

*Rajiv Kumar (RK): Hello from New Delhi. You are listening to Indian Ocean, the South Asia podcast of the Rosa Luxemburg Stiftung. I am Rajiv Kumar and I am a project manager working in the New Delhi office of the Rosa Luxemburg Stiftung. We will regularly provide you with news, analysis and commentary from South Asia here. We, that is the team of the Rosa Luxemburg Stiftung, as well as partners, experts and friends in the region, people who are committed to social and ecological justice and democratic participation. In this podcast, we hear their voices and their expertise. So today, in this edition of the podcast series, the Indian Ocean, we will be conversing with Sudhir Kumar Katiyar about the conditions of the workers engaged in the sugarcane industry in India, particularly the labor conditions, living conditions, health and other important and related subjects of the large number of men and women workers engaged in the sugar fields of India. Sudhir Katiyar is founder trustee of Center for Labor Research and Action. The center works for the labor and human rights of the vast mass of informal sector workers in many states of India. It undertakes research and action for the welfare of the workers in the unorganized sector and builds their capacity to access their entitlements through organizing. It coordinates and anchors a multi-state network of trade unions and grassroots organizations across the states of Gujarat, Rajasthan, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Odisha, etc. Center is working with local as well as migrant laborers in the agriculture, ginning factories, brick kilns and construction work.*

*Articles written by Sudhir on informal workers, caste system and social change have been published in the Economic and Political Weekly, The Wire, Counterview and Dalit Voice. So welcome Sudhir, welcome to the current edition of the pocast series, The Indian Ocean.*

Sudhir Katiyar (SK): Thank you Rajiv, we look forward to this opportunity to share our work with Sugarcane harvesting workers with the wider audience.

*RK: Great Sudhir.*

*As we all know, India is the world's second largest sugar producer after Brazil. A large workforce is engaged in the sugarcane industry in India. Can you tell us exactly how many men and women are engaged in the work of sugarcane cutting in India and which sections of the Indian society do these workers mainly come from?*

SK: Okay, so Rajiv, while there are no reliable official census of the number of workers, they are all informal workers, sugarcane harvesting workers. But our estimate based on the total production of sugarcane and the time it takes to harvest a particular at one tonne of sugarcane is that there will be something around 5 million workers involved in sugarcane harvesting every year.

Almost all of these workers come from the bottom of the socioeconomic ladder or I could say the caste ladder in India. That is they belong to Scheduled Tribes, Scheduled Tribes and extremely backward sections of society.

*RK: How are the conditions for workers in the sugar fields in India? How much is for example, how much is the wage of a sugarcane cutting worker for a day? Is the daily wage meant for one person or for a couple is only comprising a man and a woman? In most cases, husband and wife.*

SK: Okay, so the working conditions at the sugarcane fields are very primitive. A large number of workers are seasonal migrants. They migrate from their home districts to sugarcane fields. At the workplace, they live in makeshift shelters which are very basic camps, workers camps, and these camps are erected from polythene sheets or bamboo material. There is no sanitation facility and workers migrate with their families including children.

However, there are no facilities for children at the living place. The workers are employed as a team of workers husband and wife together. They work together and in the area that they work in, they are known by the name of Oita. That means a pair of workers.

The wages are on a piece rate basis. Average wage per day at current rate works out to around rupees 188 per day. That is two euros per day for a work that extends up to 10 hours.

It is below the minimum wage for agriculture workers.

*RK: So do the workers really get daily or weekly or monthly wages? There are also rampant cases or this is the main mode of taking advance from their contractors. The workers take advances from their contractors who hire these workers and supply them to the sugar mills for harvesting the sugarcane in the fields.*

SK: Yeah, that's correct. Workers are not paid daily or monthly wages.

Their wages are paid only at the end of the season.

So all the workers they start with a substantial advance from the labor contractor who hires them and they have to pay a very high interest rate on this advance which can be up to 6% per month.

So the result is that all the workers they go back from workplace empty-handed and again they are forced to take an advance.

So it's like a bonded system that continues.

*RK: Okay and what about when it comes to categorization? What do you think? These workers, do they fall under the category of agriculture workers or factory workers? Because the sugarcane cutting which they are doing, it is an agricultural work but at the same time the sugarcane which are cut by them are provided to the sugar mills and actually the sugar mills are organizing the sugarcane cutting with the help of the contractors. So what do you think?*

SK: Yeah, so, Rajiv, like you said that the workers are doing an agricultural work but they are doing it in a factory mode. They are employed by a factory and working under the factory, supplying raw material to the factory. So their status has been a point of legal debate also, legal case. Where there has been an issue whether they should be treated as factory workers or etcetra workers.

But right now they are treated as agricultural workers by the government and by the factories and the government has set aside a separate piece rate minimum wage for them, separate rate for them, piece rate that is on a piece basis and it also compares very unfavourably with the agricultural minimum wage. I'll just explain it.

The current legal minimum wage for sugarcane harvesting workers in Gujarat is rupees 476 per tonne. This amounts to rupees 238 per day. Two workers together have this 1 tonne of sugarcane in a day. But the agricultural minimum wage is rupees 76 per day. So there's a huge difference between them.

*RK: What do you think about debt bondage? Does the sugarcane industry witness the bondage kind of conditions for workers? Still, especially as bonded labour is supposed to be abolished in India now as per the Bonded Labour System Abolition Act 1976?*

SK: See when workers are rooted against advance and they are not paid regular wages and they are forced to continue working at extremely low wages till these advances settle. This constitutes debt bondage under the Act.

Sugarcane workers as I explained earlier, they all start in advance and they clearly fall under the official debt bondage as specified in the Bonded Labour Act. In fact, our organization with the help of workers, organizations, trade unions has a critical release of hundreds of workers from debt bondage in Maharashtra, sometimes in the very stressful situations.

*RK: And how about the conditions of women workers engaged in the hard work of sugarcane cutting? What kinds of problems do they face? Do they get housing, sanitation, and other facilities? When they migrate and go to the sugar fields for work, they usually have to live also on the farm. So do they get housing while they are on the work in the farms?*

SK: So as I said earlier, the migrant workers migrate with their family and women, members of the household, they migrate along with the men and work with them in the field. But women workers have to be the additional worker or burden of child reading and household tasks that

include cooking and cleaning. There are absolutely no sanitation facilities, either at the workplace or at the living accommodation.

So the burden on women sugarcane cutters can be understood by reports of very high incidence of hysterectomy reported amongst them from the district Beed of Maharashtra, which is the largest source of sugarcane workers in Maharashtra.

*RK: So you already mentioned about the women workers and certain conditions. So what do you think, what leads to this practice in certain pockets, this practice of coerced hysterectomies of women workers engaged in sugarcane cutting?*

SK: Well, the high burden of labor on women workers, this seems to be the main cause for this phenomenon. As shared earlier, women workers work alongside men harvesting sugarcane. If workday starts very early, when they have to get up early in the morning to cook food and then walk to the sugarcane field, that may be up to one hour's walk away.

Then they have to cut sugar for the whole day while managing infants on site if they have infants with them. And then they walk back in the evening and again they have to start cooking the evening meal.

So monthly menstruation cycle, childbirth, child rearing, they all interfere with the work.

The families are perpetually under debt and they have to harvest a certain amount of sugarcane every year to be sure that they meet the debt obligations. So this is what is leading to hysterectomies amongst women workers in sugarcane fields in the area of India, of Maharashtra.

*RK: And what happens to the children? Because large numbers of children are also migrating along with their parents. So what happens to them when the parents migrate to the sugarcane fields for harvesting when they migrate? Or there are lots of children who stay back and don't migrate. So what happens to them who migrate and what happens to those who don't migrate? Are there schools at either at the source or at the destination?*

SK: So the families when they migrate, they do try to leave the elderly children back at home. But this is possible only if their family supported somebody elderly in the family who's there to look after children.

Or if there is a hostel that can accommodate children of migrant workers. There does exist a government scheme of hostels for migrant children. But as happens with their most government schemes, it is not very well operated. There's a lot of problems in public schemes like this. So a lot of older children also end up migrating with their parents. And younger children of course cannot be left behind. So they have to accompany their parents.

So the children and infants who come with the parents to sugarcane fields, there's no school at the fields. There are no creches for the infants at the labor camps. So all of them accompany their parents to the work site.

There is extensive child labor in sugarcane obviously. It has been documented in research studies as well. Children who accompany their parents end up as dropouts from the education system.

Children who manage to stay back at home also very often because the government school system is very poor. They also end up dropping out because the family is away for a long period of time and they are on their own.

So it's a vicious cycle that continues over the generations that children start working at a very early age and then they end up becoming sugarcane harvesters themselves. It's very difficult to get out of the cycle.

*RK: What about the workers when there is extreme weather conditions like heat in the peak summer? Do they get any breaks during this time or do they have to work continuously? And now also there are instances of climate induced extreme heat. So this question becomes very important from that point of view also.*

SK: The work session is tough. They are working in the field almost the whole day. See, as the question of breaks, the workers are paid on a piece-rate basis.

So if they take any break doing the work, it is at their own cost because the employer is not bothered with that whether they break for work or not. But they have to continue working and also they are working in a part of a larger team. Like it's a group of around 15 families, 15 to 20 families that works as a team. So even if an individual wants to drop out of the field, they will be fined heavily by the team.

So it's not easy to leave work and go back.

*RK: So quite a number of issues are there. Labor conditions issues and living conditions issues. So are there any organizations working for organizing and empowering and entitlement of sugarcane workers? Can you share any instances which have led to hike in wages or any betterment of conditions in the sugarcane cutting workers in any area?*

SK: So we work primarily in South Gujarat. Sugarcane is produced in a number of states in India.

We have been working primarily in South Gujarat and to some extent in Maharashtra also.

In South Gujarat Mazdoor Adhikar Manch, it's a trade union, workers rights forum. It's a state-level trade union of informal workers in Gujarat.

So this has been working to empower and organize sugarcane workers for almost 8 years now. During this period, it has led a number of struggles for wage hikes.

One remarkable movement took place in 2019 when the workers union was able to enforce a moratorium on movement of workers, you know, migration of workers at the beginning of the season.

Basically, the workers stayed back at their homes asking for higher wages for the season and improved working conditions.

So its efforts have led to successive wage hikes from 238 per ton to 376 per ton, which is the current wage rate. It's a hike of 58 percent that translates into additional incremental wages of Indian rupees 3,105 million, that's almost 34 million euros. That is the wage hike that the total wage, incremental wages that the union was able to get from the employers through its actions.

Another area where the union's intervention is led to implement is the amount of compensation received by workers in cases of death. Only it was rupees 3 lakhs, not it has been a hike to rupees 5 lakhs. And union's intervention also has led to a significant increase in the minimum wages from 238 per ton to 476 per ton, almost doubling of the minimum wage. Essentially, it will be.

*RK: India has a large number of labor laws and all those labor laws have been, most of them have been merged and enacted into four labor codess which have not yet become effective. But my question is about, we would like to know about one particular labor law called the Maharashtra Mathadi, Hamal and other Manual Workers' Regulation of Employment and Welfare Act 1969.*

*And who all are currently covered under this act and who pays the wages to the workers if a worker is covered under the Mathadi Act? And so this seems to be an important piece of legislation, especially for protection and welfare of informal workers.*

SK: Yeah, rightly said Rajiv, India has a large number of labor laws.

There's something like 44 labor laws at the central level, also a separate labor laws at the state level. The sugarcane harvesting workers, they fall under the category of informal workers.

That means they do not have any written contract with the employers.

So they are like casual workers and majority of the labor laws will not be applicable to them. But there's no written contract with the employer.

However, even then there do exist certain laws that will be applicable to them. For example, the law of minimum wages, the Minimum Wages Act that is applicable to all the workers, whether they are formal or informal.

But the problem is that even these laws do not get implemented. As I said, the minimum wages for sugarcane harvesting work was raised to rupees 476 per ton under the pressure of the union of workers. But the fact is, they are only paying rupees 376 per ton. Even though the union has complained to the government to the state machinery, filed in cases in the labor court, there has been no movement forward. Similarly, there is another very basic act, the payment of wages act that stipulates that wages have to be paid regularly. But again, that is practically being flouted. The wages are settled only at the end of the season.

So even though some laws are applicable, not all, but even those laws are not being implemented.

So you rightly said, you talked about the Maharashtra Mathadi, Hamal and Other Manual Workers Act. It is a model act for informal workers that seeks to formalize the informal workers. It's a model act.

The informal workers, as I said, are not organized. They do not have any contact with the employers. They are forced to work very low wages. They have no social security. And the major interest in payment of social security is that workers are not employed and otherwise employed at a temporary basis. There is no permanent employer. So the Mathadi act tries to overcome these constraints faced by the informal workers by forming a tripartite board that acts as an intermediary between the workers and the employers. It deviates work conditions, including wages.

The act in the Maharashtra, where it is implemented, it applies to head loading workers, workers who are carrying loads over their heads, manual workers.

So under the act, a tripartite board has been formed comprising of representatives of the government, employers and the workers.

So all the workers and employers have to be listed with this board. It is compulsory. It is also known as the close shop system in the sense that the employers cannot hire workers from outside the board.

They have to be listed with the board and source workers only through the board. It's a legal condition.

So the employer does not pay wages to the workers in the board, in the Mathadi board. Instead, the wages are put to the board and that pays wages to the workers.

And in addition to the wages, the employer also pays a separate levy for social security for workers. It can go up to 30% of the total wages.

So the Mathadi board in turn provides comprehensive social security to workers. This includes provident fund, bonus, insurance, education and health facilities for workers. So it will just formalize the informal workers, ensuring decent work for them. But also it must be mentioned that all this has been possible because the Mathadi workers are also highly unionized and the unions play a key role in successful implementation of this law.

*RK: So as of now, this Mathadi act does not apply to any other sector of workers. For example, sugarcane cutting workers in Maharashtra or elsewhere. But bringing informal workers like Sugarcane cutting workers under such act, such labor law, can be of use and can lead to the ways in which it can rid the workers of their problems and hardships we have been discussing today.*

SK: Yeah, definitely. Mathadi as of now, applies only to head loading workers in Maharashtra.

But it can be very easily extended to other sectors. It's not difficult at all. In fact, Maharashtra itself has tried doing it. For example, they passed a very similar act for security guards.

Mathadi itself, you know, the title is Hamal and Other Manual Workers.

So the conditions in Sugarcane harvesting are very favorable for implementation of Mathadi act. In fact, it has been a persistent demand of workers in Maharashtra also.

Maharashtra government has also formed a board finally, after a lot of pressure by the trade unions and workers organizations. But unfortunately, they did not form a board on the Mathadi Act, but what happens is that the governments do form a board, but they form a board for welfare.

And Mathadi Act is different from the welfare boards in the sense that it regulates work. So there is a key difference. So the welfare act is really like a welfare scheme.

So there's a huge difference between the welfare act that has been passed by the Maharashtra government and the Mathadi act that is the demand of the workers.

But if the harvesting workers are brought within the purview of Mathadi workers, the Mathadi act, it will lead to a great improvement. It will lead to improvement in wages and the workers will be able to access social security. It will do away with the whole issue of advances and bondage, because the workers would get paid regularly and there would be no need for a net worth at all. So in a sense, it will formalise workers.

*RK: Thank you for sharing that. And I would also like to discuss a bit about larger supply chain issues in the sugar industry, as India is a large one of the largest producers of sugar in the world. So what do you think about the multinational companies that source sugar from India?*

*Are there any examples of where these multinational companies are using debt bondage in their supply chains? Are there any cases? Are you aware of any cases going on against any multinational company for violation of any labor and human rights?*

SK: Yeah, the multinational companies that sourcing sugar from India, they need to map these situations of workers in the supply chain.

It is their responsibility to ensure that workers receive adequate wages and decent working and living conditions with social security.

The high court of Maharashtra took suo moto cognisance of violation of human and labor rights of sugarcane harvesting workers. It appointed an ombudsman to compile and file a report in the court. And this case is actually going on, but it is not against any specific company. It is in generally dealing with the whole industry.

Now, recently, the sugar companies, the multinational companies sourcing sugar from Maharashtra, have come under pressure because there has been adverse publicity in American media about the condition of sugarcane harvesting workers.

So companies like Coca-Cola, Pepsi-Cola, who source sugar from Maharashtra, have come under pressure and they have sent delegations to look at the work conditions and see what can be done.

*RK: And in what ways can the German human rights Supply Chain Due Diligence Act help, do you think, to enforce labor rights and address the problems of labor in human rights violations in the sugarcane industry here? Do you think to what extent it is viable and possible to use this new piece of legislation?*

SK Yeah, I think it's a very welcome step on the part of the German government at a much greatest step as well. The German Due Diligence Act makes due diligence mandatory as opposed to earlier soft laws or advisories which used to be voluntary or non-binding. This is a positive change.

level one suppliers are required to talk to the suppliers down the chain. And if there's a violation identified, then the German entity can take action. So there's a provision of investigation.

If there's substantial proof of violation beyond tier one suppliers, but there's no mandate as of now to go beyond tier one suppliers.

Of the right violations specified in the act, child labor, post-labor, disregarding official and health situations, safety conditions at workplace, and freedom of association, withholding a living wage. These are the key violations that are being faced by workers in the supply chain.

So what we have seen in most of the labor rights violations are mostly prevalent in the lower end supply chain. In case of sugar industry, that is the sugar harvesting workers.

Often due diligence conversations remain at the upper levels of the chain. Tier-1 or Tier-2. So the violations at the lower ends tend to be invisible. And because of the informal nature of these workers and work sites, it is difficult to identify because workers are hidden under layers of subcontracting. Therefore, the most significant challenge in seeking early fundamental laws to establish supply chain linkages. It would be helpful if German entities who are sourcing sugar from India make their suppliers in India known to rights-based organizations. Efforts should be made to make the entire value chain visible. Then only substantial knowledge of violations can be provided by grassroots organizations with the entities covered under the act.

So any supply chain due diligence to give a new picture has to be reached in lower tiers. It will put pressure on German companies. You are sourcing sugar, clean up the supply, ensure decent wages and improve working conditions.

*RK: Thanks a lot, Sudhir. I am afraid I think our time is up. Many thanks for your conversation today and for your very important and very relevant inputs. Thank you for being with us and for all the food for thought and action. All the best for your organizing work with sugarcane and other informal workers and for their empowerment. Thank you.*

SK: Thanks, Rajeev. It was great talking to you on behalf of the Center for Labour Research and Action and also thousands of sugarcane harvesting workers. We would like to thank the Rosa Luxemburg Stiftung for providing us with this opportunity to share the work being done with them and their work conditions.

We thank you.