



## Feasibility Study: Combating Child Trafficking and Bonded Labour in Rajasthan

*Submitted by*



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**Cover Photo Credit:** Ginny Baumann and Prayatn Sansthan

All other photographs used in this report have been clicked in the course of the research process and willingly shared by various team members.

## List of abbreviations

AHTU:	Anti-trafficking units
CSO:	Civil Society Organisation
CWC:	Child Welfare Committee
CWPO:	Child Welfare Police Officer
GDP:	Gross Domestic Product
ICPS:	Integrated Child Protection Scheme
JJB:	Juvenile Justice Board
MNREGA:	Mahatma Gandhi National Rural Employment Guarantee Scheme
NGO:	Non-Government Organisation
NHRC:	National Human Rights Commission
RTI:	Right to Information
SC:	Scheduled Caste
SCPCR:	State Commission for Protection of Child Rights
SJPU:	Special Juvenile Police Unit
SOP:	Standard Operating procedures
ST:	Scheduled Tribe

## Executive Summary

## Executive Summary

The Freedom Fund, a philanthropic initiative designed to bring strategic focus and financial resources to the fight against modern slavery, is exploring the feasibility of an intervention to address forms of child trafficking and bonded labour in Rajasthan. Praxis and Partners in Change were commissioned to do this study with the objectives of describing and estimating the problem, identifying key stakeholders and strategies, and making recommendations for the programme to bring about a measurable reduction in exploitation of children in the targeted sectors and regions of the state.

The study included a detailed desk review of secondary data and interaction with Government representatives in relevant departments, a range of civil society organisations working on related issues, and people who are in bonded labour as well as current and ex-child labourers, in different locations in Rajasthan.

State Government's role: *The Rajasthan state government is well-positioned to take strong action against exploitation of children.* Children's welfare and development are high priorities, by comparison with many other states. For example, the state's policy on child labour goes beyond the national law to include working children who are under 18 (rather than under 14). Also, Rajasthan's government is working closely with agencies to make a series of districts child-friendly, as well as taking steps to rescue trafficked children. Since 2004, Rajasthan has rescued and rehabilitated 1,845 bonded labourers (of whom 611 were children) and most of them are from other states. To implement relevant responsibilities, the Rajasthan government has created institutions such as district anti human trafficking units as well as facilitating training of police personnel in some areas in sensitive handling of survivors. Despite this, *the research found that there are important steps that Rajasthan could take in collaboration with civil society, which could lead to the state becoming an influential model in India's drive against child exploitation and bonded labour.* These include:

- More proactive identification of victims and regularisation of employment of vulnerable workers (especially in certain sectors such as brick kilns and stone quarries);
- Better provision of shelter homes, to allow for removal of large numbers of trafficked children from exploitation;
- Stronger pursuit of prosecutions;
- Systematic training of officials, including ensuring high performance of Child Welfare Committees throughout the state and activation of village level child protective mechanisms;
- Systematic inter-state cooperation especially on reintegration of victims;
- Innovation within large government-supported programmes such as those on work with adolescent girls and malnutrition, in order to integrate measures against root causes of child exploitation.

Civil Society's role: Rajasthan boasts a large number of civil society organisations working with creativity and determination on a wide range of issues, covering all sectors of social development. Likewise, the issues of poverty, illiteracy, child marriage, child labour, dowry and caste discrimination all find a place regularly in the media through efforts of civil society organisations. The emergence of civil society organisations focused on workers' rights and protection has been stimulated by a couple of factors: The vulnerability of low income families in Rajasthan is undoubtedly high with respect to bonded labour and movement of labour, because the northern border is with Delhi and Uttar Pradesh, and the southern border is with the richer states of Gujarat and Maharashtra. This combines with the presence of key high-risk industries. The role of civil society in tackling child exploitation has also been highlighted through the creation of official Child Welfare Committees (CWC) throughout the state, making a formal linkage between the state and civil society since NGOs are often present in CWCs. But civil society organisations also grapple with several challenges:

- "Normalisation" of systems of debt bondage is a major issue. Awareness is low among NGOs, yet the impact of bonded labour chronically undermines their progress on child protection, rights and

development issues. Affected families tend not to use available sources of assistance (such as helplines for migrant workers) in order to seek help in trafficking or bonded labour situations, but tend to seek help for symptoms such as non-payment of wages;

- In some sectors, it is hard to sustain local groups linked to unions, because members often migrate seasonally for work;
- A reliable and accountable system of interstate reintegration linked with NGOs is lacking;
- The examples of excellence in collaboration and mobilization against child trafficking and bonded labour have not been analysed and mainstreamed.

High prevalence sectors and geographies: The scale of child exploitation and bonded labour is high in Rajasthan, and it disproportionately affects marginalised groups such as Scheduled Castes and Scheduled Tribes. NGOs and civil society organisations shared that sectors where bonded labour and child trafficking are commonplace include: stone quarries, agriculture, brick kilns, cotton industries, bangles, embroidery, carpets and other handicraft goods, and commercial sexual exploitation. The focus of this study has been primarily on five sectors:

1. **Brick kilns:** There are an estimated 300,000 bonded labourers in brick kilns across the state, with a large number of migrants coming to Rajasthan in mid-November from Uttar Pradesh, Bihar and Odisha and staying until May. Workers migrate as a family and the work is characterised by long working hours, extremely poor work conditions and an absence of basic facilities. Advances of wages tie the families to a kiln for the season and keep their payments well below minimum wages. Children are used to mix clay for the bricks or load them for transportation. Based on existing examples of effective interventions, **recommended strategies** include: Combining work with local and migrant workers; enabling registration of brick kiln workers for key statutory protective programmes; forming/strengthening unions to take up cases and negotiate better conditions; extending the reach of village-based education and child development schemes into the kilns and working with owners to improve conditions; collectivising adolescent girls at the kilns to address their key issues, such as gender, worker rights and nutrition; enabling brick kiln workers to advocate with key government bodies.

2. **Jaipur workshops:** Jaipur is a major centre for child labour with almost 50,000 children in the areas of Bhatta Basti and the outskirts of the city, where children are engaged in bangle making, embroidery, saree and other handicraft workshops. Approximately 80% of workers are boys, and 20% girls. Parents are lured with Rs. 25,000 – 40,000 for each child and the promise of good jobs, but children are typically forced to work 15 hours a day in confined spaces and in some of the work, they are exposed to chemicals that burn their skin. The children suffer from poor vision, chronic cough and even finger malformation. Their movement outside the workshops and ability to contact their families is often severely restricted. **Recommended strategies** include: Working closely with the state and city authorities to gain commitment of resources for increasing inspections and legal compliance of the workshops; intensive joint capacity building between state agencies and NGOs regarding removal, care and repatriation of children; inter-state government planning, especially between Rajasthan and Bihar, about systems for reintegration as well as effective prosecutions of traffickers and workshop owners; working to create child-labour free zones at the neighbourhood level.

3. **Sahariyas in agriculture:** Across many parts of Rajasthan, landlessness and low wages for agricultural work are major push factors for bonded labour. Within this the conditions of the *Sahariya* Scheduled Tribe community found in Baran district are even starker, with bonded labour clearly linked with high levels of malnutrition. Traditionally a forest-dependent community, many of the families received redistributed land titles, but without intensive rights-based organising, many have remained in bonded labour. Based on examples of success in efforts to organise Sahariyas and enhance livelihoods, the following are **recommended strategies**: Develop strong community support groups that can address root causes of vulnerability such as land-grabbing and legal impunity; develop

appropriate skills in land-based and livestock-based livelihoods; integrate this work with existing state-linked programmes against malnutrition and child marriage.

**4. Stone quarries:** Rajasthan is one of the mineral rich states, with mining activities as the second highest employment sector after agriculture (employing over 2 million workers). Quarries supply stones globally but labour relations are characterised by debt bondage and lack of any basic protections. Child labour is high in cobblestone production. Typically, when worsening silicosis forces a worker to retire, his immediate kin, including adolescent son, replaces him to work against the debt. Given the remoteness of the quarries, basic health, educational and other governmental facilities are difficult to access. Migrant workers in addition are also unable to access social benefits such as pensions, as they do not have evidence of local residence. The Rajasthan Mineral Policy 2011 has made provisions for the welfare of mine labourers as well as for the allotment of mining leases and the state is now engaged in some health related actions. **Recommended strategies** include: local group/union formation within communities to strengthen access to entitlements and registration of workers for protective schemes, health care and compensation – with a strong focus on actions against inter-generational debt bondage; work with the existing State Forum on Natural Sandstone and strengthen accountability in international supply chains to stop cobblestones made by children entering the market; expansion of child labour free zones in key areas; group formation with adolescent girls around their rights; developing alternative livelihoods.

**5. Trafficking of children from Southern Rajasthan:** This was explored in the context of: Trafficking for work on BT cotton farms in Gujarat; girls being trafficked for marriage into Gujarat and to work in ginning mills; and tribal youth trafficked by traditional animal herders. Analysis of existing data and interventions concluded that while the issue requires a strategic response, currently there is insufficient evidence and understanding on these issues and on programmes likely to gain traction against the problems.

The scoping study also sought data and information on interventions regarding **inter-generational commercial exploitation of girls and women by certain communities and about trafficking for marriage** into the state. However, the scoping study concluded that a much deeper understanding is needed on these two issues, and the proposed hotspot should undertake a research study before seeking funds for sectoral strategies.

**Recommendations:** *The study recommends a Rajasthan hotspot that adopts a united approach toward eliminating bonded and child labour in the state, seeking to improve the performance of state and business responsibilities, and supporting targeted grassroots interventions within the sectors that have the highest concentrations of exploitation and harm to children.*

By the end of the initial 3.5 year period, the programme should have achieved:

- Improved performance of government and business responsibilities against bonded labour and child labour (priorities specified above);
- Well-defined intervention strategies in each of the targeted sectors as well as in the collaboration with an existing major ClFF-funded programme in the state, showing strong potential to bring about reduced prevalence of bonded and child labour;
- Capacity among large numbers of community-level participants to advocate for fulfilment of rights and entitlements that would protect them (especially children) from bondage;
- Strengthened ability of each NGO partner to fully address the root causes of bonded and child labour, and to sustain its work.

The programme should begin with a six-month start up period to identify partners and jointly define goals and more specific targets. This should then be followed by three-year programme



implementation. In collaboration with state government, NGOs and unions, work should begin against:

- 1) *Child trafficking in the Jaipur workshops*
- 2) *Bonded labour in the brick kilns*
- 3) *Agricultural bonded labour in the Sahariya*

Once work in these sectors is being fully implemented, the hotspot should then assess whether to develop *work in stone quarries*. One factor is whether there are sufficient funds available to do substantial work in a 4<sup>th</sup> sector. Also, by comparison with the other sectors, there are more existing actors already collaborating in this sector, and it is likely to take more time to develop an appropriate engagement. Research should be funded on systems of *child sexual exploitation and trafficking for marriage in the state*, with a view to defining effective interventions.

*A key role for the hotspot will be to collaborate with government to address the exploitation of children.* The grassroots work in each sector will contribute evidence and examples of policy implementation needs that should be addressed. A training partner should be identified to work with relevant government departments to define a programme of capacity building for law enforcement, labour and child protection officials. This training would be closely tied in with the sectoral strategies and geographies. In addition, civil society actors in the Rajasthan hotspot should be integrated in the existing national information network that is mobilising grassroots experience in order to contribute to national anti-trafficking policies and laws.

Although the sectors will have some different activities, all the sectors will focus strongly on *eradication of child labour and on child protection*, with a range of common hotspot elements (outlined in Section 6 below).



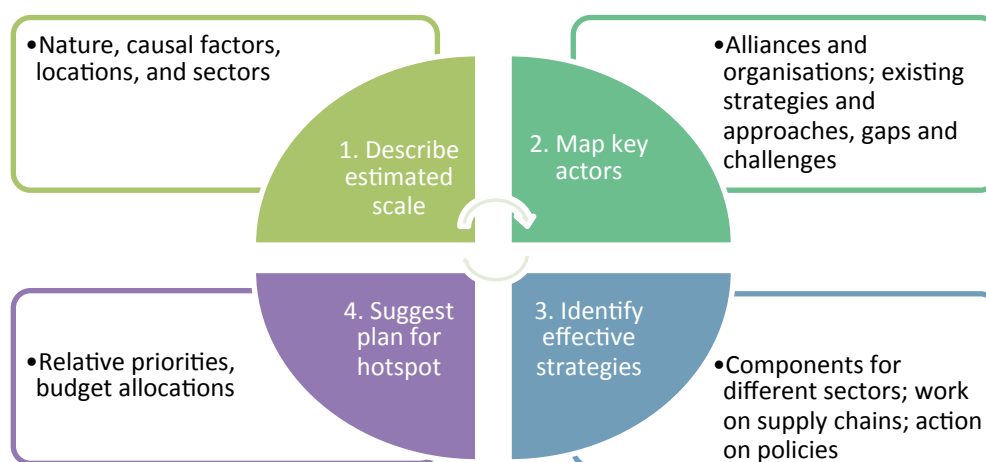
## About the Study

## 1. About the Study

### 1.1 Background

The Freedom Fund, a philanthropic initiative designed to bring a strategic focus and financial resources to the fight against modern slavery, is exploring the feasibility of a “hotspot” intervention to address forms of child trafficking and bonded labour in Rajasthan. A hotspot refers to a geographic area known to have a high incidence of modern slavery<sup>1</sup>, and the purpose of the hotspot programme would be to bring about a measurable reduction in exploitation of children in the targeted sectors and regions of the state. Using the Freedom Fund’s hotspot model of intervention, community-based and specialist organisations would be identified and supported to conduct a range of activities, including work in affected communities, and with government bodies and businesses.

It was against this background that the Freedom Fund commissioned this study by Praxis<sup>2</sup>, a not-for-profit organisation specialising in participatory approaches to sustainable development along with Partners in Change<sup>3</sup>, an NGO working on building awareness about corporate responsibility as well as policy work and capacity building. The key objectives of the feasibility study were:



The final output from the study is to provide recommendations to the Freedom Fund and to funders of the feasibility study, on whether to proceed with a Rajasthan hotspot and what the main focuses and strategies should be, as well as an outline budget for activities over three years, showing the estimated reach and scale of these activities.

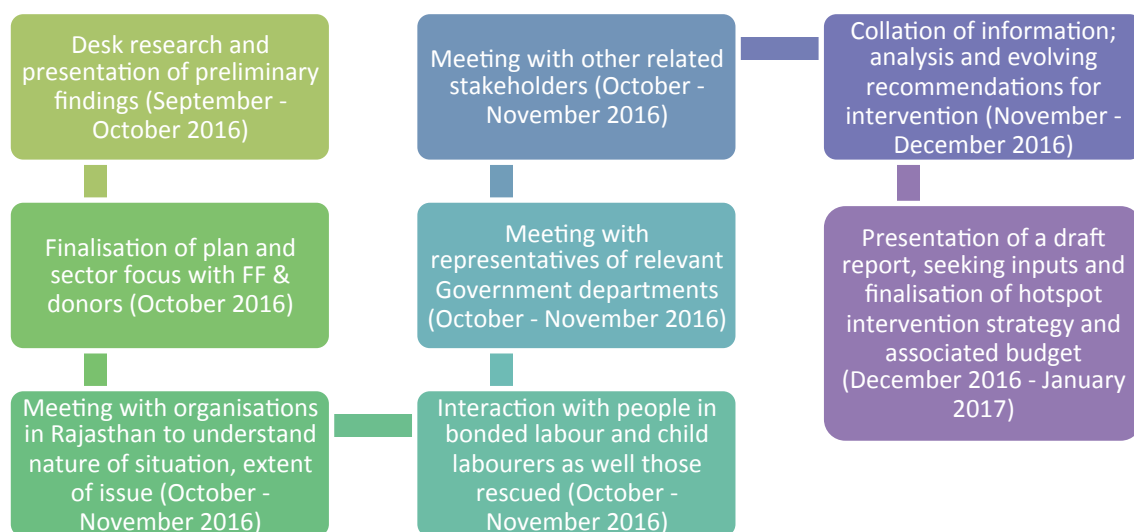
### 1.2 Study process

In order for the study objectives to be met, the team had to understand and unpack details through a series of questions related to the first three objectives above, and move beyond the data already available about the context of child and bonded labour in Rajasthan. The process followed by the study team along with the timeline, is detailed in the figure below:

<sup>1</sup> Source: <http://freedomfund.org/programs/hotspot-projects/> “Modern slavery” is widely understood internationally as an umbrella term including bonded labour, human trafficking, Worst Forms of Child Labour, and forced labour.

<sup>2</sup> Read more about Praxis: [www.praxisindia.org](http://www.praxisindia.org)

<sup>3</sup> Read more about Partners in Change: [www.picindia.org](http://www.picindia.org)



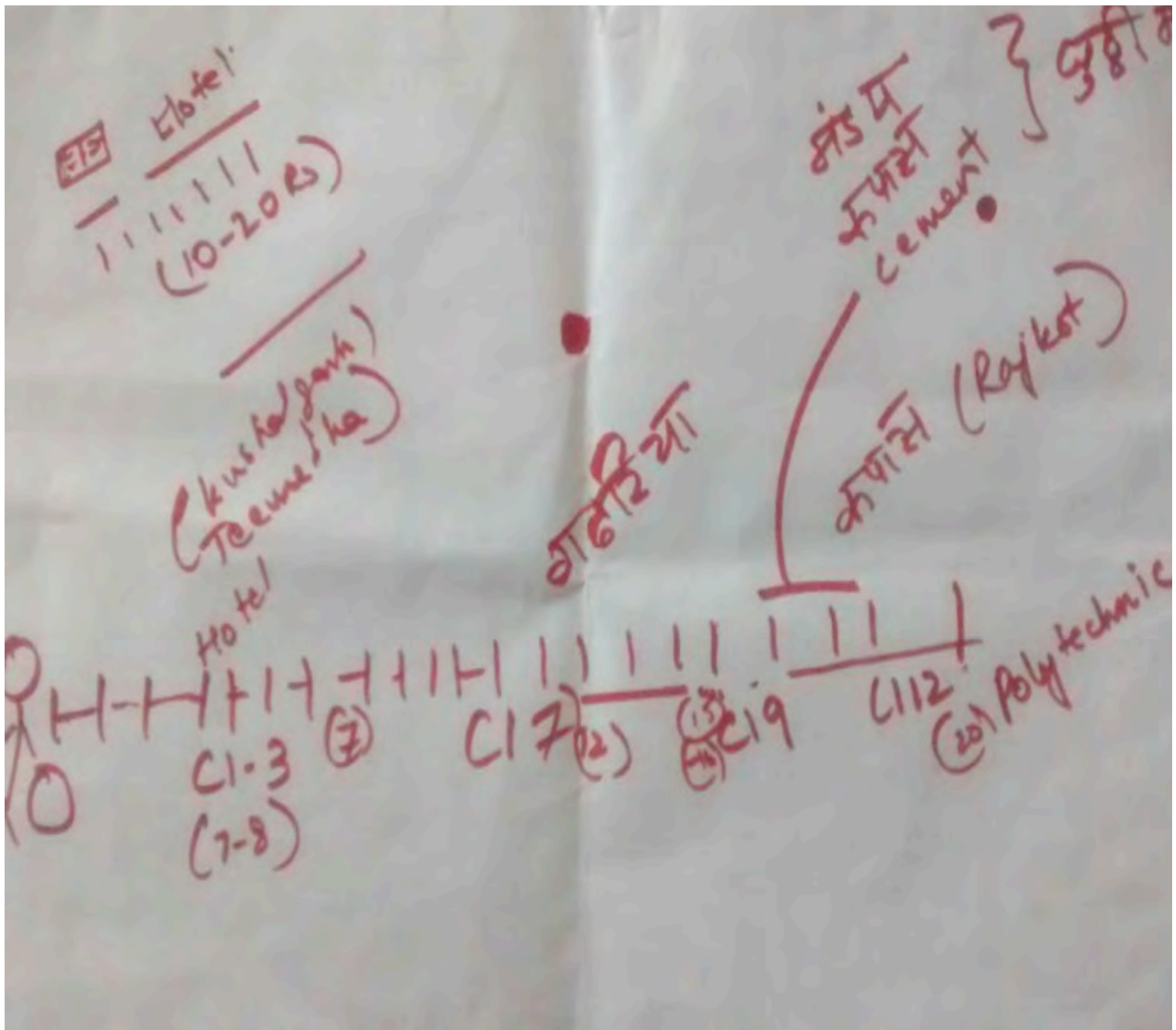
The desk research helped narrow down potential sectors and geographies so that research visits could then assimilate views of relevant stakeholders. The table below details the various stakeholders that the study team interacted with in Rajasthan (details can be found in Annex 1)

Civil Society Stakeholders	Individuals in or rescued from bonded/ child labour/ trafficking	Government representatives
<b>North and East Rajasthan</b>		
17 primarily local NGOs	Brick kiln and stone quarry workers; traditional sex workers; children rescued from workshops	Members, current as well as past CWC (Kota, Jaipur); Rajasthan State Commission for Protection of Child Rights (SCPCR); Labour Inspector and Department; Additional Director General, Rajasthan Police; Director, Rajasthan Police Academy; Commissioner, Department for Child Rights
<b>Southern Rajasthan</b>		
9 primarily local NGOs	Children rescued from workshops and from work with traditional sheep herders; tribal community adults rescued from bonded labour; agricultural bonded labourers	Department of Social Justice and Empowerment

### 1.3 Challenges and limitations

**Challenges** – It was important to ensure that expectations of support within communities and by NGOs were not raised. There was a limited time period for conducting the research. It was sometimes difficult for key people to make themselves available.

**Limitations** – This was not aiming to be an in-depth, investigatory study. The researchers also had to be careful in not being too provocative or pressing in seeking responses from stakeholders but rather, documenting natural responses.



Mapping the journeys of six child labourers from Udaipur, working in multiple sectors. Photo: Praxis

### Understanding the context in Rajasthan

## 2. Understanding the context in Rajasthan

### 2.1 Rajasthan: Some key demographics

Rajasthan, a north-western state in India, shares its western border with Pakistan and is India's geographically largest state. Some key demographics<sup>4</sup> are below:

**Population:** 68.5 million

**Rural-urban population distribution:** 75% and 25%

**Literacy Rate:** 66% (lowest female literacy rate in India of 46%)

**Scheduled Caste Population:** 17%

**Scheduled Tribe Population:** 13% (double the national average and 8% of India's tribal population)

**Sex Ratio:** 928 girls for every 1000 boys (son preference leads to prevalence of the practices of gender biased sex selection)

**Early Marriage:** The Annual Health Survey for 2012-13<sup>5</sup> shows 51.2% of women in Rajasthan aged between 20-25 were married before the age of 18

**Percentage in Child Labour<sup>6</sup>:** The 2011 Census found that Rajasthan has 252,338 children in child labour; and the Annual Health Survey 2010-11 in Empowered Action Group states found that 5% of children aged 5 – 14 were working. In this EAG survey, Rajasthan had the highest percentage of working children among these poorest states<sup>7</sup>.

**Poverty headcount ratio:** 14.7% with higher rates of poverty in rural compared to urban areas (16.1% vs. 10.7%)<sup>8</sup>. In total, 10,290,000 people live below the state-specific poverty line (Monthly Rs. 905 per capita (approximately US\$13.5) in rural areas and Rs. 1,002 (approximately US\$15.5) in urban areas). Rajasthan accounts for 4% of India's poverty burden.

**GDP:** The Gross State Domestic Product per capita in Rajasthan (US \$694) is lower than the rest of the country (US \$1165)<sup>9</sup> and accounts for 4.41% of India's total GDP.



Rajasthan is a drought-prone and water scarce state. The economy is primarily agricultural (19.6% of GDP)<sup>10</sup> and pastoral. Contribution of animal husbandry sector to the GDP of the State has been estimated to be around 9.16%. About 35% of the income to small and marginal farmers comes from dairy and animal husbandry. In arid areas the contribution is as high as 50%. More than 80% of the households keep animals, which provide subsistence income during scarcity<sup>11</sup>. 70% of the population is involved in agriculture and animal husbandry with significant cash crops such as cotton and tobacco. Textile-related industries are also important to the state, as is tourism. The state is the second largest source of cement in the country and Rajasthan is the second largest mineral producing state in India. It also has high levels of migration for work, with 46% of rural households having members migrating to other places such as Gujarat, Maharashtra and Delhi for work.<sup>12</sup>

<sup>4</sup> Source: Census 2011

<sup>5</sup> Source: [http://www.censusindia.gov.in/vital\\_statistics/AHSBulletins/AHS\\_Factsheets\\_2012-13/FACTSHEET-Rajasthan.pdf](http://www.censusindia.gov.in/vital_statistics/AHSBulletins/AHS_Factsheets_2012-13/FACTSHEET-Rajasthan.pdf)

<sup>6</sup> Census of India considers child labour as number of working children between ages 5-14 <http://labour.gov.in/childlabour/census-data-child-labour>

<sup>7</sup> Annual health Survey 2010-11, in Children in India 2012 A Statistical Appraisal, Ministry of Statistics and Programme Implementation, Government of India, [http://mospi.nic.in/sites/default/files/publication\\_reports/Children\\_in\\_India\\_2012-rev.pdf](http://mospi.nic.in/sites/default/files/publication_reports/Children_in_India_2012-rev.pdf)

<sup>8</sup> The World Bank, "World Development Indicators."

<sup>9</sup> The World Bank, "World Development Indicators," 2014, <http://databank.worldbank.org/>.

<sup>10</sup> United Nations Development Programme, "Rajasthan Economic and Human Development Indicators," n.d.

<sup>11</sup> State Livestock Development Policy, Govt. of Rajasthan

<sup>12</sup> Aajeevika/UNESCO survey 2014

## 2.2 Government of Rajasthan: Child Labour and Bonded Labour

This section provides an overview of the different government officials and committees responsible for action against child and bonded labour and trafficking, as well as child marriage in Rajasthan. At the same time, the scoping study explored the interventions and challenges faced by government to fulfil their roles.

### 2.2.1 State Government Response on Bonded Labour and Trafficking

Rajasthan government has created institutions to implement the Bonded Labour Act in the state under the provisions of the law including:

- District level vigilance committees and a fund for rehabilitation of bonded labourers
- Surveys to identify bonded labour in different sectors<sup>13</sup>

In collaboration with the national Comprehensive Scheme to Strengthen Law Enforcement Response in India against Trafficking, the state government has undertaken the following:

- Anti-trafficking units (AHTU) formed in districts to respond to trafficking in persons
- Police personnel being trained towards sensitive handling of victims and survivors. The Rajasthan Police Academy (RPA) in collaboration with trainers from NGOs like Taabar and Manjari as well as CWC members conducts these trainings. UNICEF also conducts trainings on behalf of RPA.

The table below provides an overview of various institutions in the state:

Bonded labour Related Institutions	Formal Status in the State	Broad Responsibilities	Actual Current Status	Stakeholders' Opinion
<b>District Bonded Labour Vigilance Committees</b>	Vigilance committees exist in all the districts of the Rajasthan, under Labour Departments	Identification, survey, rescue, rehabilitation and overall monitoring of practices of bondage within the district	The Vigilance committees are not active. Between 2004 to Jan 2016, no bonded labour was officially rehabilitated by the committees <sup>14</sup>	The vigilance committees are not active at all
<b>District Anti Human Trafficking Units (AHTU)</b>	AHTUs have been established within the Rajasthan Police	Identification and rescue of trafficking victims with inter-departmental collaboration, and ensuring prosecution. Government's role post-rescue is described below	AHTUs have been constituted in all the districts of the state. Together with Childlines they conduct Operation Smile and rescue children.	AHTUs are quite active. They are ready to work in collaboration with CSOs.

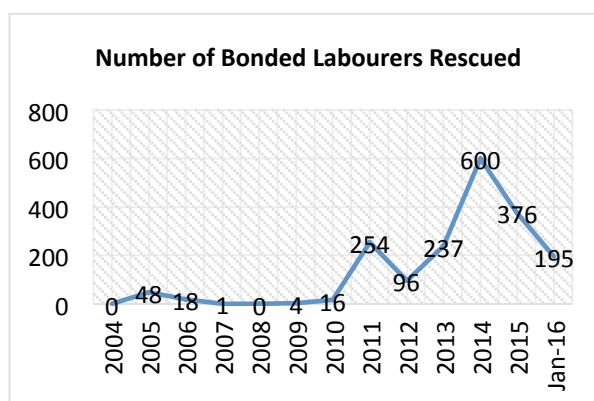
<sup>13</sup> In responding to starred question, No. 816, asked by Sri Vasudev Devnani, 2013; [http://rlaquest.raj.nic.in/QuestionsWeb/Que\\_Rep.aspx](http://rlaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx) The labour department has replied that a special survey has been conducted in 9 districts of the state and that no bonded labour were found in the last 10 years

<sup>14</sup> Starred question no. 70.3244 by Shri Abishek Malviya in Legislative Assembly on 03.03.2016 - In the reply they said that it was not done by the vigilance committee but by the District administration

Apart from above, district level funds were created for rehabilitation of bonded labourers, under the government’s rehabilitation scheme, which was revised in 2016. Under the revised scheme the rehabilitation package is set at Rs. 100,000 (approximately US\$1,500) for adult male beneficiaries, Rs. 200,000 (approximately US\$3,000) for children and women, and Rs. 300,000 (approximately US\$4,500) in cases of extreme deprivation. These financial benefits are additional to other assistance to be given, as in the original scheme, i.e. allotment of house site and agricultural land, land development, low cost dwelling units, animal husbandry; and wage employment, enforcement of minimum wages etc. As per the new guidelines, the District Magistrate has to submit a report stating the penalty/ imprisonment awarded to the accused in the Summary Trial in order to disburse the package. This is a major change because it requires a conviction of the offender, rather than simply the ruling that the individual had been in bonded labour. Stakeholders interviewed during the scoping study shared that while they are happy with an increase in the compensation amount, they are dissatisfied with the conditions attached to it. As per official sources there has been no conviction between 2004 to Jan 2016<sup>15</sup>.

Apart from the Bonded Labour Act, several other labour laws are applicable including minimum wages, legislations related to mining and quarrying and the Contract Labour (regulation and abolition) Act, and in many cases the Inter-State Migrant Workmen Act.

The total number of bonded labourers rescued between 2004 and January 2016 in Rajasthan is 1,845. Out of this 611 were bonded child labourers. The highest number rescued was 600 in 2014. Most of the bonded labourers rescued belong to other states. Between 2013 and 2015, 904 rescued bonded labourers belonged to Bihar and 132 to other states. Out of 1,845, the highest number, 1,059, were rescued from worksites in Jaipur, 169 from Bhilwara, 116 from Bharatpur and 120 from Sikar. There is no disaggregation available sector wise<sup>16</sup>.



### 2.2.2 State Government response on Child Labour/Child Bonded Labour

Under the Juvenile Justice Act, children who are identified as child labour or child bonded labour are defined as children in need of care and protection. They are also expected to be beneficiaries under the provisions of the Integrated Child Protection Scheme. In addition in 2012, the Rajasthan government made its approach to child labour consistent with the age definition of a child in the Juvenile Justice System by increasing the age at which working children were found to be in child labour up to 18 years (rather than 14). At the same time they issued Standard Operating Procedures (SOP) that specified the responsibilities of different state institutions for addressing child labour. Rajasthan Police is also implementing Operation Smile in selected districts where they rescue trafficked children. Rajasthan Police Academy is providing trainings to its personnel about the laws and the spirit of the laws related to children as well as the SOPs issued in this regard. (Although training need analysis conducted by TAABAR in 2015 concluded that police officials are not yet sufficiently aware about the appropriate procedures when they came in contact with children in difficult circumstances).

<sup>15</sup> Starred question no. 70.3244 by Shri Abishek Malviya in Legislative Assembly on 03.03.2016

<sup>16</sup> ibid



The institutions created under various laws related to children have the following responsibilities for children in bondage situations:

Child labour Related Institutions	Formal Status in the State	Broad Responsibilities	Actual Current Status	Stakeholders' Opinion
State Commission for Protection of Child Rights (SCPCR)	Constituted in 2010 with a chairperson, secretary and a member	Overall monitoring of child protection; right to education, and providing safeguards against child rights violations	SCPCR together with NCPCR conducts several monitoring visits in brick kilns, mines and state run institutions for children	While SCPCR has been pro-active to deal with cases of child labour in the state, the actions are not frequent.
District Child Welfare Committees	Constituted in all the district headquarters	Ensure best interest of children in need of care and protection who are brought before the CWC	New CWCs are formed across the state in Oct-Nov 2016. Stakeholders interviewed reported that only a few CWCs were active in their last tenure	There are some issues in selecting appropriate candidates for CWCs in many districts. The new CWC members need to be trained and oriented properly. Ex-CWC members can provide guidance in initial phases to new CWCs.
Child Protection Units	Constituted at the state, district and village level in 2011	Effective implementation of child protection laws and schemes; protect and prevent children from child rights violations	The Child Protection Units only exist on paper. Some CP units at district and village level were made active through CSOs interventions, including UNICEF	These can be effective units at the grassroots level to address problems, but they are not functional. At many places village members are not even aware that they are the members
Special Juvenile Protection Units	At district level, Child Welfare Police Officer (CWPOs) designated at police station level	Identification and sensitive handling of children in need of care and protection, and children in conflict with law	Rajasthan Police Academy and a few CSOs in collaboration conduct regular training of officers of SJPU	There is substantial gap in capacity and exposure of officers at SJPU. Many of them have not even visited CWCs or homes for children
Childline	Childline is functioning in 14 districts	Child helpline for children in distress	It collaborates with other agencies as part of the implementation of the Integrated Child Protection Scheme, including triggering rescue operations when needed.	Childline has an official collaboration with many government departments and functioning well in the state

Child labour Related Institutions	Formal Status in the State	Broad Responsibilities	Actual Current Status	Stakeholders' Opinion
District Task Force On Child Labour (since 2011 <sup>17</sup> ).	Chaired by District Collectors with membership of relevant departments, NGO representatives, and trade union leaders	Identification, rescue and rehabilitation of child labourers	Task forces not very active. A few under UNICEF (in South Rajasthan) have been reconstituted and made active	Task force is defunct. All the rescues happen through the local coordination of labour department, police and CSOs. District level fund for child labour exists with Rs. 14,015,000 (approximately US\$215,600) but no expenses have been incurred <sup>18</sup> .
Homes for Children	State government has not established homes in each district for children for all the different categories as mandated by law	Homes for children for institutional care and rehabilitation	There are 112 homes in the state, out of which 43 homes are run by government, 36 by NGOs with aid from government and 33 homes run by NGOs from their own resources	The condition of Government homes is not good in comparison with NGO-run homes. There is less admission of children into government homes whereas there are too many admissions into NGO run homes <sup>19</sup>

### 2.2.3 Child Marriage Act and the status of Implementation

Rajasthan ranks number one in the country for prevalence of child marriage, based on current data from the Annual Health Survey, 2011-2012. The districts where there is a high prevalence of child marriage are Dausa, Sawai Madhopur, Tonk, Chittaurgarh, Bundi, Jhalwar, Bhilwara, Bharatpur, Karauli, Udaipur and Baran. Studies on child trafficking have shown that child marriage is used as a mechanism for achieving trafficking<sup>20</sup>. There are a number of recent media reports which highlight the trafficking of girls for and through child marriage in Rajasthan, across the border of neighbouring states and also a few cases of international trafficking. There is rampant cross-border trafficking of girls for child marriage between Gujarat and Rajasthan<sup>21</sup>. A respondent during the study said that declining sex ratio resulted in 'paro' practices in Alwar the pejorative term for women and girls trafficked for marriage from other states, mainly Bihar, UP and Jharkhand. Many of these women are made to serve the whole household and sexually abused. Many are also sold off to other families. This practice is also observed in Jhunjhunun and Sikar.

The state government notified regulations under the Prohibition of Child Marriage Act, 2006, and created Child Marriage Prohibition Officers (CMPO), but because it was typically senior officials with many other responsibilities who were appointed as CMPO, they are not able to perform well. There are some schemes which address the root causes of the child marriages, including awareness

<sup>17</sup> <http://icds-wcd.nic.in/icpsmon/pdf/PAB-Minutes/Rajathanminutes25112011.pdf>

<sup>18</sup> Starred question, Q No. 505, Asked by Sri GC Katariya, 2013; [http://rlaquest.raj.nic.in/QuestionsWeb/Que\\_Rep.aspx](http://rlaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx)

<sup>19</sup> [http://agraj.cag.gov.in/themes/GSSA%20reports/Audit%20Report%20\(G&SS\)%202014-15-English.pdf](http://agraj.cag.gov.in/themes/GSSA%20reports/Audit%20Report%20(G&SS)%202014-15-English.pdf)

<sup>20</sup> A Study on " Child Marriage in India: Situational Analysis in Three States; Centre for social research; 2007, <http://www.csrindia.org/images/download/case-studies/Child-Marriage-Report.pdf>

<sup>21</sup> Based on telephonic interview of Aajeevika Bureau

generation among adolescent girls on child marriage and its health effects. There are also some conditional cash transfer and award schemes to prevent child marriages. Central government schemes include Integrated Child Protection Scheme (ICPS), Kishori Shakti Yojana, Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA), vocational and life skill training courses, residential bridge courses for girls, Meena Manch. Rajasthan government is also implementing a few schemes which include Swawalamban Scheme (vocational training for women), Sahyog Yojana, Apani Beti Yojana, Ladli Samman and Devnarayan Scheme.

#### **2.2.4 Government Openness on Interventions on Child and Bonded labour**

The interviews with stakeholders during the study indicate that the Government of Rajasthan is open to work on the issue of child bonded labour with CSOs in a collaborative way. However, the degree of pro-activeness varies between the sectors of employment and between children and adults. Children are a high priority for the state. For example, they are working with UNICEF to make a series of districts child friendly. They have started with Tonk and plan to scale up to four additional districts.

But for some sectors that are heavily affected by bonded labour and trafficking, there seems to be less effort. For example in mining, the state government provides support for Silicosis affected workers, but is currently not addressing the inter-generational bonded labour of these mine workers. As described below, it is this inter-generational bondage that means that when the adult male is unable to continue to work due to silicosis, the adolescent son will often have to take his place. Respondents reported that worksites in highly affected industries are hardly visited by the labour department whether it is mines, brick kilns or workshops. The reason for this, explained by a Government official, is that the department is understaffed and under-resourced and they find it difficult to monitor and visit so many sites.

The Rajasthan government's response to cases of trafficking is also not yet sufficient. Although the media reports cases of trafficking in the state on a regular basis, the government system is not yet responding sufficiently to the gravity of the situation. During 2015 in Rajasthan, 131 legal cases related to human trafficking, and 44 related to child trafficking were reported<sup>22</sup>.

**Policy, coordination and implementation gaps** - interviews with stakeholders identified the following gaps in policies and their implementation, especially on bonded and trafficked child labour:

- **Inadequate identification of victims:** As noted above, very few government officers or police officials visit the areas where bonded labour is rampant, such as stone quarries, brick kilns or urban workshops. A respondent from the brick kilns reported two deaths in a kiln for which the police visited the site once, but nothing happened. Likewise there is insufficient action to extend worker recognition and social protections under key relevant Acts such as the Building and Construction Workers Act and Inter-state Migrant Workers Act, which could have strong benefits for workers and their children.
- **Difficulties with children's shelter homes:** There are insufficient homes for children in need of protection, especially for girl children. This restricts the rescue of large numbers of children from workshops. There have also been cases of sexual abuse in homes, including in uncertified homes. Further proactive steps are needed to identify and regulate private shelter homes. In addition, staff at shelter homes need further training and homes need to provide adequate nutritious food.
- **The inactiveness of district and village-level committees.** CWCs are active in only a few districts, and the appointment of new CWC members means that fresh and regular trainings and on-going guidance are needed. Likewise official village level child protection committees need to be activated to help prevent exploitation of children (including through child marriage).

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<sup>22</sup> National Crime Record Bureau, 2015

- **Difficulties with prosecutions:** Most of the real business owners (for example the actual owners of the workshops) stay untouched during the whole rescue and prosecution process. Only in a few cases, because of proactive labour officers, have owners been caught for the crime. In these cases, the labour officers facilitated the legal case filing process with the police.
- **Challenges of inter-state cooperation:** The sub-contractors who run the workshops are typically from other states and this causes a hurdle in collecting fines as well in prosecution. There is also insufficient coordination between the Rajasthan government and the source state officials regarding longer-term rehabilitation of returning bonded labourers. In addition, the labour department collects fines from employers and deposits it into the district fund created for welfare of child labourers but this rarely gets used because rescued children often belong to other states
- **Need for more inter-agency coordination:** Every case of child and bonded labour draws on responsibilities held by different officials and on specialist services with which civil society could assist. Currently there is inadequate coordination between all these stakeholders.

### 2.3 Civil Society in Rajasthan

Rajasthan has had a vibrant citizenry that has thrown every state government out of power in the last three decades. The unforgiving nature of people in elections in Rajasthan has kept the political executives on their toes in the last two years of each of their tenures. This has also been possible because of the presence of a strong civil society that focuses on governance. Rajasthan boasts a large number of civil society organisations working on a wide range of issues, covering all sectors of social development. The issues of poverty, illiteracy, child marriage, child labour, dowry and caste discrimination all find a place regularly in the media through efforts of civil society organisations. For any development programmes as well, the state is always a priority for many donors. Society in Rajasthan has its own complexities owing to the presence of multiple cultures and the presence of strong traditional panchayats (village self-government bodies). It is important to note that India's modern forms of local government were introduced first in Rajasthan. It stands out as a good blend of modern and traditional forms.

Rajasthan has seen many innovations from civil society. It is pertinent to mention here that the foundation of the Right to Information was laid in Rajasthan. Social audits, *jan sunwai* (public hearings), and the water movement have all been innovated and scaled up here. Even the labour helpline is a new model. Many innovative government programmes were also piloted in Rajasthan on education, adult literacy and women's empowerment such as Lok Jumbish and Mahila Samakhya. The famous Supreme Court judgment *Vishakha and other vs. State of Rajasthan* on sexual harassment has a history in Rajasthan. The NGOs in Rajasthan are not only pioneers in rights based interventions, but also famous for leading in welfare models. There are many programmes being run by NGOs on non-formal education, sponsorships and providing health services to children. People from marginalised groups including women are heading many organisations working on the issues of caste atrocities and other evil practices like dowry and child marriage.

Likewise, Rajasthan's context of outmigration of labour in vulnerable conditions, and the presence of key high-risk industries has led to the emergence of civil society organisations focused on workers' rights and protection. With respect to bonded labour and movement of labour, the vulnerability of low income families in Rajasthan is undoubtedly high because the northern border is with Delhi and Uttar Pradesh, and the southern border is with the richer states of Gujarat and Maharashtra. In addition, since the 80s when the environmental lobby began to ensure that brick kilns move away from Agra to avoid polluting the Taj, there has been a steady mushrooming of brick kilns in Rajasthan, to meet the demand of the growing construction industry as well. With a major part of Rajasthan being a desert, Gujarat, Maharashtra and Madhya Pradesh offer employment opportunities in agriculture, daily wage labour and other formal and informal sector jobs. There are many NGOs operational in these border areas, attempting to assist in the safer movement of such labour.

The Juvenile Justice Act has also stimulated civil society in a new way through facilitating the creation of institutions like Child Welfare Committees (CWCs), which created a formal linkage between the state and civil society. CWCs are a quasi-judicial institution charged with acting in the best interests of children in need of protection, and often there are civil society activists present in CWCs. This has helped CWCs to emerge as proactive institutions, because these members do not want to lose their credibility. Strong CWCs can help civil society in their interventions.

In terms of actions of formal businesses, there are some like Beltrami, London Stone and Stoneasy that support progress toward ethical trading within the mining sector, including encouraging local businesses to participate in discussions led by CSOs working in the sector. Together with Beltrami and London Stone, ARAVALI is working to create Child Labour free Zones (CLZ), especially in areas where children are working to make cobbles for the European market.<sup>23</sup>

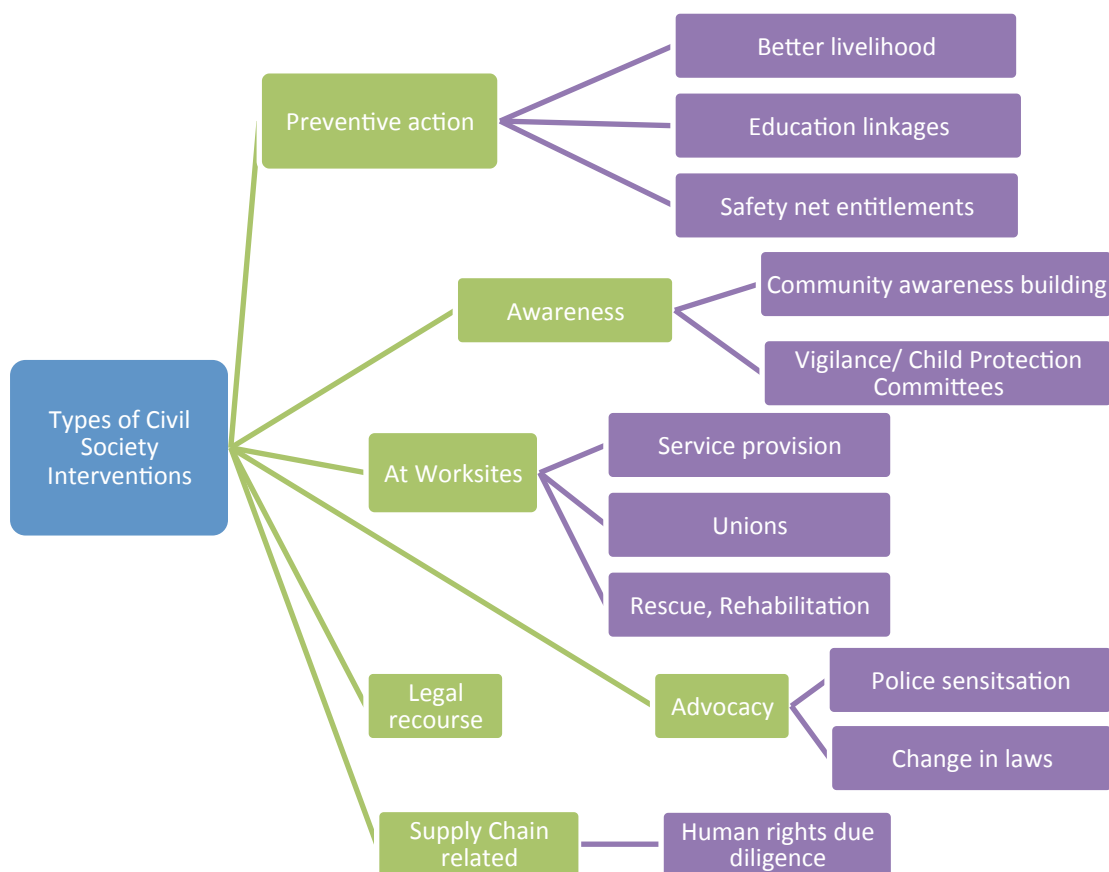
Similarly, GoodWeave works to end child labour in the rug industry in Rajasthan. Its approach is that if enough consumers choose ethically produced carpets in preference to those that might have child or forced labour, then importers and exporters worldwide will follow this demand. It runs a Certification Program that provides an assurance that the carpet manufacturers who voluntarily join as licensees and agree to its independent verification, adhere to the GoodWeave standard.

### **2.3.1 Overview of Civil Society interventions on bonded labour and trafficking in Rajasthan**

The team interacted with 26 civil society organisations in the course of the study that were engaged with people in situations of bonded labour or child labour across various sectors in Rajasthan. The range of interventions on the issue that civil society is actively working on in Rajasthan, are detailed in the image below:

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<sup>23</sup> <http://nochildleftbehind.co.uk/>



### 2.3.2 Challenges for Civil Society in Rajasthan

The state has a significant number of strong NGOs that have a thematic focus and are often territorial. There have been opinions that it would be difficult to facilitate such NGOs to work together. A major reason for this is the presence of numerous donors in the state, whose processes of monitoring and evaluation invariably focus on attribution to their own funds. Given that most NGOs receive funds from a range of donors and the same donor gives funds to many NGOs, the challenge is that some NGOs are unwilling to talk to each other (as they have competing interests).

Migrant labour is a clearly visible and generally recognised issue within civil society in Rajasthan but bonded labour has a much lower visibility and recognition. Mobilising civil society groups under the bonded labour umbrella is likely to be an uphill task, because there has rarely been such an effort at state level. Likewise, with the presence of a multitude of state institutions working on issues of trafficking (the police, CWC, judiciary, Ministries of Labour, Women and Child Development, Social Justice and Empowerment) it will be important to evolve a clear collaboration plan to facilitate convergence of these institutions at the state level.

There are organisations and major programmes that work on issues with an indirect linkage like nutrition, education, livelihood and health and if these issues are strongly addressed, it could help prevent bonded labour and trafficking. However, as of now, these organisations have not consciously made the programmatic linkage with bonded labour, though some of them have linked the programme to child labour.

Overall, the study team felt that the NGO sector working on these issues, was grappling with the following challenges:

- There is a limited awareness among the NGOs themselves of the existence of extreme forms of bonded labour and of ways of working specifically on that issue. There are pockets of research and action that have taken place on the issues of bonded labour and child labour but these have not been sustained over the long term.
- Action on “soft” issues like linking people with social entitlements is quite common, but since there is generally nothing in NGO organisational strategies about identifying, understanding and dealing with bonded labour, the benefits achieved may be isolated and short-lived
- Helplines to facilitate safe migration exist but these do not attract many calls related to bonded labour. This may be due to the “normalisation” and invisibility of coercive and debt bonded conditions, while the helplines then tend to pick up on some of the symptoms such as non-payment of wages, lack of compensation for accidents etc.
- Unions have been formed by different organisations across many sectors including brick kilns, stone quarries and construction works, but a lot of these unions have ceased to exist or are not functional especially in brick kilns and stone quarries. This is mainly because of migratory nature of workers, dependency of unions upon NGOs and on their funding, and lack of groups based in the communities which is required to challenge local power dynamics
- Several NGOs engage closely with the Government but the data on bonded labour that the NGOs produce is often dismissed and labelled alarmist.
- The police are willing to engage closely with NGOs regarding rescues in some sectors, but often feel helpless because while they may want to rescue more bonded child labourers they lack basic logistics, e.g. shelter and food for the restoration of these children
- Many organisations work with the CWC but they are not very strong, and they all rely on the initiative of particular individuals, so sustained impact on influencing the institutions does not happen
- Rescues are facilitated in large numbers, especially from the workshops in Jaipur, but in the absence of a reliable and accountable civil society system for interstate linkage and rehabilitation, Government systems for full reintegration are also not properly functional
- The NGOs working on relevant issues have not had the opportunity yet to partner closely with the most relevant of the statewide programmes focused on more mainstream issues such as nutrition, work with adolescent girls etc. Until the field staff of these larger programmes that have a wide reach throughout the state can also be equipped to address the interlinked issues of bonded and child labour, the impact of these mainstream programmes towards their own goals may be limited.



## **The scale and nature of bonded labour, child labour and trafficking in Rajasthan**

### 3. The scale and nature of bonded labour, child labour and trafficking in Rajasthan

#### 3.1 Scale, Dimensions and Forms of Bonded Labour

As per official data of the Government of Rajasthan (Questions and Answers raised in the state legislative assembly), bonded labour is negligible and practically non-existent in the state. Between 2002-2012, not a single case of bonded labour was identified by the district administration in nine of the districts of Rajasthan<sup>24</sup>. This despite the fact that estimates have been made for different sectors/industries in the state in studies conducted by universities and non-government institutions that show bonded labour on a significant scale. For example, a study commissioned by India's Planning Commission in 2010, identified Rajasthan as a "high incidence" state<sup>25</sup>. According to reports, Rajasthan has more than 300,000 bonded labourers in brick kilns<sup>26</sup>. According to an estimate<sup>27</sup> arrived at in a study in 2010 approximately 375,000 children work in mines and quarries across the state.

Not only is the scale of bonded labour high in Rajasthan, but also it disproportionately affects marginalised groups. A survey commissioned by the Planning Commission in 2010 on the Bonded Labour Rehabilitation Scheme in Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh found that nearly 83% of rehabilitated bonded labourers belonged to SC or ST communities<sup>28</sup>.

*The situation is dismal in the districts of Alwar and Bharatpur, where children are forced to work in the fireworks industry where the risks to personal health and safety are extremely high. The prime industries where children are employed are in the manufacturing of bangles, embroidery and weaving of carpets - all of which need tender hands for finesse. Jaipur is a major centre for child labour*

Source: <http://timesofindia.indiatimes.com/city/jaipur/Rajasthan-rank-high-in-child-labour/articleshow/18916983.cms>

NGOs and civil society organisations shared that sectors where bonded labour is commonplace include agriculture, mines and quarries, brick kilns, cotton industries, bangle making, embroidery, carpet and other handicraft goods, and commercial sexual exploitation. Each region of Rajasthan has unique practices around bonded labour, for example, Kota which is recognised as a city that provides coaching for engineering and medical entrance examination, is a hub for employing child bonded labourers in canteens for students who stay there for coaching;<sup>29</sup> or Chittorgarh and Barmer which are a hub of cement factories and have a large number of girls trafficked in for sex work<sup>30</sup>; or Jaipur which has numerous workshops and is estimated to be employing "more than 50,000 child labourers in the age group of 5-14 years"<sup>31</sup>.

Employment conditions in Rajasthan also tend to make people highly vulnerable: 70.7% people are engaged in informal sector, 73.8% people are engaged without any written job contract, 82.2% do not get any paid leave and 83.4% do not access any social security<sup>32</sup>. Most of the rural areas, especially desert areas are poverty stricken. There is a positive correlation between the poverty of the area and the incidence of bonded labour<sup>33</sup>.

<sup>24</sup> Starred question, Q No. 816, Asked by Sri Vasudev Devnani, 2013; [http://rlaquest.raj.nic.in/QuestionsWeb/Que\\_Rep.aspx](http://rlaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx)

<sup>25</sup> Source: A Report on Bonded Labour Rehabilitation Scheme under Centrally Sponsored Bonded Labour System (Abolition) Act, 1976 in the States of Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh, Socio Economic and Educational Development Society (SEEDS), Sponsored by Planning Commission, Government of India, 2010

<sup>26</sup> Source: CSEI press note on event with released bonded labourers, shared by PUCL: <http://puclrajasthan.blogspot.in/2014/06/more-than-50-million-bonded-labourers.html> and Over Three Lakh Bonded Labourers Work in Rajasthan, The Times of India, June 24, 2014, <http://timesofindia.indiatimes.com/city/jaipur/Over-3-lakh-bonded-labourers-work-in-Rajasthan/articleshow/37107967.cms>

<sup>27</sup> Source: [http://India's Childhood in Pits](http://India's%20Childhood%20in%20Pits); <http://www.indianet.nl/pdf/ChildrenAndMiningIndia.pdf>

<sup>28</sup> [http://planningcommission.nic.in/reports/sereport/ser/ser\\_bon0405.pdf](http://planningcommission.nic.in/reports/sereport/ser/ser_bon0405.pdf)

<sup>29</sup> As shared in a telephonic interview of an organization, TAABAR, working in Kota on Street and working children

<sup>30</sup> As shared in a meeting with Centre for Labour Research and Action, Prayas

<sup>31</sup> Source: <http://timesofindia.indiatimes.com/city/jaipur/Rajasthan-rank-high-in-child-labour/articleshow/18916983.cms>

<sup>32</sup> The India Exclusion Report, 2014

<sup>33</sup> Source: [http://planningcommission.nic.in/reports/sereport/ser/ser\\_bon0405.pdf](http://planningcommission.nic.in/reports/sereport/ser/ser_bon0405.pdf)

### 3.2 Children in Bonded Situation and Trafficking

As per Census 2011, Rajasthan has approximately 252,000 child labourers (those in the age group of 5-14 years) in the main workers category (i.e., those who worked for at least 183 days in the 12 months preceding the census taking), and 850,000, if all the categories are taken into account. Jodhpur district has the highest number of child labourers followed by Jaipur and Bhilwara. The table alongside shows the top 10 districts of Rajasthan where child labour is rampant. Districts like Bhilwara, Jalor and Ajmer have more girl child labourers than boys.

	District	Child Labour (Main Workers)		
		Total	Male	Female
1	Jodhpur	15719	8328	7391
2	Jaipur	15549	9004	6545
3	Bhilwara	14714	6682	8032
4	Jalor	14492	6091	8401
5	Barmer	13432	6772	6660
6	Bikaner	12134	6879	5255
7	Nagaur	12131	6296	5835
8	Udaipur	12044	6649	5395
9	Alwar	10853	5575	5278
10	Ajmer	10460	4690	5770

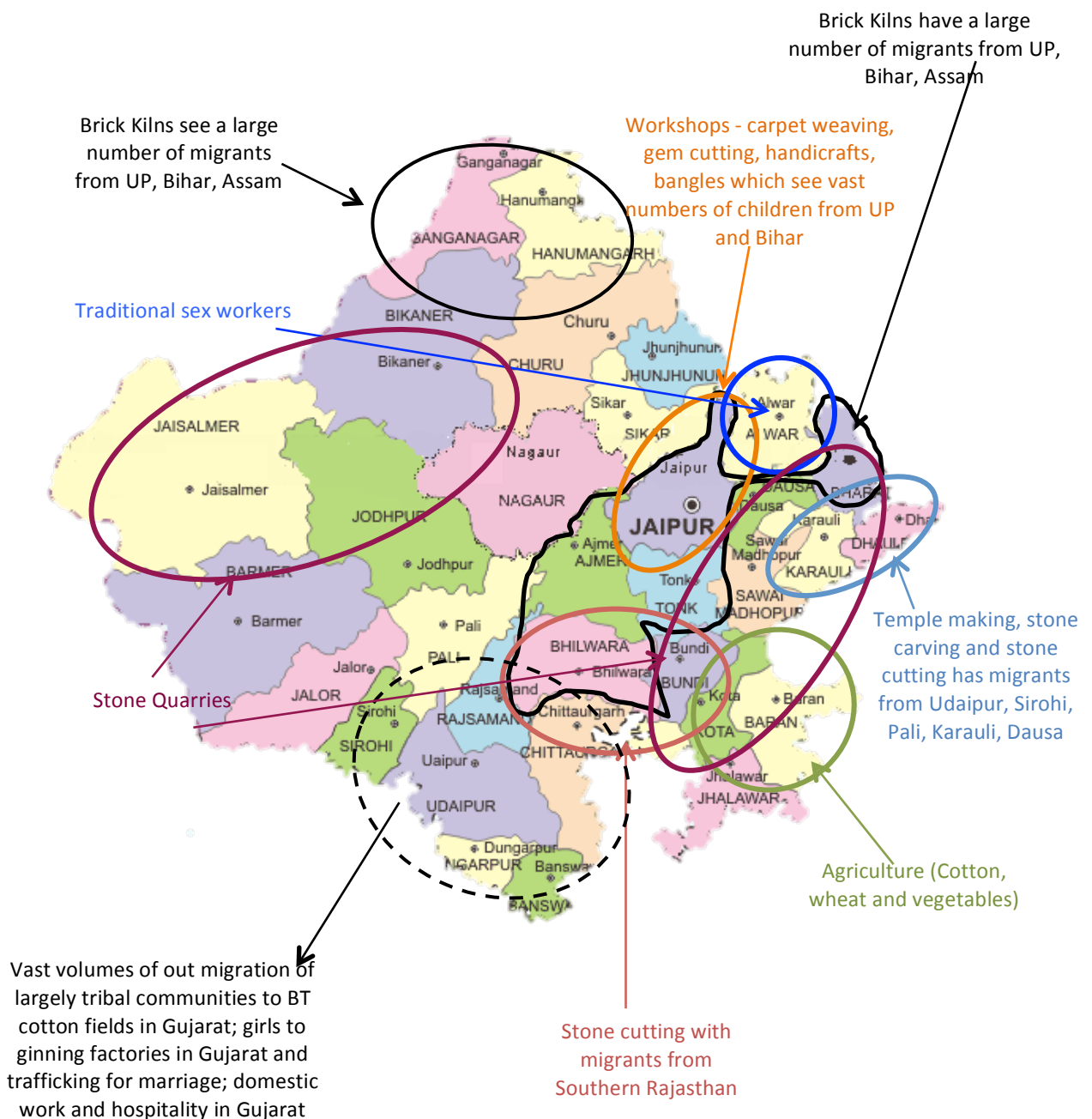
Rajasthan also shows very high rates of child marriage cases every year and ranks number one in the country with the highest prevalence of child marriage, based on data from the Annual Health Survey, 2011-2012. Overall, nearly 58% of currently married women aged 20-24 in the state were married before the age of 18, about 22% were married before the age of 15 and 36% married between the ages of 15 and 17 years.

The research team had detailed discussions with NGO partners who were able to provide more insights about children (including Taabar, Vaagdhara, Aajeevika and Childline), to understand more nuanced details of the specific impacts of different work set-ups on children. The table below summarises these discussions and each sector is arranged in each column by severity of that condition:

	High physical risks (Most severe to least severe)		No freedom to exit (High to low)		Wage payments (Lowest wage first)		Long work hours (longest duration first)
1	Brick kilns (smoke affects eyes, breathing problems)	1	Hotels	1	Hotel (as low as Rs. 50-60 per day) (US\$0.9 - 1)	1	Hotel (18-20 hours on average)
2	Liquor factory (Health risk of contracting TB, fear of addiction)	2	Liquor factory	2	Harvest (Rs. 80) (US\$1.1)	2	Ghadariyas (18 hours)
3	Hotel (accidents, made to carry heavy things)	3	Ghadariyas – shepherding, cattle-rearing	3	Ghadariyas (it is lump sum amount)	3	Brick kiln
4	Construction (accidents)	4	Brick kilns (cannot leave until target is achieved)	4	Brick kiln (25 p / brick) based on targets	4	Construction
5	Migrant labour (older children to take care of siblings; no money to buy nutritious food which they may grow at home)			5	BT cotton	5	BT cotton
				6	Construction (Rs. 100-150 a day) (US\$1.8-2.4)		

While children from Rajasthan are trafficked for various purposes, a majority are purchased for labour and in all these contexts, children are kept in bondage situations. A large number of children working in Rajasthan are brought from Bihar, West Bengal and Jharkhand. In western Rajasthan, most of these children are forced into working in the salt industry while in south Rajasthan they are engaged in farming of BT cotton. Child trafficking for commercial sexual exploitation is also common: A 2012 media report focused on 1300 minor girls trafficked over a few years from one district in Madhya Pradesh to Rajasthan for sex work by an organised gang<sup>34</sup>. Cases of missing children are also increasing. In a single city Kota, cases of missing children reached up to 823 during the past ten years. The High court has asked the Police to probe the matter<sup>35</sup>.

The map below details the areas within Rajasthan where bonded labour is prevalent. It shows high prevalence sectors as well as key source areas from where there is migration to work in bonded labour:



<sup>34</sup> <https://traffickingnews.wordpress.com/tag/rajasthan/>

<sup>35</sup> <http://timesofindia.indiatimes.com/city/jaipur/HC-notice-to-govt-over-kids-trafficking/articleshow/52545998.cms>

## Sectoral Overview

#### 4. Sectoral Overview

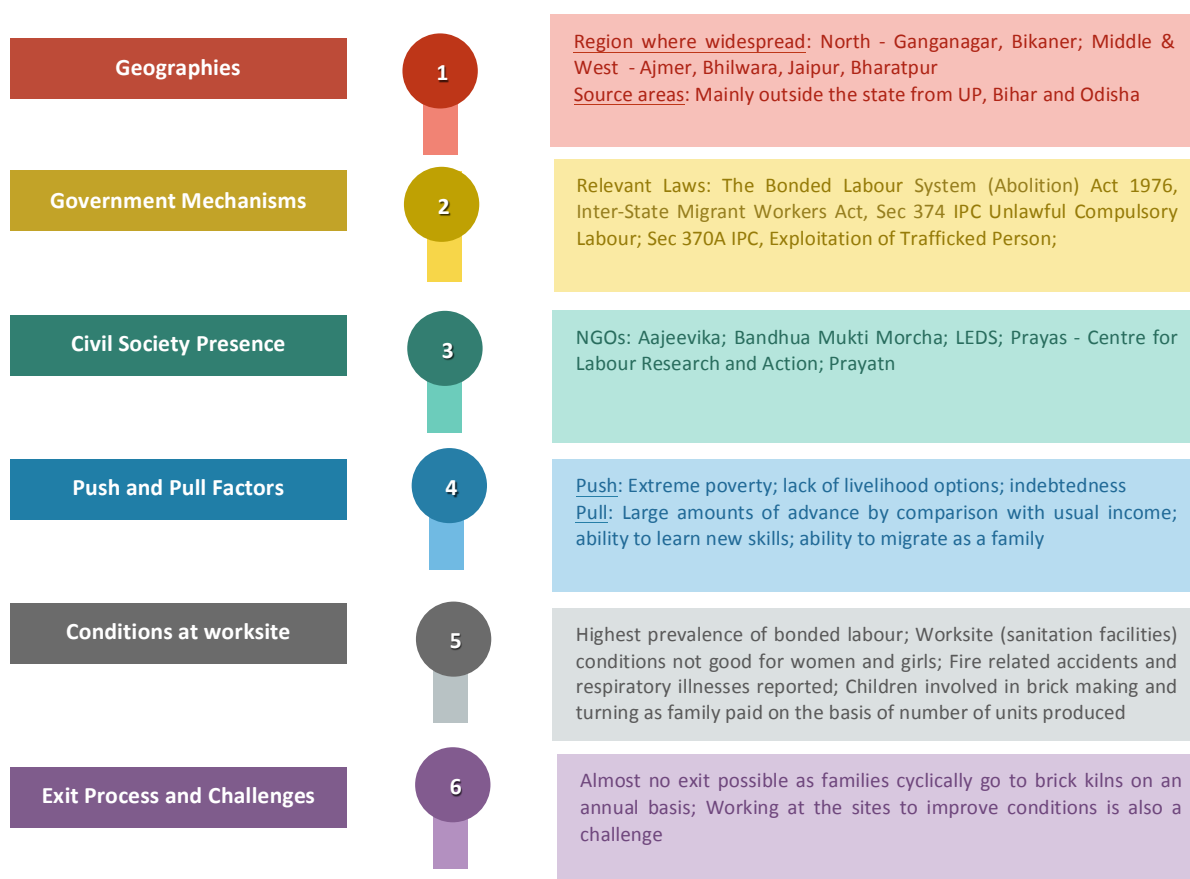
The desk review concluded after exploring various sectors notable for bonded labour and child labour that mining (stone quarries), agriculture and brick kilns seemed to be the most notable. Some telephone interviews pointed at a high incidence of child labour in Jaipur workshops, children working in gem polishing, trafficking of girls from Southern Rajasthan, bonded labour among the Sahariya community (an indigenous and vulnerable tribal community living in South Eastern Rajasthan), salt-pan workers and commercial sexual exploitation in traditional sex worker communities. Information and patterns within all the above sectors were explored with various NGOs, and the sectors for more detailed reporting were selected in consultation with the Freedom Fund. The sectors are:

1. Brick kilns
2. Jaipur workshops
3. Stone quarries
4. Sahariyas in agriculture
5. Trafficking from Southern Rajasthan

The following section presents a broad overview of these above sectors.

##### 4.1 Brick Kilns

An overview of the brick kiln work is presented in the image below:



##### 4.1.1 Sectoral Overview: Brick Kilns

The brick season is from October to May, with a large number of migrants coming to Rajasthan in mid-November. A recent report for the Hindu Centre for Politics and Public Policy analyses labour patterns at brick kilns in Rajasthan, especially recruitment/ hiring and

firing of labour, highlighting the characteristics that clearly make this bonded labour<sup>36</sup>. According to the India Exclusion Report, 2014, Rajasthan has more than 300,000 bonded labourers in brick kilns<sup>37</sup>.

The wage range is wide and payments are determined by a number of factors including:

1. Nature of task being done at the kiln (i.e: preparing the mud, making the bricks; firing the bricks; taking bricks out of the fire; loading the bricks or other tasks)
2. The amount of advance taken (ranging from Rs. 10,000 to Rs. 40,000<sup>38</sup> (approximately US\$ 154 to US\$615))
3. As per the minimum wage notification 2016, Rs 221 (approximately US\$ 3.4) for moulding 1000 bricks prior to burning the bricks
4. The number of family members involved and the quota commitment of daily brick-making that the family unit commits to (a larger family which can commit a high volume of bricks daily can get a larger advance)
5. The frequency and system of wage payment at the respective kiln (if weekly payments are made, then the daily rates tend to be lower than if a monthly payment is made)
6. The mine management adjusts the “perks” at the kiln against the wage payments (e.g. provision of meals attracts a monthly deduction; if they are given some basic provisions, these are adjusted against payments)

**WAGE RANGE at BRICK KILNS - Voices from the field**

According to the *Centre for Labour Research and Action, Prayas*: While the minimum daily wage rate for any employment in Rajasthan is Rs. 201 (US\$3.09) per day for 8 hours of work (for unskilled workers), brick kiln workers, for 12-13 hours of work, are paid as a family – paid up to Rs. 85/95 (US\$1.3/1.4). Since 2015, brick kiln work is officially paid on a piece rate basis and Prayas said that while families make up to 450 bricks a day, they don't get paid for more than 80/100

Kiln workers at *Labour Education Development Society (LEDS)* shared that families involved in brick making get paid Rs. 250/- (US\$3.8) for a couple making 4,000 bricks, which takes them 2 days to make. Therefore two people collectively earn Rs. 125 (US\$1.9) per day

Depending on the work allotted to them, they spend their entire time preparing the mud mix or making bricks or transporting bricks on their heads or arranging them for firing. All the work is hard labour. The table below details the profile of the workers involved at various stages of the brick making process:

Preparing clay for the bricks	Making bricks	Firing the bricks	Taking out fired bricks	Loading bricks onto vehicles for sale
Largely local workers from areas surrounding kilns who don't stay on site	Largely migrant workers from UP or Bihar who stay on-site	Largely migrant workers from UP and Bihar who stay on-site	Largely migrant workers from UP and Bihar who stay on-site	Largely local workers from areas surrounding kilns who don't stay on site

<sup>36</sup> Modern Day Slavery: A Study of Tribals and Dalits as Bonded Labour in Brick Kilns, POLICY REPORT NO. 18, The Hindu Centre for Politics & Public Policy, 2016

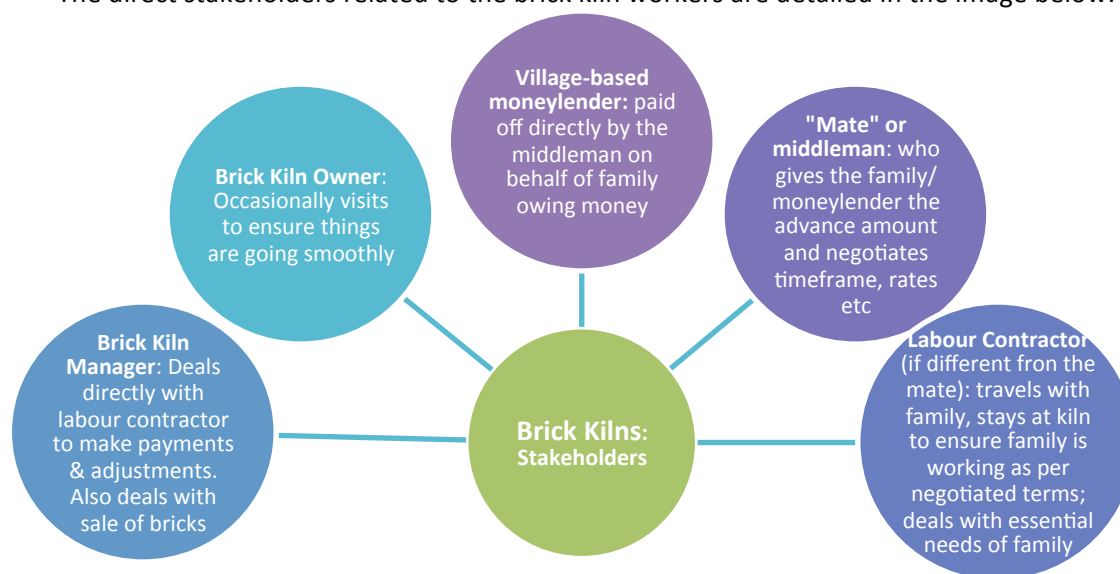
<sup>37</sup> Source: <http://timesofindia.indiatimes.com/city/jaipur/Over-3-lakh-bonded-labourers-work-in-Rajasthan/articleshow/37107967.cms>

<sup>38</sup> As shared by different brick kiln workers that the team interacted with in Jaipur and Bharatpur



Living in the brick kilns, these labourers are like captive workers for their contractors and kiln owners. Long working hours, poor work conditions and an absence of basic facilities are all indicators of exploitation<sup>39</sup>. Advances are commonly used to tie workers and their families to a kiln and keep wages low. Since the workers are not literate, their accounts are easily forged to maintain false records of the number of bricks made and the amount of money they owe. The loan given to workers at the start of the season is often used to pay off debts within their village before the workers go to the kiln. Then while at the kiln, payment for work is deducted from the advanced amount, while workers are paid small amounts to cover food costs. If further costs are incurred by the family while at the brick kiln (e.g. for treatment of illnesses often related to the living and working conditions at the site) then these are added to the workers' debts. When they go back home at the end of the season, they have very limited savings with them, spend the monsoon doing subsistence agriculture work and are in dire need of an advance by the end of the monsoon, making them vulnerable to the agents who come by for another season of brick kiln work.

The direct stakeholders related to the brick kiln workers are detailed in the image below:



**Children in brick kilns:** It is normal for whole families, including children to migrate to the brick kiln since there may be no one to look after the children at home and no money to be left at home to pay for children's food costs. In such situations, the children are not only deprived of education but actually work along with their parents. It is fairly common to see little children transporting 5-7 bricks on their heads<sup>40</sup>. Adolescents generally help with mixing and forming the bricks before firing.

In 2013, the National Commission for Protection of Child Rights (NCPCR) detected large-scale child labour at brick kilns in Bhilwara district of Rajasthan and expressed surprise over the district administration's indifference to the issue. Of the 300 brick kilns functioning in Bhilwara, only 45 were registered with the district administration. It also found that hundreds of children belonging to families of migrant labourers at the brick kilns were involved in the work along with the elders. Most of these labourers came to Bhilwara during the work season from Uttar Pradesh, Bihar, Jharkhand and Chhattisgarh and a large number of them were tribals<sup>41</sup>.

<sup>39</sup>Source:<http://www.aajeevika.org/assets/pdfs/Brick%20by%20Brick%20An%20Occupational%20Profile%20of%20Brick%20Kiln%20Migrant%20Workers.pdf>

<sup>40</sup>ibid

<sup>41</sup>Source: <http://www.thehindu.com/todays-paper/tp-national/shocking-figures-of-child-labour-discovered-at-bhilwara-brick-kilns/article4398766.ece>

#### 4.1.2 Current Interventions: Brick Kilns

The government tends to deny the presence of bonded labour<sup>42</sup> in Rajasthan. In 2015, 47 bonded labourers were rescued from two brick kilns in Maandal, Bhilwara district following intervention of the National Human Rights Commission (NHRC)<sup>43</sup>. Unions like Rajasthan Pradesh Int-Bhatta Majdur also rescue bonded labourers from brick kilns after receiving a complaint<sup>44</sup>. But the perception that was reflected by some Government representatives during this study is that brick kiln complaints are from people who have taken an advance and do not want to work it off and also want to get the benefit of the compensation provided to rescued bonded labourers.

*It was reported that Government of Rajasthan has since 2015 stopped using clay bricks for any construction work they undertake. They use only cement bricks made from fly ash and other materials.*

On the civil society end, there are four kinds of interventions on the ground related to the brick kiln sector as seen in the image and details below, where examples are provided of different organisations' activities:



1. Promoting Safer Migration and Responding to Labour Violations: Aajeevika Bureau runs a labour helpline (data from which is also used extensively by Government departments), which assists those working in brick kilns (as well as other sectors). They facilitate migrant worker registration and photo identity cards. The complaints they have received from brick kiln workers are largely wage disputes and inappropriate payment adjustments made against the advances taken. Prayas Centre for Labour Research and Action (PCLRA)<sup>45</sup> also runs a helpline for workers, and migrants from UP, Bihar, AP, Telengana, Odisha, Gujarat and Rajasthan can access this helpline service for queries they have.

2. Collectivising Workers: PCLRA have facilitated the formation of a sectoral workers' union and some brick kiln unions in Rajasthan have even managed to negotiate better wage rates for workers<sup>46</sup>. Labour Education and Development Society (LEDS) promotes a construction workers' union with 6,000 members (including brick kiln workers who are considered part of the construction industry). The construction workers' union supports construction workers to gain registration with the labour department/ construction workers boards, and linked to this registration, helps them to claim their entitlements, e.g. scholarship provisions for their children, pension benefits, loans, accidental insurance etc. However, unions and workers face challenges in accessing the

<sup>42</sup> Source: <http://timesofindia.indiatimes.com/city/jaipur/Over-3-lakh-bonded-labourers-work-in-Rajasthan/articleshow/37107967.cms>

<sup>43</sup> Source: [http://zeenews.india.com/news/rajasthan/47-bonded-labourers-rescued-after-nhrc-intervention-in-rajasthan\\_1610548.html](http://zeenews.india.com/news/rajasthan/47-bonded-labourers-rescued-after-nhrc-intervention-in-rajasthan_1610548.html)

<sup>44</sup> Source: <http://www.clra.in/files/documents/Ajmer-brick-kiln-workers-struggle.pdf>

<sup>45</sup> PCLRA has created a Wage Labour Atlas of Brick Kiln workers in Gujarat - <http://www.clra.in/files/documents/Wage-Labour-Atlas-of-Brick-Kiln-Workers-final-July12.pdf> and are keen to create one for Rajasthan as well

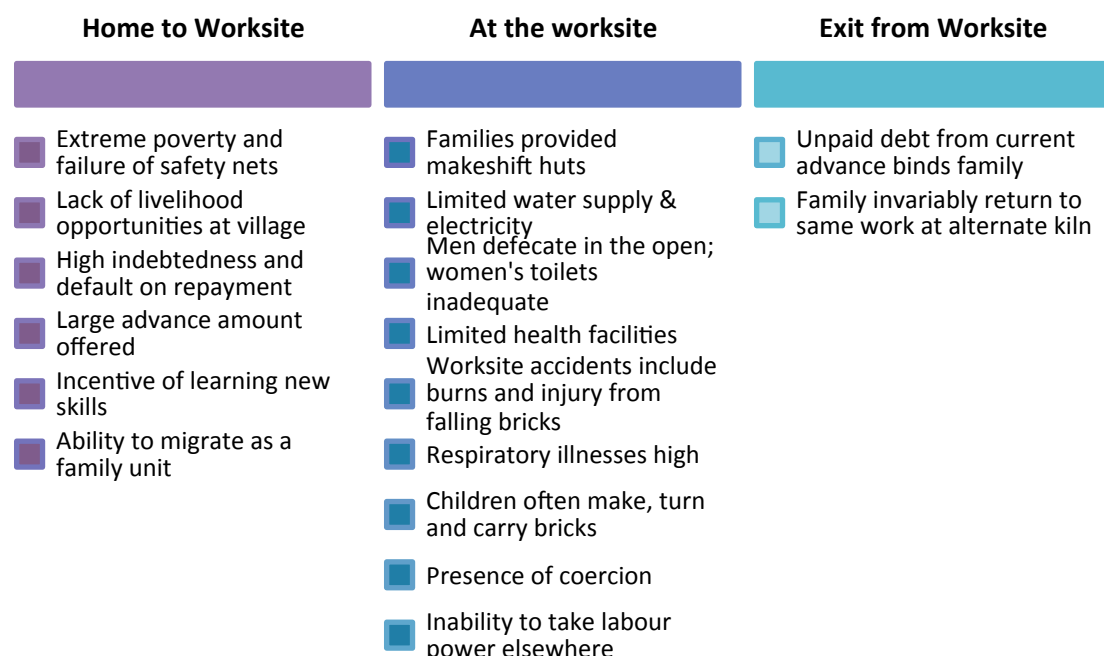
<sup>46</sup> Details on Ajmer wage negotiation of brick kiln workers: <http://www.clra.in/files/documents/Ajmer-brick-kiln-workers-struggle.pdf>

entitlements. As per a recent report Rajasthan has spent only 7.2% from the collected fund of Rs. 898.3 crore (approximately \$138.2 million) from the welfare fund<sup>47</sup>.

3. **Improving conditions at worksite:** Prayatn Sanstha works towards improving conditions at the brick kilns. While they began by setting up bridge schools for the children of brick kiln workers, they also set up alternative learning centres, where basic education and life skills training are given to girls who have never attended school. As part of their strategy, the organisation has linked these centres to the nearby Anganwadi (crèche) and village schools, and through villages committees, formed under a project, Prayatn ensured learning materials and mid-day meals to the children. It was observed during the visit that even when the funding for the initial programme was exhausted, some of the village committees continued playing their roles.
4. **Rehabilitation of rescued workers:** Bandhua Mukti Morcha (BMM) has over the years, facilitated the rescue of several groups of bonded labourers from various sectors, including brick kilns, from various parts of the country, including Rajasthan. They have facilitated the provision of the official rehabilitation funds of Rs. 20,000 (approximately US\$ 307) and other benefits. In 2014-15, BMM facilitated the rescue of workers in brick kilns in Sikar, being held against their will<sup>48</sup>.

#### 4.1.3 Workers' Point of View: Brick Kilns

Through interaction with groups of brick kiln workers and organisations working with them, the study team tried to unpack the factors that made a family move from the village to the worksite, the conditions at the worksite and what happened after rescue. In the case of the bricks sector, it was shared that the third phase of rescue or exit from brick kiln work is extremely rare. Even when a person does get rescued and manages to receive the compensation, it is not enough to sustain them over the long-term, because the underlying causes of vulnerability have not been addressed. The image below details the process:

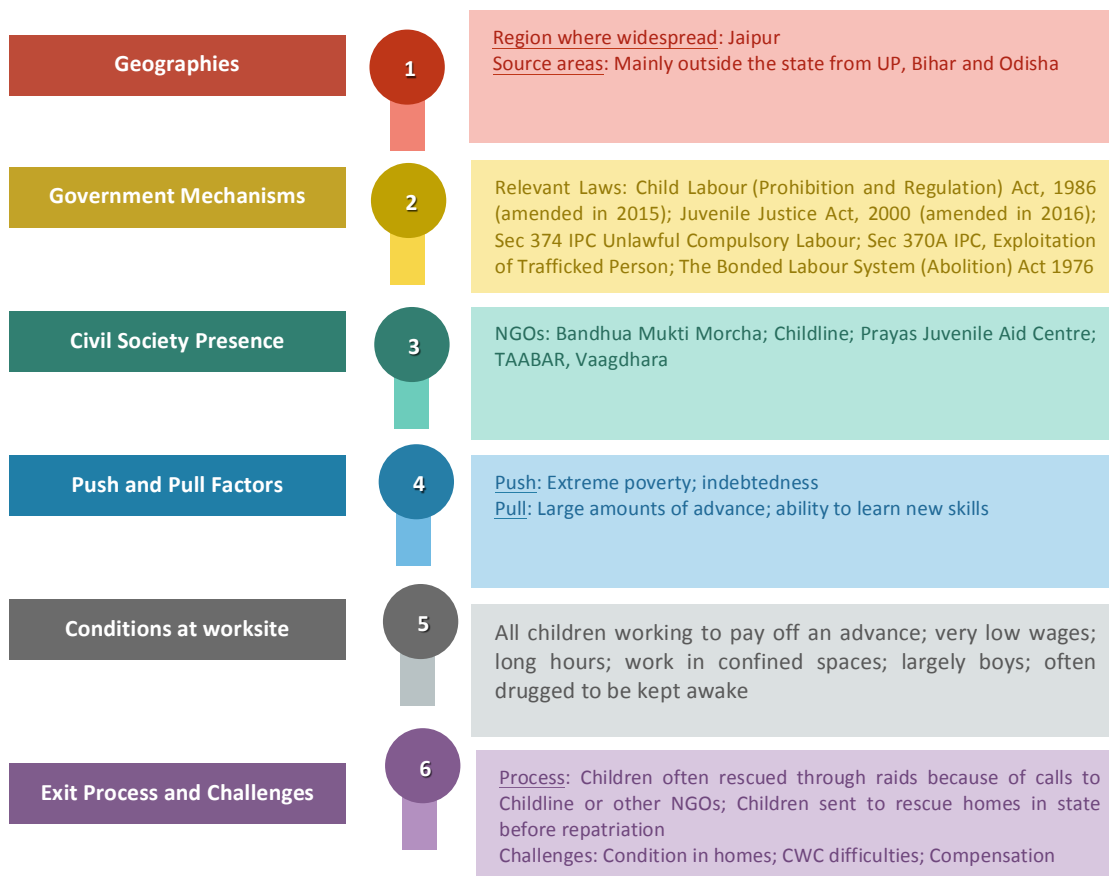


<sup>47</sup> <http://www.ndtv.com/india-news/ridiculous-that-money-for-workers-is-spent-on-babus-supreme-court-1209686>

<sup>48</sup> Source: <http://bondedlabour.org/wp-content/uploads/2015/09/Final-Annual-Report-2014-15.pdf>

## 4.2 Jaipur workshops

An overview of the Jaipur workshops work is presented in the image below:



### 4.2.1 Sectoral Overview: Jaipur workshops

The city of Jaipur is a major centre for child labour with almost 50,000 children in the urban neighbourhoods of Bhatta Basti where children are engaged in making glass bangles, in Nahari Ka Naka, Kanota and Hasanpura where children are engaged in fixing stones in lac bangles, in Ramnagar and Shashtri Nagar where there are many small workshops for handicrafts (*aari-taari* and *gota-patti*, both forms of embroidery), in Ramganj where children are engaged in *aari-tari*, and in Kho Nagoriya where children work in glass bangle workshops and carpet weaving. On the outskirts of Jaipur, are several saree and zari (embroidery) workshops<sup>49</sup>. According to the Additional Director General Police there are an estimated 50,000 – 70,000 children in zari and similar workshops around Jaipur. All these products require nimble hands to give them finesse and while 80% are boys, the 20% of girls in the workshops are seen as being able to do more artistic work.

Children are being sold for Rs. 25,000 – 40,000 (approximately between US\$ 385 to US\$ 615) in these areas<sup>50</sup>. The children being brought to these workshops are mainly from Bihar, Uttar Pradesh and tribal states like Jharkhand and Chhattisgarh. Within these states, certain districts and parts of districts, such as Gaya and Sitamarhi in Bihar are major source areas for trafficked children. Traffickers promise good jobs but the children’s conditions are not what is promised: They typically work 15 hours a day in confined spaces and in some of the work, they are being exposed to chemicals that burn their skin. They are paid Rs. 800 to Rs. 2,000 (approximately between US\$ 12 to US\$ 30) per month and fed two meals a day. Forced to

<sup>49</sup> <http://www.governancenow.com/views/columns/fight-child-labour#sthash.b0DeFklo.dpuf>

<sup>50</sup> <http://timesofindia.indiatimes.com/city/jaipur/Rajasthan-rank-high-in-child-labour/articleshow/18916983.cms>

work from dawn to dusk, the children suffer from poor vision, burns, chronic cough and even finger malformation<sup>51</sup>. Their movement outside the workshops and ability to contact their families are often severely restricted.

An NGO, Taabar, working on rescue of children, shared that the worst cases they have encountered are in zari workshops, bangle making and leather factories. They also shared that with increasing visibility and attention on the issue of workshops in Jaipur, several bangle workshops and zari factories are now moving more into the rural areas of Jaipur district.

While members of the Rajasthan State Commission for Protection of Child Rights (RSCPCR) estimate that there are 15 - 20 children daily brought to work in Jaipur workshops<sup>52</sup>, the labour department hesitates to acknowledge their existence. In the well-reported case of rescue of children from the saree making shops of Jaipur, the state Labour Department was reported to have expressed ignorance about the existence of such workshops and denied the prevalence of inter-state child migration.<sup>53</sup>

*On the outskirts of Jaipur, several saree making workshops house hundreds of children brought from West Bengal working for up to 17 hours a day for little or no money in dark rooms known as addas. Often there is no rest, no play, and no study, only a 10-minute break in a typical 17-hour day. The dinner is usually served as late as 1.30 am. Rajasthan, a state with many popular tourist destinations, has a vibrant market for zari embroidered sarees. There are many workshops producing such sarees, especially in the cities of Ajmer and Jaipur.*

- Child Rights Knowledge Activist Hub of ActionAid India

#### 4.2.2 Current Interventions: Jaipur workshops

While the Government of Rajasthan has not yet been able to take fully effective steps to prevent children from being trafficked into the state to work in workshops in Jaipur, it has been active in the rescue process.

In 2012, in order to make the law on child labour more stringent, the state government issued a notification extending the age bar on child labour from 14 years to 18 years and ensuring that the fine of Rs. 20,000 (approximately US\$ 307) to be paid by employers would be applicable to that age group as well. It also committed to contributing Rs. 5,000 (approximately US\$ 76) for each child in the Child Labour Welfare Fund, which would be spent on his or her rehabilitation<sup>54</sup>. One of the major reasons for this was the recognition that thousands of children were working in occupations such as gem polishing, aari tari, carpet manufacturing, brick kilns, domestic work, begging, bidi industry, mines, agriculture, tea kiosks and dhabas.

The state government also has a comprehensive Standard Operating Procedure (SOP) for identification, rescue, protection and rehabilitation for children employed in different occupations as well as clearly delineated roles for the police, labour department, child

<sup>51</sup> Source: <http://www.aljazeera.com/indepth/features/2014/03/indian-children-toil-jaipur-gem-industry-201433121436164849.html>

<sup>52</sup> ibid

<sup>53</sup> *Fight against child labour*, June, 2016, <http://www.governancenow.com/views/columns/fight-child-labour>

<sup>54</sup> Source: <http://timesofindia.indiatimes.com/india/Child-labour-age-limit-raised-to-18-years/articleshow/15713593.cms> - This is in addition to what was mentioned in Supreme Court guideline on the MC Mehta Case

welfare committee, social justice department and district administration. The Directorate of Child Rights has been organising trainings for CWCs, SJPU and NGOs. Rajasthan Police is part of the national project called 'Operation Smile' under which it rescues child bonded labourers in coordination with CSOs. The Rajasthan Police Academy is also conducting police trainings on the laws and SOPs related to children.

However, some representatives of the Rajasthan Police have expressed their limitations in rescuing child labour given that it is difficult to find temporary shelter especially if they rescue large groups of children. Although, there are 160 shelter homes in Rajasthan managed by government and NGOs, this includes observation homes, children homes, special homes, home for mentally disabled children, homes for women, and other types of shelter homes.

NGOs working in multiple states in the rescue process for children (such as Prayas Juvenile Aid Centre) shared that the Rajasthan state machinery for rescue is extremely efficient and actually managed to create case files for up to 180 rescued children in a day, a task that would have taken close to ten days in some other states. However, with such large numbers of children in workshops and with whole industries in the city currently dependent only on children (very few adults) as labourers, there is a need for more intensive engagement by the state to systematically identify and remove much larger numbers of children from hazardous and bonded labour.

*There have recently been many rescues and it is only in the last 2-3 years that children have been issued "bonded labourer" certificates*  
- CLRA Prayas

On the civil society end, there are four kinds of interventions on the ground related to the Jaipur workshops as seen in the image and details alongside. Agency activities are described as examples of these strategies.

1. Receiving requests for rescue: Organisations like Childline, which operate as a helpline, receive calls not just from children who work in such workshops but also other concerned citizens.
2. Facilitating rescue: Several NGOs play a role in rescue processes, following due procedure to ensure children are sent to rescue homes, presented before the CWC and that they also make arrangements alongside officials for the inter-state repatriation process.
3. Rescue Homes: Prayas JAC and Taabar are two prominent civil society organisations that run homes for children rescued from Jaipur workshops.
4. Advocacy on child labour laws: Most organisations working on rescue contribute prominently to advocating on making child labour laws more stringent. Vaagdhara, working in Southern Rajasthan, released a draft plan of action for elimination of child labour in Rajasthan in 2012 after its preparation on the request of state government in collaboration with Plan India. While there are also some workshops of similar nature being run in other cities in Rajasthan, the action to curb the practice is primarily taking place in Jaipur due to the scale of the problem.





### 4.2.3 Survivors Point of View: Jaipur Workshops

Through interactions with groups of children who had been rescued from workshops in Jaipur, the team unpacked the reasons for them to come from the home to the worksite, the situation at work and the exit process. This is detailed in the image below:

Home to Worksite	At the worksite	Exit from Worksite
<ul style="list-style-type: none"> <li>■ Extreme poverty</li> <li>■ High indebtedness of family</li> <li>■ Advance amount to parents and hope of regular wages</li> <li>■ Incentive of learning new skills</li> <li>■ Incentive of living in a new place</li> <li>■ Lack of proper education in schools</li> </ul>	<ul style="list-style-type: none"> <li>■ Long work hours (12-18)</li> <li>■ Dark and cramped workspaces</li> <li>■ Few breaks allowed during work hours</li> <li>■ Sometimes given new clothes in lieu of wages</li> <li>■ Skin irritation/ chemical burns at some workshops</li> <li>■ Not being able to move outside the main worksite</li> </ul>	<ul style="list-style-type: none"> <li>■ Possible if rescued</li> <li>■ Prefer conditions in rescue homes</li> <li>■ Sometimes a long wait to trace parents</li> </ul>

Children in a rescue home at Jaipur were also asked to share their thoughts on this movement from the home to the worksite to the rescue home, and to share ways to prevent the trafficking and improve conditions of rescue and reintegration. Their response is in the image alongside and table below:



Prevent someone from the village from being sent to a workshop	Improve conditions at the worksite	Improve conditions at the rescue home	Prevent a rescued child who has gone home, from going back to workshops
<ul style="list-style-type: none"> <li>■ Good education, activities to keep him occupied</li> <li>■ Timely meals</li> <li>■ Ability to aspire to become something</li> <li>■ Good income of parents</li> </ul>	<ul style="list-style-type: none"> <li>■ Timely breaks to use the toilet</li> <li>■ Timely and tasty meals</li> <li>■ A comfortable bed to sleep on time</li> <li>■ Time to play</li> <li>■ Good pay</li> </ul>	<ul style="list-style-type: none"> <li>■ The conditions are “good” and did not need changing</li> </ul>	<ul style="list-style-type: none"> <li>■ Good education (using interesting methods similar to those used at shelter home) by teachers who are patient</li> <li>■ Timely and nutritious meals</li> </ul>

### 4.2.4 Other Stakeholders’ Point of View: Jaipur Workshops

The research team interacted with some ex-members of the Child Welfare Committee (CWC) for Jaipur. They outlined the following challenges:

1. Shortage of funding for CWC activities and insufficient support from the government.
2. When the child is presented before the CWC, the middleman who brought the child to Jaipur arranges a false set of parents or brings in a lawyer to falsely represent the child.



3. The CWC does not have systems or mechanisms in place to do any follow-ups once the child has returned. There is insufficient contact between CWC in the destination and the officials responsible in the child's home area.
4. There is a deep nexus that operates between Jaipur businesses and the middlemen who supply children to the workshops. Yet instead of prosecuting both the employer and the trafficker, cases invariably end up getting filed against the middleman who brought the child rather than the owner of the workshop that employed the child.

The former CWC members reported that, with regard to interstate collaboration, the Government of Rajasthan has been conducting rescues since 2011 through coordinating CWC, Police, local NGOs, district administration and labour department. At that time, the 200 children rescued were all from Bihar and in order to reintegrate them, the Government of Rajasthan contacted the Bihar Labour department. After regular follow ups, two months later officers from Bihar came and took the charge of these children. CSOs played a crucial role in facilitating the process.

Since then, the Government of Rajasthan has continued rescuing children every year and established coordination with the Governments of Bihar, Jharkhand and Uttar Pradesh for the reintegration of rescued children. The work done by them includes:

- a. Government officials, NGOs and CWCs visiting Bihar 5-6 times since 2011 to follow up on the children who were sent back from Rajasthan.
- b. Government officials, CWC members, District Child Protection Unit (DCPU), and labour officers from Bihar have visited Rajasthan, 10-12 times since 2011, to repatriate children and have facilitated taking back large numbers of children

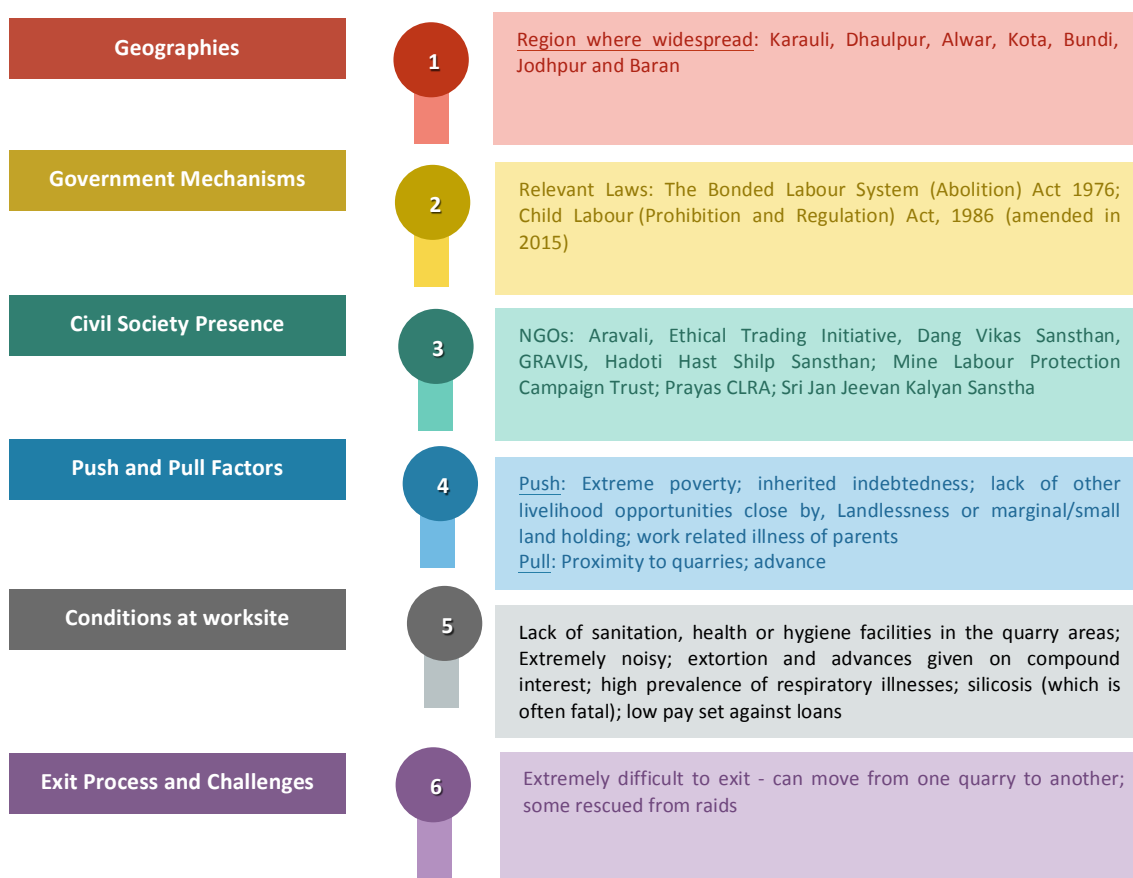
Government of Rajasthan is still trying to strengthen interstate cooperation but it's a slow process. CSOs reported that Rajasthan follows proper processes including registering legal cases, conducting medical check-ups, collecting evidence by the labour department, etc. The Government has good cooperation from the Government of Bihar for the collection of children, though many other states are less responsive. The main important gap that exists is in terms of follow up with children after handing them over to the teams in other states. Only in very rare cases can they get a response from home states to the follow up queries sent by the Rajasthan team.

The table below details active stakeholders in certain districts across the country, coordinating with the Government of Rajasthan to facilitate rescue and repatriation:

	<b>Stakeholder</b>	<b>Districts</b>	<b>Coordination</b>
1	CWCs	Bihar (Patna, Samastipur, Gaya) West Bengal (24 Parganas, Kolkata) Jharkhand Uttar Pradesh (Kanpur and Gorkhpur)	Send team of DCPU, CWC, Labour department for taking back the children and reintegration through CWC in their families
2	District Magistrates	N/A	Usually not contacted
3	Department of Women and Child Development/ Child Rights	Bihar (Patna, Samastipur, Gaya)	Good coordination in terms of informing them and asking for team to collect the children from Rajasthan
4	NGOs	Prayas and Prayatn (Bihar)	These NGOs work from the time of rescue to the end of the rehabilitation process in the family

### 4.3 Stone Quarries

An overview of the scenario in stone quarries is presented in the image below:



#### 4.3.1 Sectoral Overview: Stone Quarries

Rajasthan is one of the mineral rich states in India with seventy-nine different kinds of metallic and non-metallic minerals, ores and deposits<sup>55</sup>. As a result, various forms of mining activities are the second highest employment sectors after agriculture, employing over two million workers<sup>56,57</sup>. Quarries of Rajasthan have provided stone for historical monuments of India. German graveyards, British pathways and Belgian shopping malls are also embellished with sandstone exported from the state<sup>58</sup>. The UK was the leading buyer of Indian sandstone in 2011–12, accounting for 47% of the total value of sandstone exported, followed by Australia’s 6%, most of which comes from Rajasthan<sup>59</sup>. An estimated 900 million tonnes of sandstone deposits are found over an area of about 34,000 square kilometers, covering parts of Bharatpur, Dholpur, Kota, Jodhpur, Sawai-Madhopur, Bundi, Chittorgarh, Bikaner, Jhalawar, Pali, Karauli and Jaisalmer districts. Kota and Bundi account for more than 90% of the total sandstone production in the state<sup>60</sup>.

<sup>55</sup> Sandstone quarry workers in Karauli, Aravali, 2015, <http://aravali.org.in/themes/upload/news/351161.pdf>

<sup>56</sup> *Where dust brings death*, The Hindu, Dec 1 2014 <http://www.thehindu.com/news/national/rajasthan-mines-where-dust-brings-silicosis-death/article6649016.ece>

<sup>57</sup> Source: [www.ejatl.org](http://www.ejatl.org)

<sup>58</sup> Debt Bondage in the Sandstone Quarries of Rajasthan, S. Gunasekaran, Volume 49, Issue no. 30, 26 July 2014

<sup>59</sup> Rajasthan Stone Quarries, 2016, Corporate Accountability Research, [https://static1.squarespace.com/static/57e140116a4963b5a1ad9780/t/580d79c9e4fcb5fdf27700f0/1477278196450/NJM11\\_rajasthan.pdf](https://static1.squarespace.com/static/57e140116a4963b5a1ad9780/t/580d79c9e4fcb5fdf27700f0/1477278196450/NJM11_rajasthan.pdf)

<sup>60</sup> Debt Bondage in the Sandstone Quarries of Rajasthan, S. Gunasekaran, Volume 49, Issue no. 30, 26 July 2014

Labour relations in the sector are characterised by debt bondage. When stone quarrying was introduced in Rajasthan, it was looked on as a viable option to escape from bondage in the agrarian sector. The regular payment of wages, especially in cash, in quarries helped agricultural workers to meet their immediate needs, and clear their existing debt obligations. But in the process, the workers got trapped into debt bondage yet again, but this time in stone quarries. It is not rare to see that when worsening silicosis forces the worker to retire, his immediate kin, including adolescent son, replaces him. This transferring of debt from generation to generation ensures cheap and perennial supply of labour<sup>61</sup>. Workers at the stone quarries are typically either descendants of stone workers or have come from surrounding areas. According to a study conducted by UNICEF in Kota and Bundi, out of 438 children, taken as a sample, 38% children worked in stone quarries. This report reveals that the situation for children living in sandstone mining areas of Kota and Bundi requires immediate attention. These children are drawn to work by deprivation and the hope of earning a living for themselves and their family, yet they are in reality sacrificing their childhoods, their education and their chance of a better future<sup>62</sup>.

*It's an incredibly dispersed industry: in the region we visited there are more than 400 licensed sandstone quarries - many of them several times larger than a football stadium - as well as a substantial number of unlicensed quarries. There's also very little transparency as it's primarily a cash-based industry.*

*- Ethical Trading Initiative*

Given the remoteness of the quarries, basic health, educational and other governmental facilities are difficult to access. Migrant workers in addition are also unable to access social benefits such as pensions, as they do not have evidence of local residence. They migrate with their families, and their children are not admitted to schools. Stone quarry workers invariably work under the open sky in temperatures reaching 45 degrees celsius in summer and are often covered in mud and dust<sup>63</sup>. As a result, workers develop respiratory illnesses such as silicosis (a typically fatal lung disease caused by inhaling large amounts of crystalline silica dust) which remains a leading cause of death for ex-stone workers. There are also a high number of accidents in the quarries and stone processing yards<sup>64</sup>. People report having fungal skin infections, presumably as a result of working in hot conditions without proper washing facilities<sup>65</sup>. Silicosis is a dangerous health hazard prevalent among mine workers.

*Workers can sometimes exercise their freedom to move from one quarry to another. If they are not comfortable with one quarry owner, they can move to another quarry, asking their new owner to settle their debt with their previous one. They are now bound to the new owner and in due course will have to repay him.*

*- Hindu College*

In a village of Karauli district visited for the study, out of 150 workers, 50 workers have been diagnosed with silicosis and the rest referred for test for it. 7 workers have passed away in last 10 months. All workers are working in the quarries under debt. There are 36 widows in the small community, 25 widows had to sell their land in order to pay back advance, and the rest have paid back the advance out of the amount they received as compensation<sup>66</sup>.

<sup>61</sup> ibid

<sup>62</sup> Children's Lives Cast in Stone; UNICEF, 2015

<sup>63</sup> <http://www.ethicaltrade.org/blog/tough-existence-rajasthans-stone-workers>

<sup>64</sup> <http://www.ethicaltrade.org/blog/improving-health-and-safety-in-rajasthans-stone-industry>

<sup>65</sup> <http://www.ethicaltrade.org/blog/tough-existence-rajasthans-stone-workers>

<sup>66</sup> Outcome of a FGD conducted in Karauli district, Rajasthan on 12 December 2016

#### 4.3.2 Current Interventions: Stone Quarries<sup>67</sup>

The Rajasthan Mineral Policy 2011 has made provisions for the welfare of mine labourers as well as for the allotment of mining leases. The policy provides for allocation of 50% of the delineated mine area to Scheduled Castes and Tribes, Other Backward Castes, unemployed mining graduates and for societies of unemployed youth. It specifically mentions keeping in reserve a cluster of 10% of delineated plots in new sandstone boundaries for registered societies for unemployed youth, 18-35 years. For the welfare of mine labourers (including workers in minor minerals and quarries), the following provisions in the policy have been made:

- The mine owners shall be made liable for compulsory maintenance of medical and life insurance policy for each mine worker at the mine owner's expense
- Periodic medical check up camps at nearest public health centres to be organised to medically examine the mine workers with a special attention towards mining borne diseases like silicosis in sandstone mining areas and a proper record shall be maintained at the public health centre level for such diseases.
- Appropriate rest shelters and wash rooms
- Open Aanganwadi centres (crèches) in licensed quarry areas.

While these provisions exist on paper, they do not yet happen in reality. Instead, workers have to carry their own drinking water to the quarry sites, as the mine owner does not even provide this. The lack of manpower with Mines & Geology Department, Government of Rajasthan, is one of the main reasons for lack of monitoring and compliance<sup>68</sup>.

In view of the increasing incidence of silicosis being reported in the newspapers, the State Human Rights Commission has engaged with related stakeholders to evolve a series of health related solutions (especially for silicosis). The provisions in place currently include:

- A grant of Rs. 100,000 (US\$ 1,538) to silicosis-affected persons and Rs. 300,000 (US\$ 4,615) to dependents of deceased out of the Rajasthan Environment and Health Administrative Board (REHAB) Fund
- Pneumoconiosis board established after strong advocacy of civil society organisations, and the efforts of Rajasthan State Human Rights Commission.

**Rajasthan Environment And Health Administration Board (REHAB):** is a body comprising of five departments of the state government and was created for management of the environment and healthcare in mining areas after the enactment of REHAB Act, 2008. The members are principal secretaries of the departments of finance, environment, health, mines and forest besides three professionals as non-officio members. REHAB is mandated to collect a levy to be contributed by all mines (both minor and major) in the State to be able to execute its mandate. The fund is used to provide safety equipment to the mine workers, improve on-site working conditions and other welfare measures. It is also used to grant state's compensation to the mine-workers afflicted with asbestosis or silicosis. However, according to a Mine Labour Protection Campaign report, the fund is underutilised<sup>69</sup>.

**Pneumoconiosis Board:** Pneumoconiosis Board is responsible to conduct medical examinations, submit medical reports, and grant medical certificates to workmen employed in mines. Rajasthan government had set up this Board earlier but it was not functioning. It

<sup>67</sup> Section on Government initiatives and policy is based largely on the report: Sandstone quarry workers in Karauli, Aravali, 2015, <http://aravali.org.in/themes/upload/news/351161.pdf>

<sup>68</sup> Multistakeholder event for better working conditions in natural stone sector, conducted by ARAVALI, Dec 2015

<sup>69</sup> While MLPC has filed a series of RTIs on CESS collection and expenditure, it's only available on this link: <https://www.oxfamindia.org/sites/default/files/LN-OIN-EJ-NRM-06-Impact-Assessment-Mine-Labour-Protection-Campaign-Rajasthan-2015-EN.pdf>

became essential to revive this Board and expand its presence so that it can be widely accessible by mine workers. Therefore, the Board was set up in 6 districts and doctors were trained in a standard operating procedure as per International Labour Organisation (ILO) guidelines to diagnose Occupational Diseases<sup>70</sup>.

**Silicosis Prevention and Compensation-** According to various laws, if a mine worker is diagnosed with silicosis, the doctor is required to inform the director general of mines. However, there is huge gap in reporting. As noted above, the Rajasthan government provides Rs.300,000 (US\$ 4,615) as compensation to kin of the workers.

On the civil society end, there are four kinds of interventions on the ground related to the issues affecting workers in mines and quarries (including children). These are shown in the image and details below, providing examples of approaches used by different NGOs:



1. Rescue and Assistance to workers: Since 1992, Prayas CLRA has managed to rescue 3000 mine workers. The Mine Labour Protection Campaign (MLPC) helps regulate mining and empower workers to raise the issues of exploitation. Most of the organisations working with mines workers have a common component which is interventions on occupational health hazard. They mostly focus on silicosis, facilitating its prevention, diagnosis and treatment. In case there is a death due to silicosis, CSOs facilitate release of compensation to kin of workers who died of silicosis under the state provision. Some organisations have also provided masks to the mine workers, but it is very limited.
2. Forming unions and use of legal measures to address worker rights and protections: Sambhag Khan Majdoor Union in Udaipur has over 3,000 mine workers as members and the union has been pushing for timely wage payment for workers, attendance cards, security gear and insurance. Attendance cards are important for proof of employment, and therefore accessing entitlements, and also for verifying the wage claims, and health insurance under National Health Insurance Programme. A few CSOs have used legal interventions to address rights violations, based on use of the Right to Information (RTI) Act as a tool to gather data. MLPC filed a PIL in 2003 with a request to direct authorities at the State and Central Government levels to take necessary steps to apply scientific mining operations in Makrana marble mines. MLPC further pleaded to protect the rights of mine workers and provide them relief for occupational health and safety along with constitution of a common platform for resolving the problems between the mine operators and workers. In 2008, the court ordered that a committee be constituted and lead by the District Magistrate of Nagaur on safety measures and for interest of the miners<sup>71</sup>. CSOs are also working to activate REHAB.
3. Improving conditions through business supply chains and Government engagement: The Ethical Trading Initiative (ETI) is working with its European stone company members to help raise standards within the mining sector, including through the Rajasthan Sandstone Programme from 2012. ETI have been encouraging wet drilling in the industry which

<sup>70</sup> ibid

<sup>71</sup> ibid

reduces the risks to workers’ health. The project is also working with local suppliers, campaigners and trade unions to advocate for improved public services and to raise workers’ awareness about government provisions. The Association for Rural Advancement through Voluntary Action and Local Involvement (ARAVALI) is a state-level development support organization, facilitating collaboration between government and voluntary sector. It has supported research work in mining areas, and it supports a State Forum on Natural Stone (also supported by ETI) bringing together unions, NGOs, local traders, Human Rights Commission, government departments, workers and researchers. The Forum has regular meetings at which different strategies have been promoted. More specifically, London Stone and Beltrami use their supply chain leverage to urge cobble traders to support Manjari in creating ‘child labour free zones’. Through their suppliers Beltrami and London Stone motivate cobble traders to reject child labour in their yards and monitor that children are not involved in home production of cobbles. Thus both a top-down (through the supply chain), and bottom-up, withdrawal of children from work is ensured and they are enrolled in schools in Budhpura, Rajasthan<sup>72</sup>.

4. Support services for workers’ families: Hadoti Hast Shilp Sansthan provided education for children of mine workers, Dang Vikas Sanshthan and Sri Jan Jeevan Kalyan Sanstha work with families in mining areas to create linkages with Government services and schemes. Support Services also include linking mines workers and their families with state government schemes. These schemes includes widow pensions, old age pension, disability benefits, MNREGA, benefits under the Building and Other Construction Workers Act (some workers in the mining sector are covered under the Act), housing scheme and food distribution scheme.

#### 4.3.3 Survivors Point of View: Stone Quarries

There is rarely overt violence directly used to keep the mine workers in bondage, but the advance system and pressure to repay it, to avoid a higher compounding interest rate, keeps these workers in bondage. “It is for this reason that labourers from three generations are not able to pay-back the advance”, shared a mine worker, during the study.

Home to Worksite	At the worksite	Exit from Worksite
<ul style="list-style-type: none"> <li><input type="checkbox"/> Extreme poverty</li> <li><input type="checkbox"/> High indebtedness of family</li> <li><input type="checkbox"/> Inter generational bondage</li> <li><input type="checkbox"/> No other livelihood opportunities</li> <li><input type="checkbox"/> Can earn approximately Rs. 180-200 per day</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Long work hours (sunrise to sunset)</li> <li><input type="checkbox"/> Extreme noise and dust</li> <li><input type="checkbox"/> Respiratory infections by inhaling dust</li> <li><input type="checkbox"/> Silicosis in some cases</li> <li><input type="checkbox"/> Children also go to work at quarries and produce cobbles at homes</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Possible if rescued</li> <li><input type="checkbox"/> Goat rearing and agriculture exit for widows</li> </ul>

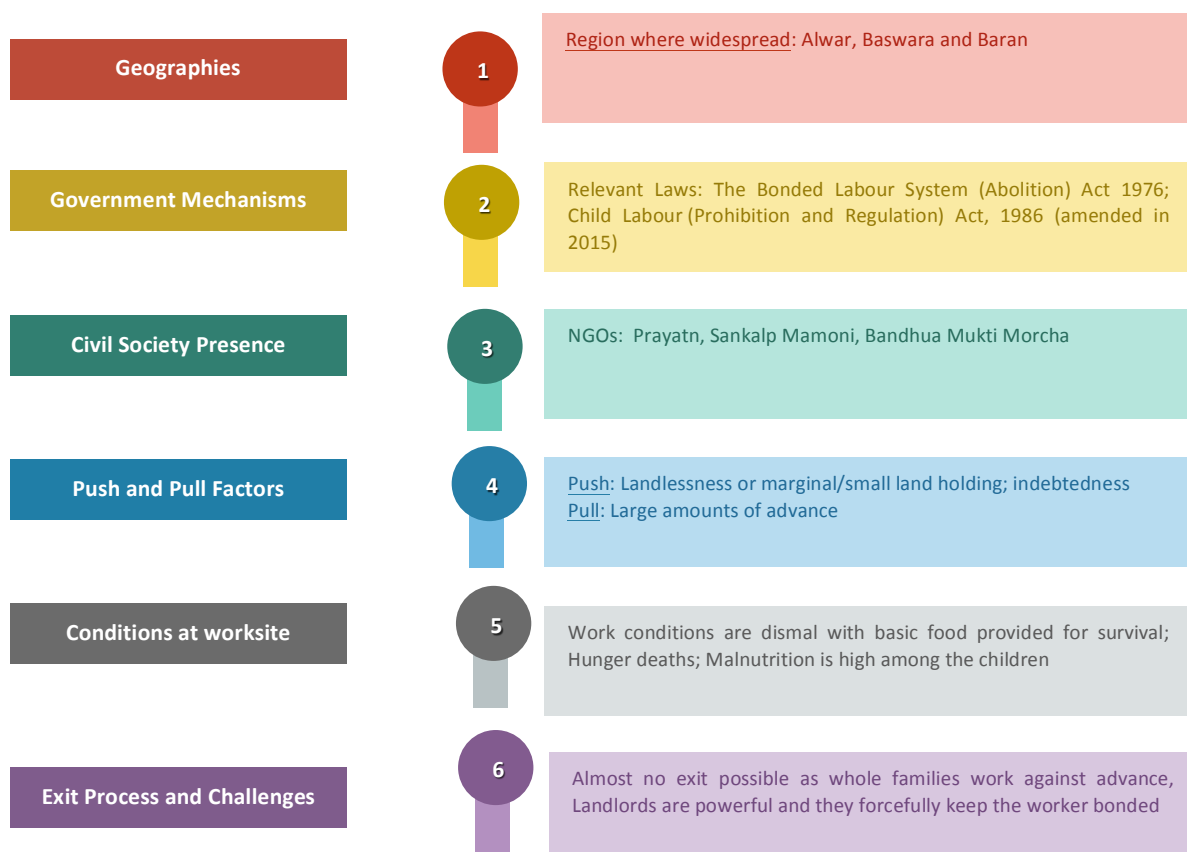
With regard to debt, they shared the following:

<sup>72</sup> <http://nochildleftbehind.co.uk/project/>

- Never able to repay the advance
- Take advance of Rs.30,000 -50,000 (US \$440 - \$730) every year.
- The new advance adds on the pending advance
- If not able to repay, 2% compounding interest per month is charged on remaining amount from the date when they stopped working.
- They only stop working when in the monsoon or if extremely unwell (during crucial stages of silicosis)
- If some workers pass away, the older son has to work and repay the money. If nobody is available, their widow has to pay the advance back either by selling their land holding or from the amount they get as compensation because of silicosis. In some cases, if nothing works then the lenders wait for years till the children of the worker are able to work.
- For large amounts needed for marriages or any other social rituals, the mine workers take loans from the contractor and it adds to the total amount owed.
- During silicosis diagnosis and continued treatment the expenditure increases multifold. The family takes further loans from the contractor

#### 4.4 Sahariyas in Agriculture

An overview of the situation of the Sahariya communities in the agricultural sector is presented in the image below:



##### 4.4.1 Sectoral Overview: Sahariyas in Agriculture

Across many parts of Rajasthan, landlessness and low wages for agricultural work, combined with lack of access to formal credit, are major push factors for susceptibility to labour bondage. A large number of cultivators own small plots of land (less than two acres), while a small number of large landowners own much larger acreages of land<sup>73</sup>. The existence of

<sup>73</sup> [http://spuvvn.edu/academics/academic\\_centres/agro\\_economic\\_centre/research\\_studies/R.%20No.%20145%20State%20of%20Rajasthan%20Agriculture.pdf](http://spuvvn.edu/academics/academic_centres/agro_economic_centre/research_studies/R.%20No.%20145%20State%20of%20Rajasthan%20Agriculture.pdf)



bonded labour has been traced to the combination of low wages, limited seasonal employment, and under-development of credit markets, leading to heavy dependence by the rural poor on their employers (landlords) for consumption and production credit, in return for which they surrender their labour power<sup>74</sup>. Income and expenditure calculations for small and marginal farmers show that they are in deficit of Rs. 2018 and Rs. 1382 (approximately US\$ 21) per month respectively. They have to take debts to meet living expenses.

Within this situation of agricultural bonded labour, the conditions of the Sahariya community are even more stark. The Sahariya tribe of Baran district in Rajasthan is classified as a Particularly Vulnerable Tribe by the state government. For years, they were forced to work as bonded agricultural labourers by the landed households of the region<sup>75</sup>. Baran district, bordering the state of Madhya Pradesh, has hundreds of poor Sahariya tribal families who are bonded to rich landlords. These tribals have lost their traditional access to income from forest products such as gum, *tendu* leaf and timber, and possess little or no land<sup>76</sup>. They came to national attention in 2000-2001 because of several hunger deaths in the community. The death of 47 Sahariyas because of starvation in the drought in 2001 triggered Public Interest Litigation in the Supreme Court on “right to food”. Hunger deaths were reported among Sahariyas over the last few years as well<sup>77</sup>.

There have been mixed results from Government measures adopted in recent years to redistribute land to Sahariya families and provide them with a land title for forest land occupied by them under the Forest Rights Act of 2006. Despite these initiatives, a large number of families continue to remain landless. According to a 2012 government survey, 16,217 families out of an estimated 21,000 Sahariya households in Kishanganj and Shahabad administrative blocks (tehsils) of Baran district have land holdings. However, only about 13,972 (66% of all households) have actual possession and use of their land<sup>78</sup>. Even though, they have land, they are not trained for agriculture and it is not their traditional activity. This makes their condition vulnerable. Locally powerful people from higher caste communities have used multiple tactics to grab the land that was provided to Sahariya families according to an NGO working in the area.

Since November 2010, more than 200 Sahariya families have refused to work as ‘halis’ (bonded agricultural workers), farming land and taking care of landowners’ cattle in return for small loans on which landlords charged 40 to 70% interest<sup>79</sup> or without wages.

There have been some signs of progress: Since 2011, hundreds of Sahariya tribal families trapped for decades in debt bondage to rich landlords have found employment under the government’s rural employment guarantee scheme (MNREGA). This is sometimes helping them gain some independence from the landlords<sup>80</sup>. In July 2012, the District Collector held a public hearing for the community to register their claims and the district administration then restored 625 bighas of land encroached by landlords in Sunda village to 135 Sahariya families. Even as feudal violence and coercion continued in pockets, in January 2013, 135 Sahariya families sold the first portion of crop harvested on land they reclaimed from

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<sup>74</sup> India Exclusion Report 2013-14

<sup>75</sup> <http://www.thebetterindia.com/6981/barans-sahariya-advivasis-reap-the-harvest-of-their-struggle-against-slavery/>

<sup>76</sup> <http://www.tehelka.com/2010/12/the-story-of-slavery-that-jaipur-can-no-longer-deny/?singlepage=1>

<sup>77</sup> <http://www.thebetterindia.com/6981/barans-sahariya-advivasis-reap-the-harvest-of-their-struggle-against-slavery/>;

[http://www.business-standard.com/article/news-ians/in-rajasthan-sahariya-children-battle-malnutrition-death-114122800337\\_1.html](http://www.business-standard.com/article/news-ians/in-rajasthan-sahariya-children-battle-malnutrition-death-114122800337_1.html)

<sup>78</sup> India Exclusion Report 2013-14

<sup>79</sup> <http://www.thebetterindia.com/6981/barans-sahariya-advivasis-reap-the-harvest-of-their-struggle-against-slavery/>

<sup>80</sup> *ibid*

encroaching landlords<sup>81</sup>. These efforts are supported and being monitored by women’s groups formed in the area by Sankalp.

#### 4.4.2 Current Interventions: Sahariyas in Agriculture

According to the NGO, Sankalp, “The Rajasthan Government and its administration does not wish to recognise the presence of bonded labour for whom they do not issue freedom from Bondage Certificate”<sup>82</sup>. Respondents in interviews for this study reported that at both district and state level, the government has not been willing to identify, release and assist bonded labourers from the agriculture sector.

On the civil society end, there are three kinds of interventions on the ground related to the Sahariya communities as seen in the image and details below. Examples of organisations undertaking interventions are provided.

1. Organising communities to combat

bondage: The women’s groups formed by Sankalp and Jagriti Mahila Sangathan are a very successful model to collectively resist bondage and the landlords behind it. It provides physical and mental support to bonded labourers who were kept in very restrictive situations before they were rescued. A rescued bonded labourer often cannot stay in the same village where they were in bondage without a strong sense of security. But with help of the group these rescued labours are staying there safely. The women’s group has also established a strong monitoring



and support system in the area against bonded labour. However, due to lack of resources, this initiative is limited to certain pockets.

2. Enhancing Livelihoods of Sahariya: Sahariya communities do not have traditional knowledge of agriculture because they used to live in forest areas. They are also untrained on other locally available livelihood options. This makes them vulnerable to bonded labour. Prayatn has intervened in the situation by training the Sahariyas on agriculture, and also providing seeds, water pumps and tractors for farming. In return they sought a commitment from the Sahariyas that they will send their children to school. Prayatn also provides learning support to their children and monitors their malnutrition status. Prayatn clearly identifies malnutrition and bonded labour as mutually reinforcing.

3. Identifying and Rescuing Bonded Labourers: A few organisations such as Bandhua Mukti Morcha (BMM) also work on identification and rescuing bonded labourers (though not directly with the Sahariya community), with the help of district administration. BMM with its national leadership, position and linkage are able to mobilise support from the district administration. The effectiveness of such an approach in the Sahariya context would need to be explored.

<sup>81</sup> <http://www.thehindu.com/news/national/other-states/in-rajasthan-sahariyas-throw-off-generations-of-slavery/article4449714.ece>

<sup>82</sup> <http://puclrajasthan.blogspot.in/2014/06/more-than-50-million-bonded-labourers.html>

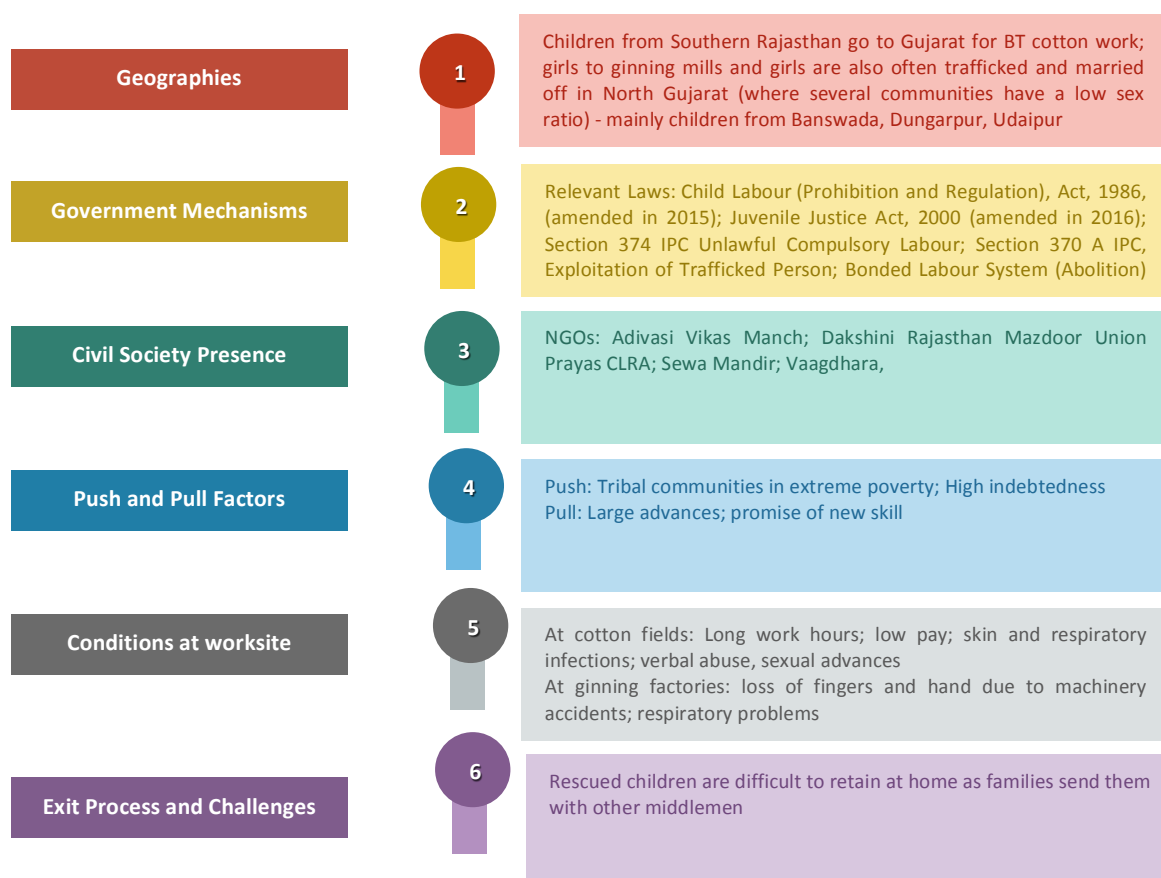
#### 4.4.3 Stakeholder Point of View: Sahariyas in Agriculture

During the research, most of the NGO respondents said that since 2011, bonded labour in agriculture had been most clearly visible in Baran district, though cases exist in every district. They explained that the issue is exacerbated in Baran because of the status of the Sahariya community, who were pushed from jungle to villages. While some got land from state, many are landless. Landlords from the district and people from other states like Punjab grabbed Sahariya land and kept them bondage, in some cases on their own land.

Interventions and advocacy have been done to support the Sahariya community and this has led to some improvement in their status over the last few years. During the study, a representative of a CSO said that there is a need to push the district administration for a systematic survey for bonded labour. A respondent shared that the workplace condition for Sahariya agricultural labour is very bad: They are not able to think about themselves and their families, and are left with absolutely “no vision for life”. They are only fed to the extent that they survive. Almost no exit is currently possible. Landlords are powerful and they do not let them go even if they were able to pay money back to them. This has also been confirmed by a case study shared by Prayatn which shows that in order to come out of the situation, labourers not only need to clear the current debt but also need an assurance of future security in order to come out of the situation.

#### 4.5 Trafficking of children from Southern Rajasthan

An overview of the scenario of child trafficking from Southern Rajasthan is presented in the image below:



#### 4.5.1 Sectoral Overview: Child trafficking from Southern Rajasthan

Southern Rajasthan is home to a majority of the tribal population of the state. Scheduled tribes make up 12% of the overall state population. Characterised by extremely low levels of education<sup>83</sup> due to high dropout, alarmingly high malnutrition<sup>84</sup> (with some blocks showing that 29% of tribal children were severely acutely malnourished compared to the national average of 7%), poverty, and tribal practices of 'mohtana', or extortion money demanded by one tribe of another and 'charothra' conflict or clashes between tribal groups, the population of Southern Rajasthan is extremely vulnerable and easy prey for traffickers.

According to a study jointly commissioned by India Committee of the Netherlands (ICN) and Stop Child Labour Coalition in 2015, the number of children working on BT cottonseed production in Gujarat in 2014-2015<sup>85</sup> was approximately 110,400 children below 14 and 163,200 children aged 15 - 18 of which 60% were girls. Some of these are coming from Southern Rajasthan. The proportion of children (below 14 years) to the total workforce was estimated as 21% in Gujarat. At a Public Hearing organised in Ahmedabad, several children reported how they were virtually abducted by traffickers/ agents on false pretences and taken to work in Gujarat.

The work takes place for 2 – 3 months of the year, and education surveys have shown that attendance in schools fell during those months. Children are used because they are short and can cross-pollinate the flowers without having to bend too much. Their bodies are more flexible and they do not complain as much as adults.<sup>86</sup>

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

- Children migrating for work from Dungarpur district, Rajasthan, to Gujarat: A Report, NCPCR 2008.

Besides children being trafficked from southern Rajasthan to work in BT cotton fields, a large number of girls also work in ginning factories, an allied industry, mainly to do charkha work (where raw cotton is fed in to be spun). NGOs working in the sector share that many such girls go missing from the ginning mills and are married off to "rich Patel families" in Northern Gujarat (as they speak the same dialect)<sup>87</sup>. While there is no official marriage ceremony, the girl is expected to fulfil the role of the wife and do all the housework. There are a number of recent media reports, which highlight the trafficking of girls for and through child marriage in Rajasthan, across the border of neighbouring states and also a few cases of international trafficking.

<sup>83</sup> <http://timesofindia.indiatimes.com/city/jaipur/Southern-Rajasthan-most-deprived-in-terms-of-education/articleshow/6072740.cms>

<sup>84</sup> <http://www.hindustantimes.com/india/the-hunger-belt-of-south-rajasthan/story-WkcvexM3LfkDSdYuBCzdSL.html>

<sup>85</sup> <http://www.indianet.nl/pdf/CottonsForgottenChildren.pdf>

<sup>86</sup> *ibid*

<sup>87</sup> Based on telephonic interview of Ajeevika Bureau



communities also used to regularly barricade roads during the peak season for child trafficking, to check all vehicles for children and prevent them from going (this was around 2006 - 10 before the Government was proactive). Vaagdhara is supporting the Labour department of Rajasthan Government to organise campaigns such as “Stop Child Labour & Child Migration” in 129 Panchayats of 4 blocks Banswara District. The major focus of the campaign is to stop children from migrating to work in BT cotton farming and other labour in neighbouring states. Addressing child rights, Vaagdhara strives to ensure quality education to these children and link them with the mainstream of development. They also work closely with PLCPC (Panchayat level child protection committee) members to build awareness of the conditions of work in BT cotton farms in Gujarat.

2. Sensitisation of officials: Dakshini Rajasthan Mazdoor Union sensitise the police on how children are being trafficked and put to work in BT cotton and on how the Police can take effective measures against the issue.
3. Pressure on MNCs who provide cotton seed to monitor against child labour: CSOs have been raising issues of corporate accountability with regard to engagement of child labour in their product. In BT cotton, campaigns to influence Bayer, Monsanto and DuPont have led to significant improvements in their diligence against child labour, but other companies seem to be lagging behind.<sup>89</sup>.

#### 4.5.3 Survivors Point of View: Southern Rajasthan Trafficking

The research team interacted with children in Amlipara, a predominantly tribal village in Kushalgarh block of Banswara district of Rajasthan, who had been to BT cotton fields in Gujarat to work. They did two kinds of work: Cross-pollination of seeds and plucking of cotton.

They explained the two kinds of work as below:

<b>BT cotton cross-pollination</b>	<b>Cotton plucking</b>
Mainly done by children (boys as well girls)	Done by all – children as well as adults
Children go for two to three months during the season for cross-pollination	
Wages as low as Rs. 80/day and for girls it is lower	As entire families migrate, payment is target-oriented – how much cotton they are able to pluck
<b>Issues</b>	
They had to work from 4 am to 11 am and 3pm to 7pm	4am they wake up, cook for families, eat and leave for work. Work until around 7pm or sundown. Then they cook for the night, eat and sleep. Very little rest
Girls complained of sexual harassment and verbal abuse	Make them lift heavy sacks of cotton

Most children go for the cross pollination. While some go with their families, some also go by themselves and with other children from neighbouring villages with an agent. According to the group, at least 50 out of the 70 children normally resident in the village go to the cotton fields. Of these, around 30 children would go during vacations and 20 would miss school and stay in the field for around 2 to 3 months. All the respondents had gone to pluck cotton. Boys as well as girls go to pluck BT cotton.

<sup>89</sup> Cotton’s Forgotten Children, p. 27 <http://www.indianet.nl/pdf/CottonsForgottenChildren.pdf>

## Relevant Funding Agency Engagements



## 5. Relevant Funding Agency Engagements

Government and civil society organisations receive support from a range of donor agencies on a vast number of development sector issues and themes in Rajasthan. The nature of support of some of the funding agencies on the relevant issues is below:

### Multilateral and bilateral donors

**UNICEF:** has a long history of working on child labour in India, including Rajasthan. UNICEF is working with a range of government departments in Rajasthan to provide technical support for programmes aimed at improving child survival, growth and development. With regard to the current theme, UNICEF:

- Helps to set up and strengthen Child Protection Committees at community level through providing guidance to State Child Protection Societies, District Child Protection Units, and community-based organisations. The programme is operating in two districts, Dungarpur and Udaipur in South Rajasthan. In these districts there are 1000 village-based CPCs<sup>90</sup>.
- Supported a project until recently (2009-2013) on Promoting Protection and Education Rights of Children in Cotton Areas, implemented across three states and with a focus on Southern Rajasthan to tackle the problem of children working in cotton fields<sup>91</sup>.
- Works on adolescent participation and empowerment where boys and girls were supported in Udaipur and Dungarpur districts between 2009-13 to make informed decisions that affect their lives, create opportunities to come together for peer learning, exercise rights and access services, take informed decisions to complete their education, better plan their own futures and take steps to realise their dreams<sup>92</sup>.
- Creating modules on child rights and child protection, used by the department of women and children and by the Rajasthan police academy for their trainings.

### Foundations

**IKEA Foundation:** in collaboration with Save The Children are working together between 2013 - 2017 to address the root causes of child labour<sup>93</sup>. They launched a Rs. 500,000,000 (US\$ 7.3 million) programme to protect 790,000 children living in cotton communities in the states of Punjab, Haryana and Rajasthan. The programme aims to keep children out of cotton fields, and in classrooms<sup>94</sup>. In Rajasthan their focus is in Banswada district, where they have put in place preventive measures and provide children with access to quality education, improve teacher training, develop local child protection committees and school management committees and tackle issues like gender based discrimination.

**TATA Trust:** Strengthen and Harmonize Research and Action on Migration in the Indian Context" (SHRAMIC)<sup>95</sup> is a Tata Trusts initiative on migration anchored by the Indira Gandhi Institute for Developmental Research in collaboration with think tanks, funders and the Tata Trusts' Migration Program Partners<sup>96</sup>. In 2006, support was provided to Aajeevika, a pioneering NGO in the field of safe migration. Aajeevika's approach of providing services to labour migrants from Rajasthan has received wide acceptance including from Government, with several partners adapting it to their local context by setting up source and destination

<sup>90</sup> Source: Preventive Strategies for Child Protection: [http://unicef.in/Uploads/Publications/Resources/pub\\_doc21.pdf](http://unicef.in/Uploads/Publications/Resources/pub_doc21.pdf)

<sup>91</sup> [https://www.unicef.org/evaldatabase/files/5\\_FINALCRE-Rajasthan-FINAL\\_REPORT.pdf](https://www.unicef.org/evaldatabase/files/5_FINALCRE-Rajasthan-FINAL_REPORT.pdf)

<sup>92</sup> <http://unicef.in/StateInfo/Rajasthan/Unicef-In-Action>

<sup>93</sup> Source: <http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.8275809/k.BB87/IKEA.htm>

<sup>94</sup> [http://www.business-standard.com/article/current-affairs/save-the-children-and-ikea-tie-up-to-prevent-child-labour-in-punjab-haryana-rajasthan-114062300492\\_1.html](http://www.business-standard.com/article/current-affairs/save-the-children-and-ikea-tie-up-to-prevent-child-labour-in-punjab-haryana-rajasthan-114062300492_1.html)

<sup>95</sup> In Hindi, the word **SHRAM** means work and the word **SHRAMIC** means the worker

<sup>96</sup> <http://www.shram.org>

level centres. The Tata Trust programme support has helped create Migration Resource Centres across various locations at the source and destination sites, as well as building knowledge and capacities through the Centre for Migration and Labour Solutions (CMLS). Tata Trust has also helped the formation of Samarthan<sup>97</sup>, a country-wide coalition of civil society organisations, activists, researchers and academicians committed to improving the wellbeing of labour migrants in India.

**Human Dignity Foundation:** makes grants to not-for-profit organisations that have a shared approach to working with children and young people within two thematic areas: child protection and life opportunities. It provides organisational support to Aajeevika Bureau in a project on Deepening Migration Practice and Up-scaling Services to Rural Migrant Workers and Communities until 2020. They help to provide services, support and security to rural, seasonal migrant workers and their families. The overarching goal of Aajeevika will be to enhance the well-being of the migrant workforce and their families by enabling a superior social and legal protection mechanism and higher economic returns from migration.

**Children's Investment Fund Foundation (CIFF):** works in Rajasthan on nutrition, adolescents' health and children's education in collaboration with the state government and NGOs. In Rajasthan, CIFF has a Memorandum of Understanding with the State Government to support a number of exciting investments to champion children<sup>98</sup>. CIFF's Nutrition Strategy focuses on building saliency and encouraging action for nutrition, namely changing the narrative around nutrition; increasing financial resources; increasing accountability; and mobilising leaders and champions<sup>99</sup>. It is supporting POSHAN - India's first government-led programme for the treatment of acutely malnourished children in Rajasthan. It also supports NGOs like:

- Antara towards changing several misperceptions that currently exist about nutrition and raising knowledge and resources for effective nutrition services.
- Educate Girls for the enrolment of out-of-school girls and improved literacy and numeracy skills.
- PANkH for an integrated community-based programme being implemented in select villages of Dholpur district of Rajasthan by the International Centre for Research on Women (ICRW), along with its implementation partner Professional Assistance for Development Action (PRADAN). The programme aims to develop an integrated model to engage unmarried and married adolescent girls between the ages of 12 and 19, their parents, communities, schools, health systems and other key stakeholders; test the effectiveness of the 'integrated intervention model' in improving Sexual and Reproductive Health (SRH) of adolescent girls compared to 'girls' only intervention' and standard government initiative(s) and support research uptake and policy advocacy to strengthen on-going adolescent SRH programs<sup>100</sup>.
- PRADAN which works with 2400 boys between age group of 12-19 years, and men in an integrated approach to support the girls under the CIFF programme. Out of the three blocks under the programme, girls in Baseri block belong to mine workers' families.
- Vishakha, which engages on issues of women's empowerment, education, health and violence against women in the tribal block of Udaipur where boys and girls are engaged in brick kilns through contractors. Vishakha has conducted a survey on malnutrition of girls and found approximately 70%<sup>101</sup> malnourishment. It engages with 7000 girls directly through different activities, which include adolescent health, functional literacy, decision making and life skills.

<sup>97</sup> <http://samarthan.info/tag/nacsom/>

<sup>98</sup> [https://ciff.org/documents/285/CIFFinIndia\\_TwoPager\\_010816.pdf](https://ciff.org/documents/285/CIFFinIndia_TwoPager_010816.pdf)

<sup>99</sup> <http://www.antarafoundation.org/programs-in-action/ayana/>

<sup>100</sup> <http://www.icrw.org/sites/default/files/images/PAnKH%20factsheet.pdf>

<sup>101</sup> Telephonic interview with Mr. Bharat, Vishakha

## INGOs

**Child Rights and You (CRY):** has been working in India since 1979, partnering with grassroots NGOs to restore children's rights. To stop child labour, CRY through its local partners, works with parents, community leaders and children's collectives on the importance of child rights and consequences of child labour. In instances of child trafficking and children forced into labour, CRY and grassroots partners work on rescue, repatriation and rehabilitation of children through working with statutory child protection bodies. CRY and its partners work to create and strengthen 'Children's Collectives' as a platform for school-going children to influence children who are out of school to get re-enrolled. In Rajasthan, CRY supports the work of Prayatn Sansathan in retention of children in schools in Baran, Manav Ashrita Sansthan, Udaipur, on the prevention of child marriage and Mahila Jan Adhikar Samiti, Ajmer on freeing children from child labour and re-enrolling them into schools.

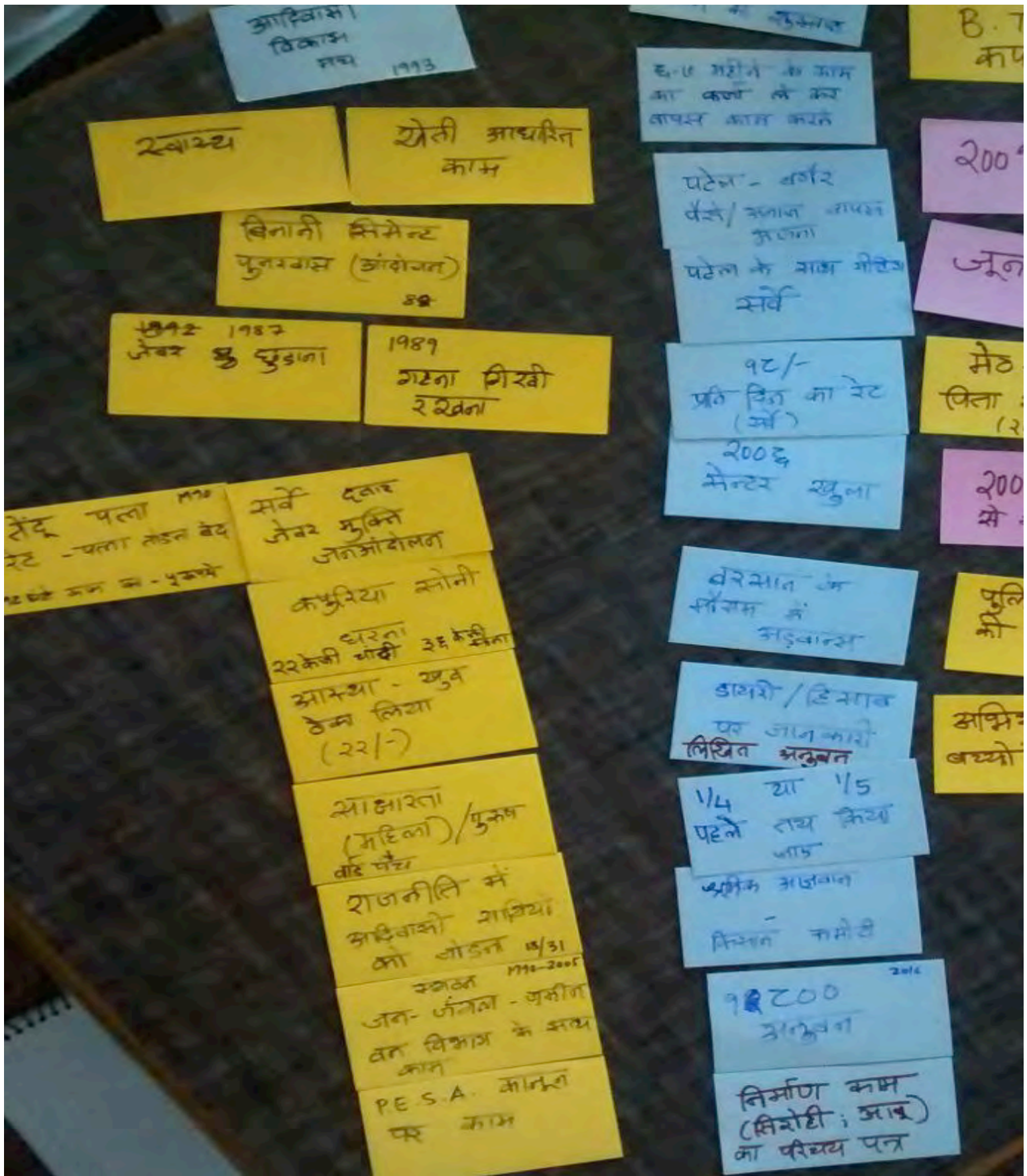
**Plan International:** is working across select blocks in five districts in Rajasthan through NGO partners who implement its Child Centred Community Development programme aiming toward ending child poverty.<sup>102</sup> The programme is currently active in Alwar, Bikaner, Bharatpur, Jaipur and Udaipur districts.

**Oxfam:** Until 2015, supported the Mines Labour Protection Campaign (MLPC), which has been working to empower the mine workers in Rajasthan since 1999. MLPC works as a movement, organizing mine workers in the informal sector in Rajasthan and building their capacities to protect their rights and environment. Campaign issues included long on-site working hours, lack of safety equipment, and resulting occupational diseases<sup>103</sup>.

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<sup>102</sup> <https://plan-international.org/approach/child-centred-community-development-ending-child-poverty>

<sup>103</sup> <https://www.oxfamindia.org/node/1616>



Mapping activities and timeline of BT cotton related interventions in Southern Rajasthan. Photo: Praxis

## Recommended Intervention Strategies



## 6. Recommended intervention strategies

The above sections provide a broad overview of the context of modern slavery in select sectors in Rajasthan as well as the nature of support available from Government and non-Government entities for the same. Set against this backdrop, the current section provides recommendations on sectors, geographies and overall strategies for a hotspot intervention.

### 6.1 Sector priority analysis

Based on the desk review, discussions with stakeholders as well as individuals in or rescued from bonded labour, a scoring system for some relevant criteria were evolved. These include:

1. Scale and extent of the problem: Whether there are large numbers of individuals in forms of bondage or child labour in the sector and whether the sector is clearly characterised by workers entering the work based on receipt of an advance or commitment of a lump sum payment; the inability to work for a different employer or have freedom of movement unless loans have been paid off; indicators of coercion, threats and force against the workers.
2. Negative impact on children: extent to which the violation at the workplace specifically affects the rights of children. (Noting that bondage in all the sectors directly and severely affects children through its impact on the whole family).
3. Civil society presence and action: the number of organisations that already have support available to work on the issue (suggesting that additional support might not be essential).
4. Negative impact on well being: includes the level of harm that the work itself within the particular sector has on the physical and psychological well-being of an individual (Noting that the bondage of families will have a severe impact on well-being in all the sectors e.g. through malnutrition).
5. Potential for progress on the issue: Extent to which organisations are deploying promising strategies, addressing root causes or the extent to which the sector is connected to sensitive supply chains where purchasers could improve conditions.

Government recognition/ support was also considered, largely in terms of the willingness of Government representatives to acknowledge the existence of the issue and to engage. (This was not used for scoring)

The table below details how the criteria were graded:

	3	2	1
Scale and extent to which it is bonded labour	Very high	High	Moderate
Negative impact on children	Very High	Moderate	Low
Civil Society presence and action	Low	Moderate	High
Negative impact on well being	High	Moderate	Low
Potential for progress on the issue	High	Moderate	Low

Based on this, the five sectors were rated across these criteria and the scores for these are presented in the table below:

	Severity of bondage/trafficking	Impacting children	Civil Society presence and action	Negative impact on well being	Potential for progress on the issue	TOTAL
Brick Kilns	3	2	2	3	2	12
Jaipur Workshops	3	3	2	3	2	13
Stone quarries	3	3	2	3	1	12
Agriculture - Sahariyas	3	2	3	1	2	11
BT Cotton	3	3	2	2	1	11

## 6.2 Geographical Impact Profiling

Four criteria were explored to help in the selection of geographic areas in which to develop the hotspot. These were:

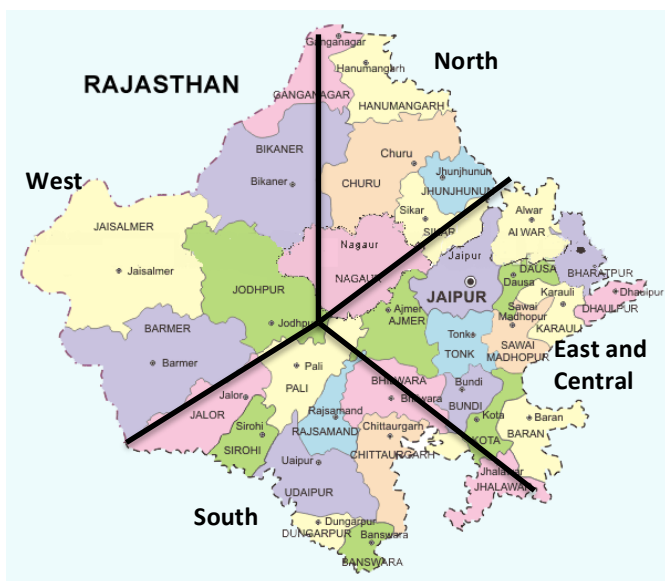
1. Number of the 5 sectors that are present in the region – This indicator shows whether the sectors of bondage (i.e. brick kilns, stone quarries etc) are prevalent in the geographic area. A higher score is allocated to the regions which have more of the above five sectors
2. Destination for people from Rajasthan - a higher score was assigned if it is an area which is a destination of bonded labour for people who are from within Rajasthan, given that the hotspot could then also potentially work on preventive steps in the source area
3. Access to communities - this is related to both geographical access as well as accessibility due to presence of NGOs. A low score was assigned to difficult to access communities
4. Out-migration - a high score was assigned to a region with high out-migration as this gives tremendous scope for risk and vulnerability to trafficking.

The table below details how the criteria were graded:

	3	2	1
Number of above sectors prevalent	3 (or more)	2	1
Destination for people from Rajasthan	High	Moderate	Low
Access to communities	Easy	Moderate	Difficult
Out-migration	High	Moderate	Low

Based on this, the four regions were rated across these criteria and the scored for these are presented in the table below:

	Number of sectors	Destination for Rajasthan migrants	Access to communities	Out migration	Total
North	1	2	2	2	7
West	1	2	2	2	7
East & Central	3	2	3	2	10
South	3	2	3	3	11



The map alongside indicates how the regions have been divided for the purpose of the above scoring for geographical impact profiling.

### 6.3 Recommendations on programme implementation

We recommend a Rajasthan hotspot that adopts a united approach towards eliminating bonded and child labour in the state, seeking to improve the performance of state and business responsibilities, and supporting targeted grassroots interventions within the sectors that have the highest concentrations of exploitation and harm to children.

By the end of the initial 3.5-year hotspot period, the hotspot programme should have achieved:

- i) **Improved performance of government and business responsibilities** against bonded labour and child labour;
- ii) **Well-defined intervention strategies in each of the targeted sectors as well as in the collaboration with an existing major CIFF-funded programme in the state**, showing strong potential to bring about reduced prevalence of bonded and child labour. Evidence about the use of these strategies should start to contribute to global knowledge about “what works”;
- iii) **Capacity among large numbers of community-level participants to advocate for fulfilment of rights and entitlements** that would protect them (especially children) from bondage;
- iv) **Strengthened ability of each NGO partner** to fully address the root causes of bonded and child labour, and to sustain its work.

We recommend that the hotspot programme in Rajasthan should begin with:

- i) A 6 month set-up period including: partner identification; joint definition of collective goals (including with government); and preparation of grant-funded program agreements
- ii) A three-year full implementation period.

The set-up phase of the programme should aim to establish a common understanding among partners and their staff about community level activities and about opportunities for wider systemic impact; the second phase should focus on full implementation and collective efforts to strengthen government and business systems against bondage.



**Sequencing work in the different sectors:**

The scoping study has identified the existence of severe forms of bondage in selected sectors, i.e. *Agriculture (Sahariya Community); trafficking of children from Southern Rajasthan (especially for BT cotton seed production); brick kilns; Jaipur workshops; and sandstone quarries*. However, the magnitude and severity varies among these sectors as well as among districts (as seen in the section above). The study also suggests that there is *commercial sexual exploitation of children and trafficking for marriage* in the state at a level that requires a strategic response, but there is insufficient evidence and understanding available on these issues and on possible programmes likely to gain traction against the problems. The evidence on the scale of *trafficking of children from Southern Rajasthan* would also require further verification and the recommendation is to leave it out for now.

Given the complexity of the different systems of bonded and child labour and the importance of the local actors having a key role in defining strategies, the programme should begin by working with the NGOs and unions working against i) *child trafficking in the Jaipur workshops*, ii) *bonded labour in the brick kilns* and iii) *agricultural bonded labour in the Sahariya communities*. Prioritising the Jaipur workshops would address the existing objective of Freedom Fund partners in Bihar to improve the outcomes for children being returned there and their strong relationship with the Bihar government that could help facilitate better reintegration. The work in the brick kilns is a sector where large investment would be required, and where there are opportunities to exchange learnings with the Northern India hotspot partners. The work with the Sahariya communities might involve only one or two NGO partners due to its more limited geographic scale.

We recommend that as soon as work in those three sectors is being fully implemented, the hotspot should begin work with CSOs involved in iv) *stone quarries*, to create workplans for programmes in this sector. The rationale for approaching the work in stone quarries later is that there are more existing actors involved in this work who are already working together, and an appropriate engagement needs to be developed. This would be more successful if the hotspot has already established partnerships and has a relationship with relevant departments of the state.

**A key role for the hotspot will be to collaborate with government to address the exploitation of children.** The grassroots work in each sector will contribute evidence and examples of policy implementation needs that should be addressed. A training partner should be identified to work with relevant government departments to define a programme of capacity building for officials, as described below. This training would be closely tied in with the sectoral strategies and geographies, but probably would not be carried out by the same partners funded to work at community level.

Likewise, the hotspot would work with the Children's Investment Fund Foundation and with the Rajasthan government to identify one large-scale existing programme to which capacity building and integration of components against bonded and child labour would bring significant added value (e.g. the state's programme on work with adolescent girls). The hotspot would then work closely with the selected programme to plan ways to do this.

In addition, as soon as feasible, civil society actors in the Rajasthan hotspot should be integrated in the existing national information network that is mobilising grassroots experience in order to guide national anti-trafficking policies and laws.

Phases of the programme are detailed in the table below:

Phases	Intervention Priority	Period
Set-up: Phase 1	<ul style="list-style-type: none"> <li>▪ Arrive at a common understanding of modern forms of bonded labour and child trafficking between identified potential statutory and civil society collaborators</li> <li>▪ Agree desired outcomes and areas of accountability for <b>Jaipur workshops, brick kiln work and work with Sahariya farming communities</b></li> <li>▪ Identify priorities and mechanisms to improve interstate coordination, especially on child trafficking between Rajasthan and Bihar</li> <li>▪ Appoint independent evaluator</li> </ul>	6 months
Phase 2 - 2018	<ul style="list-style-type: none"> <li>▪ Agree desired outcomes and areas of accountability for work in <b>sandstone quarries</b></li> <li>▪ Jaipur workshops, Sahariya communities and brick kiln work: Begin implementation of programmes focused on reducing child and bonded labour; preventing trafficking; rescue and rehabilitation.</li> <li>▪ Invite programme partners to participate in national information network against trafficking.</li> <li>▪ Begin work with at least one <b>large state-endorsed social programme</b> (e.g. on work with adolescent girls) to design and agree on integration of components to address forms of bondage and exploitation</li> <li>▪ Agree a process with state bodies for progressive institutionalising of <b>trainings for key bodies</b> such as police, judiciary, Labour officials, CWC and DCPUs on child and bonded labour prevention, protection and prosecution.</li> </ul>	1 year
2019 - 2020	<ul style="list-style-type: none"> <li>▪ Sandstone quarries: Begin implementation of programmes focused on reducing bonded labour</li> <li>▪ Implement capacity building with state-endorsed social programme (e.g. adolescent girls) and with state institutions (police etc).</li> <li>▪ Complete the initial evaluation, including review of the evaluability of the change strategies being used in the different sectors.</li> </ul>	2 years
Next programme period	<ul style="list-style-type: none"> <li>▪ Focus on more in-depth evaluation, documentation and dissemination of effective approaches and tools</li> <li>▪ Scale up work in the different sectors, based on evidence of achieving greater resilience against child and bonded labour</li> </ul>	2021 onward

### 6.3.1 Common Factors in Proposed Interventions across the Sectors

Although the sectors will have some different activities, all the sectors will focus strongly on *eradication of child labour and on child protection*. This should include access to good quality education and activation of protective mechanisms where the children are living.

In addition, there are several common elements in the approaches recommended:

- **Initiative from within communities:** With regard to programmes related to child protection, there is strong evidence for the effectiveness and sustainability of

programmes that are characterized by community ownership.<sup>104</sup> Given the context studied in Rajasthan, community groups should be formed and strengthened in order to create collective voice and local protection for families who are transitioning out of the control of powerful landowners and contractors. In Rajasthan, the model for vibrant groups can be adapted from a range of example organisations such as Sankalp Mamoni or Doosra Dashak.

- **New sources of livelihood:** The path to economic independence from contractors and traffickers includes linking bonded labourers as well as vulnerable populations to government schemes as well as alternative livelihoods. In some of the study areas, it was found that MNREGA could work well as a protective scheme but in some locations local partners will need to tackle the control of MNREGA by local elites. Likewise, it may be helpful to identify and fund a specialist agency that could work across partners in different sectors to advise on viable livelihoods in the different contexts.
- **Removing slavery from supply chains:** By focusing on market-based transactions and business supply chains, the hotspot can engage with corporate stakeholders. Businesses can help create sustainable support for initiatives such as child labour free zones. The hotspot should find ways to engage with existing forums involving relevant businesses, as well as helping to generate evidence of on-going violations by businesses, if needed.
- **Public awareness:** The strategy should also include training journalists and providing information for media awareness initiatives, so that it helps create awareness on child and bonded labour across all sections of society.

The hotspot will facilitate a cross-sectoral “community of practice” between partners, meeting quarterly and potentially including some unfunded partners such as unaffiliated trade unions active in the sectors. As well as facilitating joint engagement with government bodies, one of the tasks of this collaboration will be to adapt a range of common practice standards for use by NGO partners especially those whose role includes rescue and reintegration, for example to ensure dignity, informed consent and confidentiality of the survivors, sensitive handling during and post rescue, and protection from child abuse.

### 6.3.2 Strengthening government systems

The Freedom Fund should work closely with the Children’s Investment Fund Foundation, based on its MOU with the Rajasthan government in order to elicit collaboration and sustainability of its work with the state government. The hotspot should aim to strengthen legal enforcement, policies and implementation of government schemes at every level:

- **Systematic training of officials:** The hotspot should identify key targets for training within the police, judiciary, Labour officials, CWC and DCPUs regarding child and bonded labour prevention, protection and prosecution. Negotiations with Rajasthan Police Academy should identify geographic areas to prioritise for collaborative training as well as how trainings can be repeated and expanded in future years rather than depending on civil society initiative and external funding. Engagement with these officials should also help them focus on ways to unlock substantial resources allocated (e.g. in the fund to assist child labourers), and should at the same time work with the government to ensure that they address issues of understaffing.
- **Use of legal remedies:** The regular presence in quarries, brick kilns, workshops and other highly affected communities of hotspot partner NGOs who are trained in relevant laws will enable cases to be pursued under the Trafficking elements of the penal code, under

<sup>104</sup> What are we learning about protecting children in the community? An inter-agency review of evidence on community-based child protection mechanisms. Executive Summary. Save the Children 2009 [http://www.savethechildren.org.uk/sites/default/files/docs/What\\_Are\\_We\\_Learning\\_low\\_res\\_%28%29\\_1.pdf](http://www.savethechildren.org.uk/sites/default/files/docs/What_Are_We_Learning_low_res_%28%29_1.pdf) and Evidence in Practice Issue 1 <http://freedomfund.org/our-reports/evidence-practice-issue-1-evaluation-msemvs-community-driven-model-eradicate-modern-slavery-india/>

the Child Labour and Bonded Labour Acts, SC/ST Act, as well as other relevant laws. The hotspot will identify a range of committed lawyers based in selected areas who can work with partners when workers and residents wish to pursue cases. More cases are likely to be generated in contexts where victims are returning to different communities than in contexts where victims need to continue to live in the same communities where their exploitation has taken place.

- **Activating relevant human rights monitoring bodies:** Each sector strategy should identify the key committees and officials that are essential to achieving improvements. (See tables in section 2.2 above on relevant bodies). In contexts where sufficient responsibility is not being taken by such bodies, the hotspot should reach out to the relevant human rights monitoring bodies such as State and National Human Rights Commissions, Commissions for the Protection of Child Rights, Commissions for Scheduled Castes and for Scheduled Tribes, Commissions on Women. The hotspot could compile evidence to challenge assertions of the absence of bonded labour cases, and generate a response through national monitoring bodies. The same evidence might also be taken to the High Court, through Public Interest Litigation.
- **Integration of child and bonded labour as a component in other state-wide programmes:** The hotspot should work closely with CIFF and the Rajasthan government to identify at least one programme with large-scale reach and relevance in the state, such as the adolescent girls' programme, within which the hotspot could provide training to field staff on child and bonded labour, including trafficking. This would provide important new knowledge about the effectiveness of integrating these issues in larger programmes.
- **Participation in strengthening national laws:** Once the programme is being implemented, programme partners should be assisted to participate in the existing national information network against trafficking.

### 6.3.3 Sector wise Intervention Strategy

The scope of work that Freedom Fund should focus on within the selected sectors is presented below. *Note that the desired three-year outcomes are subject to change based on discussion about shared goals with collaborating organisations during the set-up period. The proposed Outcomes show the **scale of activity** and the **quality of change** that the programme intends to achieve.*

#### 6.3.3.1 Brick Kilns

##### Desired three year outcomes:

- In 30 – 40 brick kilns a total of at least 2000 families gain access to protective entitlements that increase their bargaining power and reduce pressures towards child labour.
- At least two District Labour departments demonstrate consistent actions to improve conditions and remove exploitation of children in brick kilns.
- The programme evolves and articulates a change strategy that shows potential to move the brick kiln sector towards a free labour model (rather than bonded labour).

##### Possible activities:

- Seek to work with **both migrant workers from other states and local workers**.
- Engage with district labour departments to facilitate and regularise visits to brick kilns, especially to prevent child labour. This extension of legal compliance of brick kilns may need to begin with identifying the brick kilns that do not even exist on paper. NGOs, unions and district officials working together should **enable registration of brick kiln workers in vital benefits and insurances** available through Building and Other

Construction workers registration and Interstate Migrant Workmen registration. Strengthening these protective measures for workers can help create the underlying conditions to reduce the vulnerability that leads to debt bondage and child labour.

- As most of the brick kiln workers move to different kilns each year, there would be difficulty in forming community groups. It would be helpful to **form and/or strengthen unions**. Engagement with unions can be an effective way to take up cases of bonded labour and egregious abuses in the sector. Unions can also negotiate with brick kiln owners for better terms and conditions for workers, including removal of the multi layered sub-contracting system and improved wages.
- Children who are staying and working with parents at brick kiln sites live in very difficult conditions. Most of them who were going to school in their home villages are not able to continue their education. This problem could be addressed through linking them to residential schools near to home villages under the government's Sarva Shiksha Programme or **enrolling children in schools at the destination sites**. Programme partners should work with District Education departments to enable schools near to brick kilns to have the additional resources, mid-day meal supplies and teaching staff. Partners should also work with village elected leaders and health providers to ensure extension of immunization and preventive health care to children living at brick kilns.
- There is scope for formation of **adolescent girls groups at brick kilns** and these groups could collectivise around a series of issues that are significant to them ranging from basic nutrition and health and creating better work conditions on site.
- NGO partners should work with brick kiln owners to encourage them to create **better working conditions** at the sites, especially focused on the rights of children. A model could be evolved where owners provide non-formal education to children, safety measures for workers, better houses on site, and access to medical care and immunisations.
- As the programme develops, it should facilitate **advocacy by brick kiln workers with the state Labour Ministry** and in the media, in support of restructuring the sector and ending the system of deductions from wages in relation to loans and advances by employers.

### 6.3.3.2 Jaipur Workshops

#### Desired three-year outcomes:

- 200 - 250 children per year are rescued from Jaipur workshops and properly restored to communities in Bihar, demonstrating a collaborative inter-state mechanism through which families access key entitlements and on-going support so children are not re-trafficked.
- Create sufficient legal sanctions and visibility so that employers move towards employment of adults rather than minors in these workshops.

#### Possible activities:

- Undertake **joint capacity building and inter-departmental coordination** between agencies responsible for child protection, especially rescue and rehabilitation, in Jaipur.
- Work closely with the state and Jaipur authorities to gain commitment of resources for **increasing inspections and legal compliance** of embroidery, aari-tari, bangle making and carpet production workshops in the district, both to remove child labour and ensure workers access minimum wages and other worker rights.
- Coordinate **interstate planning** between the state governments of Bihar and Rajasthan to address the proper return and rehabilitation of rescued children and prosecution of traffickers. Freedom Fund should fund an NGO to appoint a Coordinator to facilitate on-going survivor-centred casework coordination between the two states, and to ensure police cooperation so that legal cases can proceed. In each case, the reintegration Coordinator will identify an NGO in Rajasthan to help with rescues of children when

requested by Bihari parents/communities, and an NGO in Bihar to ensure on-going support for the child, with engagement of CWC at both ends.

- If the documentation of all these cases reveals specific concentrated source areas in Bihar then resources in the Northern India hotspot should help with additional **preventive interventions** in those areas.
- Raise the level of **awareness and engagement of key media professionals** to help publicise conditions suffered by children in slavery in the workshops.
- Explore the scope to bring together civic bodies, chambers of commerce, Ward representatives, and local residents in defined areas of the city into neighbourhood committees to work towards “**child labour free**” zones of Jaipur, engaging local volunteers in outreach to employers and raising visibility of the issue.

### 6.3.3.3 Agriculture

#### Desired three-year outcomes:

- Through work with approximately 30 Sahariya settlements, implement and articulate a clear model of work (change strategy) with these communities to demonstrate and document how they can move out of bonded labour and prevent exploitation of children.

#### Possible activities:

- **Develop strong community support groups** within Sahariya settlements to enable them to raise their voice as needed against abuses by locally-powerful landlords.
- Work with these groups to define realistic ways to **address the root causes of bondedness** of the Sahariya community. These include: protection of Sahariyas against “land grabbing”; developing Sahariya communities’ skills on farming and other land/livestock-related livelihoods; options for landless families (including MNREGA); awareness and access to legal remedies to deal with fraudulent promises which trap them in bondage; ability of NGOs to help Sahariya bonded labourers initiate rescue, registration of cases and rehabilitation measures under the Bonded Labour Act, as appropriate.
- Sahariyas, especially children, are severely malnourished. **Integrate community-based work with state programmes against malnutrition.** Intervene immediately with severe cases and work comprehensively against bonded labour, social exclusion and exploitation in order to eliminate hunger.
- Work with specialist agencies to integrate a focus on **rights of adolescent girls and prevention of child marriage** within community-based work.

### 6.3.3.4 Mining and Stone Quarries

#### Desired three-year outcomes:

- To be defined in partnership with ETI and ARAVALI
- The programme should work with the State Forum on Natural Sandstone (SFNS) (which is supported by ARAVALI and ETI) to identify key gaps in current approaches. One priority will probably be to work with several NGOs to **create and strengthen community-based groups and union branches** in the most affected communities that especially depend on sandstone mining.

#### Possible activities:

- Alongside ETI, explore ways to strengthen accountability through European and Indian business supply chains, to **prevent cobblestones made with child slavery entering the market.**
- Support **expansion of “child labour free zones”** in key areas where children are engaged in production of cobbles. Working with District Education Departments to upgrade educational provision in these areas under Right to Education.



- **Increase awareness of inter-generational debt bondage** and intensive work within communities to define realistic actions towards reduced dependence on and coercion by quarry contractors.
- **Increase registration and documentation of workers** for example through use of the Building and Other Construction workers scheme in order to access important protections.
- Train partner NGOs in order to initiate **rescue, registration of bonded labour cases** and rehabilitation of mine workers, at their demand. Engage state and national level human rights bodies as needed to overcome any district level inertia regarding enforcement in specific cases.
- **Spread awareness about existing mining policies and provisions**, and develop mechanisms to activate them. Support current programmes to adapt quarrying techniques to protect health and safety of workers. This should include extension of screening, health care and compensation for mining-related illnesses such as silicosis.
- With guidance from local communities and from livelihood specialists, develop **strategies for alternative livelihood sources**. Work with village leadership to activate the government's employment guarantee scheme, MNREGA. Link workers with other sources of skill training.
- Work with specialist agencies to integrate focus on **rights of adolescent girls and prevention of child marriage** within community-based work.

**6.3.3.5 Child trafficking from Southern Rajasthan – especially to BT Cottonseed production**  
*Recommended for later integration in the hotspot – with additional funds, and based on additional research.*

**Desired three-year outcomes:**

- Measurable reduction of prevalence of child trafficking from approximately 45 targeted Southern Rajasthan communities
- Evidence of increased action and accountability against child trafficking by Indian subsidiaries/linked companies of multinational seed companies that control production by farmers in Gujarat and Rajasthan

**Possible activities:**

- **Develop strong community groups within highly affected communities**, through which they can address root causes of child trafficking, especially regarding improved livelihoods and functioning of state safety nets and schools.
- Work with specialist agencies to integrate a focus on **rights of adolescent girls and prevention of child marriage** within community-based work.
- Enable these communities and NGOs working with them to serve as **catalysts for all the institutions responsible within the child protection system**. Continue to develop and provide training for district level inter-departmental coordination. Further strengthen the institutions that had been activated during the UNICEF project.
- If possible, promote further **interstate dialogue between the Rajasthan and Gujarat government** on the issues of trafficking of children into BT cotton, cotton ginning and for other purposes.
- Work with an investigative team to **gather evidence of corporate links with child trafficking** for cottonseed production. Present the evidence to 2 – 3 key companies and their shareholders and work towards a remediation plan or use of legal strategies.

**6.3.3.6 Commercial sexual exploitation of children, and trafficking for marriage/sexual exploitation**

Given the very limited understanding of the extent and dynamics of these problems in Rajasthan, and the lack of civil society organisations with on-going work on the issues, it is



recommended that the hotspot should include a research project focusing on inter-generational exploitation of young women within certain tribes, as well as on understanding the relationship between trafficking for marriage and commercial sexual exploitation in the state. Research should gather information about: the likely scale of the problems in different geographic areas; ways to access and work with the communities affected by traditional practices of sexual exploitation; ways to affect social norms around trafficking for marriage; options for potential change strategies for both these issues; and possible partner organisations. If viable strategies can be prepared, then the Freedom Fund will seek additional funding to take up this stream of activity within the hotspot.

#### **6.3.4 Partner Selection**

The change strategy for Freedom Fund's work is that bonded and child labour can be eradicated through activation of state systems and emergence of strong social norms that reject exploitation of children. Civil society organisations have a key role in promoting these conditions. To achieve this, the following recommendations are to inform the partner selection strategy:

CSOs for grassroots interventions should be selected on the basis of:

- i. Their active presence within the identified geography and communities' recognition of their role
- ii. Thematic expertise to contribute in the sector
- iii. Willingness and vision to combat the issues of bonded labour and/or child labour (not limiting their role to ameliorating harm)
- iv. Demonstrated management and supervision capability for fieldwork which can be leveraged for the intervention
- v. Organisational attributes and systems (including financial accountability) as required to qualify for Freedom Fund grant funding.

Due to remoteness and accessibility challenges, most NGOs will work separately in the target communities/worksites, but within the hotspot as a whole, it will be an advantage if these NGOs also bring skills and experience in the following strategies: 1) Government systems strengthening; 2) Prevention; 3) Unions; 4) Supply chain approaches; 5) Gender-based programming; 6) Livelihoods; 7) Legal interventions; 8) Rescue operations and reintegration; 9) Safer migration; and 10) Media engagement. Some NGOs may be funded as cross-cutting, specialist agencies that build the capacity of all the NGOs in key issues such as legal action or livelihoods work.

## Annexes

## Annexes

### Annex 1: Definition of bonded labour practices within the framework of Indian law

There are a number of entities that have defined bonded labour and forced labour. The four key relevant sources of understanding on bonded labour are detailed in the figure below:

**Constitution of India:** Article 21 guarantees the right to life and liberty; Article 23 prohibits the practice of debt bondage and other forms of slavery both modern and ancient; Traffic in human beings, begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law. The Supreme Court has stated "when a person provides labour of service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words "forced labour" under Article 23 (of the Constitution of India)."

**The Bonded Labour System (Abolition) Act 1976:** System of forced, or partly forced, labour; Debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor in consideration of an advance obtained by him or by any of his lineal ascendants or descendants; He would render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages

**International Agencies:** ILO - forced or compulsory labour means all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily; Universal Declaration of Human Rights - no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms; UN Supplementary Convention on the Abolition of Slavery - the status or condition arising from a pledge by a debtor of his personal service or those of a person under his control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

**National Human Rights Commission:** Bonded Labour is a system under which the debtor or his descendants have to work along with one or more than one member of the family for the creditor for a specified or an unspecified period without any market wage or without minimum wage notified by the Government in order to discharge a debt; though deeply embedded in feudal and semi-feudal social structure, it is also prevalent in advanced agriculture with landlord serf relationship and in the non-agricultural sectors in brick kilns, stone quarries, beedi manufacturing, carpet-weaving, match and fireworks industry, pottery, construction projects and bonded child labour in the sericulture processing industry

### Modern forms of bonded labour

The desk review highlighted the coexistence of traditional and modern forms of bonded labour. In rural areas of Rajasthan, where agriculture is still the mainstay occupation, bonded labour persists but certain aspects have changed - given that people are migrating and the idea of the traditional landlord is being replaced by intermediaries and sub-contractors. In other sectors, traditional caste rules require forced labour from certain communities, and the lack of access to their own land, combined with this expectation to perform free labour and the threat of violence and economic boycott against those who challenge their expected social roles, keeps many Dalit families in bondage. In parallel, especially with an increase in sub-contracting within the labour market, there is a need to look into bonded labour within different supply chains.

The table below summarises some key findings on trends, from the desk review:

<b>Traditional forms still continuing</b>		
Families belong to a particular caste, they feel they are "socially" obliged to an upper caste family and are bonded for generations	Families have taken loans a number of generations ago. They are indebted. At least one family member always works for the family that had provided loans	Families work in the farms of landlord and get some nominal part of the produce, often enough to survive. They cannot say "no" to them. They fear violence.
<b>Changing scenarios for both "landlord" families and "labour"</b>		
"Landlord" families have moved on, away from agriculture. They have migrated to cities. Their relationship with farms is changing, and so is their relationship with labourers	"Labour" families also have their own forms of mobility. While education has helped a few, many others do not feel that agriculture can provide sufficient income. They have started exploring livelihood options beyond agriculture and also beyond their villages	Livelihood options within own villages are limiting. There is a regional imbalance of opportunity. Migration has become a necessity. In fact, access to migration based jobs itself is a "luxury". Presence of poverty, unemployment and indebted households
<b>Key forms of enslavements</b>		
<u>"Social and peer-based monitoring"</u> Jajmani system creates an exploitative yet synergic relationship where lower caste gets nominal but regular support from landlord.	<u>"Gift"</u> There is a system of gifts, advance, compensation or donation, all of which are names for transactions but are not necessarily wages	<u>Cost of exit is very high</u> Bondage comes from the power relationships symbolised through the caste system. A lower caste family cannot survive in the village if it tries to exit the relationship. The costs are so overwhelming that often the lower caste feels that the relationship is actually good for them.
<b>Modern forms exist by adopting traditional forms of enslavement</b>		
<u>Inducement</u> A system of advance payment which ensures that the labourers are bonded to the contract	<u>No Exit</u> Concept of advance is linked to the presence of a sub-contractor who is located often in the village itself, so if a person runs away with the advance, they cannot live in that society	<u>Forced Entry</u> Workers recruit each other. Absence of better livelihood options, often forces them to enter into exploitative relationship.
Lower wage, as families are happy that they getting advance	Sustained supply of labour through a systematic recruitment system, which is also low cost and situated in the social system itself	System of labour relationships: Does not eradicate poverty, which is an important requirement for the regular supply of labour entering bonded conditions

**Annex 2: People interviewed in Rajasthan during the study**

		Name	Position / Designation/ Institutional Affiliation	Location
Eastern and Central Rajasthan	1	Mr. Mahesh Khandewal	Labour Inspector	Jaipur
	2	Mr. Pradeep Jha	Deputy Commissioner, Labour Department	Jaipur
	3	Mr. M L Meena	Joint Commissioner Department of Child Rights (DCR)	Jaipur
	4	Mr. Rajiv Dosal	Director, Rajasthan Police Academy	Jaipur
	5	Ms. Anukriti	Assistant Director and Nodal Officer - UNICEF chapter, Rajasthan Police Academy	Jaipur
	6	Mr. Noor Mohamad	Ex Member of Rajasthan State Commission for Protection of Child Rights (RJSCPCR) and Founder of Alwar Mewat	Alwar
	7	Mr. Govind Beniwal	Ex Member of Rajasthan State Commission for Protection of Child Rights (RJSCPCR) and Founder of Manjari	Rajasthan
	8	Ms. Shahina Parveen	CWC Member	Kota
	9	Mr. Ramesh Paliwal	CWC Member and founder of TAABAR	Jaipur
	10	Mr. Vikash Sharma	Counselor, Children Home, TAABAR	Jaipur
	11	Ms. Santosh Aggarwal	Ex-CWC	Jaipur
	12	Mr. Malay Kumar	Head, Prayatn Sansthan	Bharatpur
	13	Mr. Manish Singh Gour	ED, CEOEDECON	Jaipur
	14	Mr. Vijendra Kumar	Bandhua Mukti Morcha	Rajasthan Context
	15	Mr. Vikas Bhardwaj	Secretary, Dang Vikas Sanshtan	Karauli
	16	Mr. Varun Sharma	Program Coordinator, ARAVALI	Jaipur
	17	Ms. Hemlata	Labour Education Development Society (LEDS)	Jaipur
	18	Prem Shankar	Sri Jan Jeevan Kalyan Sansthan	Bharatpur
	19	Ms. Jyotsna Rajvansi	Senior Fellow, Institute of Development Studies	Jaipur
	20	Dr. Sharada Jain	Secretary, Sandhan	Jaipur
	21	Mr. Bhawar Sharma	Deputy Director, Sandhan	Jaipur
Telephonic discussion	1	Mr. Virendra Vidrohi	Secretary, Matsya Mewat, Alwar, also District representative of PUCL	
	2	Mr. Vijay Mehta	Sankalp Mamoni, Baran	
	3	Mr. Shiv Singh Nayal	Convenor, Bal Sanrachhan Sajha Abhiyan (Past Khilti Kaliyan)	
Southern Rajasthan	1	Santosh, Priyanka	Aajeevika	Udaipur (operational - pan Rajasthan)
	2	Varsha	Sewa Mandir	Udaipur
	3	Jayesh Joshi, Pragati, Surabhi,	Vaagdhara	Baanswada,

	<b>Name</b>	<b>Position / Designation/ Institutional Affiliation</b>	<b>Location</b>
	Rohit		Southern Rajasthan
4	Madan	Prayas - Centre for Labour Research and Action	Udaipur (operational - pan Rajasthan)
5	Mohan Dange	Prayatna Samiti	Udaipur
6	Bhanwar Singh Chadana	Aastha Sanasthan	Udaipur
8	Rajendra Kumar, Babulal	Adivasi Vikas Manch	Kotra
9	Kailash Brijwasi, Asha	Jatan	Rajsamand
10	Chandraprakash Chaubisa	Apna Sansthan	Udaipur
11	Kamlendra Singh	Samarthak Samiti	Udaipur
Children and adults rescued from bonded labour including from brick kilns, traditional sex work and stone quarries			