having on identity proof of his own. He has gone back to come again with identity proof. The visiting team asked the Labour Department, who were the nodal department to coordinate the visit, to coordinate with the Social Justice and Empowerment Department to ensure that the child (Ganesh) is handed over to the right person.


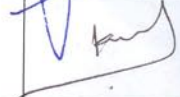
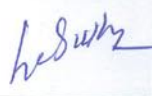
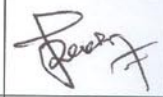

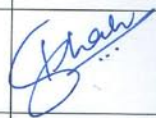
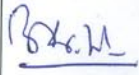


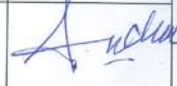

10. Meeting with the State Government of Gujarat, October 10, 2011.

The Representatives from various Departments, Government of Gujarat were present in the State Secretariat, Gandhinagar on 10.10.2011, 12 noon to discuss on the Child Rights issues.

**Meeting with State Governments of Gujarat on Child Rights
At State Secretariat Gandhi Nagar on 10.10.2011 at 12.00 noon**

S.No.	Name, & Designation	Contact Detail including Mobile and Email	Signature
1.	દાસી યુવકીયો અંકુશી. અંકુશી.	ગુ.પી.નિ.વિજયગી સમ. રાજકોટ, નિ. ૯૪૨૫૫ ૬૫૫૦૭	
2.	Border Guard	D.S. G S C W. / Gandhinagar D.S. SCPCR 232,51604	
3.	R.P Gupta Secretary Shri P.E	09970406066	
4.	Jenais Tomas Secy, SJE	—	
5.	Sonal Mishra DET and i/c Labour Comm		
6.	M.D Dabain Secy (Home)	-	
7.	P.K. Vasavada Add L.C.	-	
8.	Dr. N.B. Dholakia. Deputy Dir. Mother & Child Health, Commissionerate of Health, Health Dept	9099075152 nbdholakia@rediffmail.com	
9.	H.R. Shah Dy. Labour Commissioner Guj. State, Gandhinagar	23257538. 9825411535	
10.	Beena Patel Dy. Director Social Labour	07993956314 9497019433	
11.	K.R. PARMAR RURAL LABOUR Commissioner	38252 - 70533	
12.	Vivek P. Bhatt. Asst. Comm. of Rural Labour	9978440369	

**Meeting with State Governments of Gujarat on Child Rights
At State Secretariat Gandhi Nagar on 10.10.2011 at 12.00 noon**

S.No.	Name, & Designation	Contact Detail including Mobile and Email	Signature
13	M. J. Soni (CLO CBR)	9879244404	
14	K.V. Bankaj (CLO C.S.K)	9687012933	
15	L.C. Suthar A.G. C.A.	-	
16	J.P. Keshav C.O. Calcutta	-	
17	A.T. PAINTAL AEL (Himmetsagar)	9879004552	
18	K. G. Shah AEL, Sureat	9825039444	
19	D.C. Baxi AEL, Gandhinagar	9825474217	
20	A. V. Dave A.P.O. ICOS	9727730007	
21	Shri. R. S. Patil Director, Social Defence	9978405578	
22	S. N. Dave Add. Secy. Labour Deptt.	9879098954 9978405578	
23	H. B. Masadiya Under Secretary L & E Deptt	94276 21140	
24	Kum. Bindu Commit Member Secretar Guj. State Women and Child		



Issues Emerged, Feedback Received and Observations Made:

Based on the field visit of the NCPCR team led by Dr. Yogesh Dube (Member, NCPCR) and the meeting with the representatives from various Departments, Government of Gujarat, the issues and concerns listed below have been identified that need quick action:

EDUCATION DEPARTMENT:

Observations:

The Secretary informed to the visiting team that the department has developed a system of tracking the children who are migrating internally. In the process about 85% children migrating from one district to another has been tracked and enrolled in the current place of stay. He stated that schools are closed down where enrolment is very low and his justification was that the system is to increase the quality of education and not mere quantity. There has been prolonged delay in construction of school buildings in tribal areas because of the clearance from Forest and Wild Life Departments in acquiring land.

The Secretary, Education agreed to do the mapping of schools in the resettlement colonies and slum areas of Ahmadabad as well as ensured clean and healthy environment of the schools. With regard to the pre-metric scholarship for the minority children, he told that the matter is prejudice. He also assured that the notification of RTE Rules and compliance of the Act is under process and may be done at the earliest along with the constitution of School Management Committees and orientation/training of its members.

Recommendations:

- (i) The Department shall ensure a survey of the out-of-school children and children engaged in economic activities (including the trafficked or migrant) in the State within 3 months and report to the Commission;
- (ii) Furnish the details of tracking of the internal migrant children and their enrolment in the place of current staying;
- (iii) Furnish a report on the number of schools already closed down and proposal for closing of schools in the State;

- (iv) Coordinate with the Forest and Wild Life Departments to get the clearance to acquire land for construction of school building in tribal areas;
- (v) Mapping of schools in the resettlement colonies and slum areas of Ahmadabad as well as other urban clusters and to ensure that the garbage is not dumped next to the schools;
- (vi) Ensure pre-metric scholarship for the minority children;
- (vii) Ensure notification of RTE Rules and compliance of the Act at the earliest;
- (viii) Ensure the constitution of SMCs and the orientation/training of the members;
- (ix) To ensure that all children in the age group of 3-6 are mainstreamed to Early Childhood Care and Education (ECCE) facilities, children of 6-14 years of age effectively realize their Right to Education (RTE); and
- (x) To achieve the goal ensure assessment of the educational status/learning level and further needs, admission to age appropriate class, provision of textbooks/notebooks/ guidebooks, stationeries, school bags, uniforms and tuitions free of cost.

SOCIAL JUSTICE AND EMPOWERMENT:

Observations:

The visiting team was informed that Rules has already been drafted to constitute the State Commission for Protection of Child Rights (SCPCR) and sent for approval of the parliamentary committee. Currently SCPCR is part of State women Commission. The Anganwadi centres in certain tribal areas are not functioning as the department is finding difficult in getting educated local women and outsiders are not interested to go and work there. The department stated that efforts are made to cover Anganwadi facilities to the uncovered areas through mobile Anganwadi centres. The Children Home the team visited in Khanpur area of Ahmadabad is combination of Children Home and Observation Home.

With regard to constitution of Child Welfare Committees and Juvenile Justice Boards in the State, appointment of requisite number of members, vacancy, if any, their training, personnel, number of sittings and status of pendency cases, the department stated that they are taking care of everything and it is going smoothly. The Department of Social Justice & Empowerment agreed that the case of malnourishment in the State is reported and it is in tune with the national average, i.e., 42 per cent. According to the Secretary, Department of Social Justice & Empowerment, Government is making all efforts to address the issue through 68 Child Development and Nutrition Centre and 26 centres attached to the Government Hospitals. The centres are providing fortified coarse grains.

Recommendations:

- (i) Expedite the drafting of Rules to constitute the State Commission for Protection of Child Rights (SCPCR) as required under Section 17(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005 and the SCPCR shall be kept separate from the State Women Commission;

- (ii) Send a report to NCPCR within 2 weeks detailing the number of Anganwadi Centres operational, including buildings and status of MDM;
- (iii) Consider relaxation in the educational criteria to find local women as Anganwadi Workers in tribal areas;
- (iv) Ensure separate Children's Homes and Observation Homes;
- (v) The Social Welfare Department with the support from Education Department ensures that the children above 14 years living in the Homes are supported/ encouraged to complete their secondary education for the educational development of children;
- (vi) Furnish a status report of the CWCs, the status of members and vacancy, if any, their Training (through NIPCCD), personnel, number of sittings and status of pendency cases (as required under Sections 33(1) and 33(3) of the Juvenile Justice (Care and Protection of Children) Act, 2000; The CWCs should be linked to the Department of Social Justice, ensuring regular and continuous interactions, making CWCs accountable to the Department on day-to-basis.
- (vii) Furnish a status report of the JJBs, the status of members and vacancy, if any, their Training, staffing pattern, number of sittings and status of pendency cases (as required under Sections 14(1) and 14(2) of the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (viii) Submit a report on the cases of Malnourishment in the State, the death cases within 2 weeks to the Commission; and
- (ix) Status of CHILDLINE and the cases dealt by them.

Home:

Observations:

The Secretary (Home) agreed to pursue the filling of F.I.R. on the complaint made to the SP Sabarkantha by Shri Ramesh Srivastava (civil society representative facilitating the Commission to get the real situation of child labour in Bt. Cotton farms) within one week. He assured that the people (on bike) are booked under relevant sections of the I.P.C. for obstructing the enquiry, chasing, intimidating and threatening the team members.

Recommendations:

- (i) Submit a report on status of Anti-Human Trafficking Units in the State within a week;
- (ii) Ensure that the Anti-Human Trafficking Units and police stations are sensitized enough to keep watch of the movement of Agents openly and trafficking of children in the border areas, geographically inaccessible and vulnerable areas; and
- (iii) File an F.I.R. on the complaint made to the SP Sabarkantha by Shri Ramesh Srivastava (civil society representative facilitating the Commission to get the real situation of child labour in Bt. Cotton farms) within one week. Ensure that the people (on bike) are booked under relevant sections of the I.P.C. for obstructing the enquiry, chasing, intimidating and threatening the team members.

Labour & Employment:

Observations:

Convening the meeting the Principal Secretary, Labour & Employment informed that rescue operation was carried out and cases are filed jointly by Gujarat and Rajasthan last year. He assured to act on the case of child labour found by the visiting team in Kausa village of taluk/district Patan and report to the Commission immediately. He suggested the need for identifying the size of problem through intensive investigation and not going by the versions of the NGOs. For this mapping of the areas of high potential and initiation of the remedial and preventives measures is required to make the State a child labour-free State.

Also sensitization of community, panchayat, farmers at large on engagement of children;

He stated that the Labour Department is undertaking raid and rescue operations, but the conviction rate is only one per cent. To him activation of Joint Task Force with the bordering State (Rajasthan and Madhya Pradesh) Governments and inter-district task force is required.

As rehabilitation measure he assured that children rescued from child labour are not rehabilitated in the occupation which is banned under law (like the incense stick making).

Recommendations:

- (i) Submit a status report of the children rescued last year and cases filed jointly by Gujarat and Rajasthan within one week to the Commission;
- (ii) Ensure rehabilitation of the three children identified by the visiting team in Kausa Village of taluk/district Patan and report to the Commission immediately;
- (iii) Mapping of the areas of high potential and initiate remedial and preventives measures to make the State a child labour free State in every sector;
- (iv) Sensitization of community, panchayat, farmers on engagement of children;
- (v) Ensure convergence and effective monitoring of the implementation of child laws for complete elimination of child labour;
- (vi) Operationalise the Joint Task Force with the bordering State (Rajasthan and Madhya Pradesh) Governments;
- (vii) Ensure repatriation of the migrant children to their State of origin after rescue, booking of employers under relevant labour laws and recovery of Rs. 20,000 from the erring employers;
- (viii) Constitute State Level Core Committee on Child Labour, comprising of Principal Secretaries of Labour, Education, Panchayati Raj, Home, Women and Child Development, Department of Social Justice and Empowerment, regional Commissioner, District Magistrate/Collectors of Banaskantha, Sabarkantha and Patan. The Principal Secretary Labour to be the convener of the Committee;
- (ix) Rejuvenate the District Task Force to monitor all actions for identification, pre-rescue planning, rescue operation, interim care, prosecution of employers/violators under all relevant laws, including, Bonded Labour System

(Abolition) Act, 1976, repatriation, rehabilitation/social reintegration and follow up. The District Task Force shall consist of the following:

- District Magistrate/Collector– Chairperson
 - Asst./Deputy Labour Commissioner– Member Secretary/Convenor
 - Additional District Magistrate of the District- Member
 - Superintendent of Police – Member
 - District Social Welfare Officer – Member
 - District officer from Tribal Development Department-Member
 - District Urban Resource Centre (SAA) – Member
 - District Health/Medical Officer– Member
 - Senior most Officer of Municipal Corporation in the District– Member
 - Chairperson of the concerned Child Welfare Committee- Member
 - Centre Coordinator, CHILDLINE (if there is a CHILDLINE) - Member
 - Voluntary Organisations actively involved in the rescue and rehabilitation of child labourers in the area- Member
 - Block level officer
- (x) Clear-cut identification of roles and responsibilities of all members/departments including voluntary members of the District Task force on child labour and an orientation is provided immediate after reconstitution of the task force;
- (xi) The District Magistrate as Chairperson of the Task Force will ensure a meeting once a month where Asst./Deputy Labour Commissioner as Member Secretary will convene the meeting. A copy of minutes of the meeting should be circulated to all members of District Level Task force on Child Labour. A copy of minutes of the monthly meeting of District taskforce on child labour should be forwarded to the State Level Core Committee, NCPCR through Labour Commissioner.
- (xii) Develop individual District Action Plan for total elimination of Child Labour in the Bt. Cotton farm in the districts of Banaskantha, Sabarkantha and Patan and report to the Commission;
- (xiii) Keep a vigil on the engagement of child labour in the Ginning Mills;
- (xiv) Convene a meeting of all Seed Companies immediately, where NCPCR will also take part;
- (xv) Ensure that children rescued from child labour are not rehabilitated in the occupation which is banned under law (like the incense stick making). *The details will be submitted after obtaining from the NGO who brought the case;*
- (xvi) Sensitization and orientation of the State-level and District-level Anti-Trafficking Squads/Units about child trafficking in coordination with Police;

Health Department:

Recommendations:

- (i) Submit a report to the Commission within 10 days on the thalasemia children found to be HIV positive in the process of blood transfusion in Junagarh after

- conducting enquiry of individual child separately and the source of blood supply. Also initiate strict actions against the negligent and erring officials;
- (ii) Furnish status report on School Health Programme and Immunization initiative in the State within 2 weeks; and
 - (iii) Alarm the Education Department about the health impact on the School Children because of the garbage dumping next to schools, leading to spread of mosquitoes, dengue, chemical blast, etc. (resettlement colonies of Ahmadabad) and possible danger of leaving the transformers open (there are about 400 transformers which are not cordoned in Surat).

Others:

Observations:

In the meeting with government departments, the visiting team felt that there is need for continuous Inter-Departmental interaction and communication and information sharing. The team also suggested that the District Magistrates have to take the CWCs and NGO representatives into confidence in addressing the issue of child rights in their respective districts.

Recommendations:

- (i) There is need for continuous Inter-Departmental interaction and communication and information sharing; and
- (ii) The concerned District Magistrate should take the CWCs and NGO representatives into confidence in addressing the issue of child rights in their respective districts.

11. Meeting with the Chief Secretary, Government of Gujarat, October 10, 2011.

The NCPCR team led by Dr. Yogesh Dube met the Chief Secretary to Government of Gujarat (Shri Achal kumar Joti) at the secretariat. The Principal Secretary, Labour and Employment briefed him about the discussion taken place during the meeting of NCPCR with the Government Departments. The Health Secretary present in the meeting made certain that the report on thalasemia issue of Junagarh will be expedited and shared with the Commission. The Chief Secretary assured the visiting team that he will ensure the implementation/action on the issues and concern discussed.

Conveying his dissatisfaction over the situation of child labour the Bt cotton farms and incessant trafficking of children from the neighbouring States, Dr. Yogesh Dube suggested to come out with a proper action plan for the Banaskantha and Sabarkantha districts.

At the end the Chief Secretary to Government of Gujarat thanked the team for their visit and flagging off of the issues in the State.

Guidelines issued by NCPDR to Rajasthan Government on stopping migratory Child Labour Practices

- Social mobilization of gram mitras or village volunteers to identify working children and bring them to schools
- Issuance of enrollment certificates to children pulled out of the agricultural fields and moved into the classrooms by the secretary, primary education. This would enable the children to go back to schools in their home states
- Setting up of vibrant systems in consonance with the departments of labour, tribal welfare and social justice to provide mainstream education to all children rescued from child labour.
- Quarterly review of educational support to children living in institutions, especially those in need of care and protection. This would help ascertain status of education of all children outside the purview of the department of school education
- Link all children studying in the NCLP schools to SSA and send periodic report to the Commission
- Setting up an inter-departmental co-ordination committee that meets every month with secretaries of school education, home, social justice and an NGO representative with experience in working on child labour issues to monitor progress in eradicating child labour
- Ensure children get compensation from the employers for violating the Child Labour (Prohibition and Regulation) Act, 1986. Report periodically to the Commission the number of children rescued and repatriated to parents and home states
- Separate report on children rescued from homes (domestic workers), shops and establishments where the problem is highly visible.
- Establish contact with concerned secretaries in Bihar and Jharkhand for speedy repatriation and rehabilitation of children migrating/trafficked from Bihar to Gujarat
- Take immediate steps to separate observation home from children's home.