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CCI

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December 10, 2009

To,
The Department of Labor
The Government of the United States of America

**SUBJECT: REQUEST FOR AN EXTENSION IN TIME TO
SUBMIT COMMENTS ON THE POSSIBLE
INCLUSION OF COTTON HYBRID SEED IMPORTS
OF INDIA TO USA PURSUANT TO THE INITIAL
DETERMINATION NOTIFICATION, DATED
11.09.2009 FOR THE EO 13126 LIST**

Sir/Ma'am,

1. We file this interim comment in response to the September 11, 2009, Federal Register notice by the U.S. Department of Labor (DOL) announcing an Initial Determination that DOL "preliminarily believes" Hybrid Cotton Seeds produced in India "might have been mined, produced, or manufactured by forced or indentured child labor."
2. **Role of the Cotton Corporation of India (CCI):** CCI was established in 1970 as a Government Company. In the initial period of setting up, as an Agency in Public Sector, CCI was charged with the responsibility of equitable distribution of cotton among the different constituents of the industry and to serve as a vehicle for the canalization of imports of cotton.

3. CCI was nominated as the Nodal Agency of Government of India, for undertaking Price Support Operations, whenever the prices of kapas (seed cotton) touched the support level. As a Nodal Agency of Government of India to undertake price support operations, CCI keeps itself in preparedness to meet the eventualities of price support operations.
4. All operations of CCI are dovetailed to benefit the cotton growers on the one hand and supply of quality cotton to the textile mills on the other hand.
5. CCI would like to express its concern about the proposed inclusion of “Hybrid Cotton Seeds” under the EO list. We expressly deny the apprehension expressed by the US Authorities through the above notification and would like to seek time to respond to the documents used by the US Department of Labor to arrive at such preliminary findings.
6. CCI would like to expressly point out that the Indian Law too does not permit Forced or Child Labor and as it is a federal structure, both the centre and States take appropriate steps to ensure that there is no incidence of indentured child labor in all areas of the economy.
7. There are strict legal obligations which India adheres to tackle any possible problem of child labor. The government has through various schemes works to ensure strict compliance to the legal provisions.

Legal Prohibition

Constitutional Obligations

8. Indian Constitution and special legislations do not permit the use of Child or Forced labor. In India, the post-independence era has seen an unequivocal commitment of the government to the cause of children or forced labor through constitutional provisions, legislation, policies and programs.

9. The Constitution of India in Article 39 of the Directive Principles of State Policy pledges that "*the State shall, in particular, direct its policy towards securing ... that the health and strength of workers, men and women, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter a vocation unsuited to their age or strength, that children are given opportunities and facilities to develop in a healthy manner, and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation, and against moral and material abandonment.*"
 - The Constitution of India, through various articles enshrined in the Fundamental Rights and the Directive Principles of State Policy mandates that the State shall provide free and compulsory education to all children of the age 6 to 14 years. It further provides that no child below the age of 14 years shall be employed to work in any factory or mine.
 - The Child Labor (Prohibition & Regulation) Act, 1986 of India prohibits the employment of children below the age of 14 in factories and mines. India has also announced a National Policy of Child Labor as early as 1987, and was probably the first among the developing countries to have such a progressive policy.

10. As being a party to the UN Declaration on the Rights of the Child 1959, India adopted the National Policy on Children in 1974. The policy reaffirmed the constitutional provisions and stated that *"it shall be the policy of the State to provide adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development. The State shall progressively increase the scope of such services so that within a reasonable time all children in the country enjoy optimum conditions for their balanced growth."*

International Conventions & Treaties

11. The Government of India is a signatory to all relevant International Conventions governing labor conditions.
12. India has ratified on December 2, 1992, the Convention on the Rights of the Child which came into force in 1990. This ratification implies that India will ensure wide awareness about issues relating to children among government agencies, implementing agencies, the media, the judiciary, the public and children themselves. The Government's endeavor is to meet the goals of the Convention and to amend all legislation, policies and schemes to meet the standards set in the Convention.
13. India is also a signatory to the World Declaration on the Survival, Protection and Development of Children. In pursuance of the commitment made at the World Summit, the Department of Women and Child Development under the Ministry of Human Resource Development has formulated a National Plan of Action for Children. Most of the recommendations of the World Summit Action Plan are reflected in India's National Plan of Action.

14. India's policy on child labor has evolved over the years against this backdrop and its present regime of laws relating to child labor has a pragmatic foundation, consistent with the International Labor Conference resolution of 1979. This ILO resolution calls for a combination of prohibitory measures and measures for humanizing child labor, wherever such labor cannot be eliminated altogether in the short term. It should also be mentioned that India is second to none in its commitment to and in the upholding of the core international labor standards such as freedom of association, collective bargaining and non-discrimination.
15. State Governments are relentlessly making efforts towards eliminating any incident of child labor. The social trend of employing children at work places has been extinct for over a decade in India. Recent literature and data showcases how the Government of India has brought about the change and such data should have been the source for clarifying any apprehensions the US Department of Labor may have regarding the same.
16. The Initiation Notice requires Information Sought and needs such information to be weighed in determining whether or not a product should be included on the updated list. Criteria include the nature of the information describing the use of forced or indentured labor and the source of such information. Some of the information seems to be classified. No challenge can be raised against considering such information to reach the conclusions that the US Department of Labor has reached because the same is not available to us for review. We request that the information regarding apprehensions of forced/indentured child labor may be retrieved from certifying authorities.

17. Without prejudice to the aforesaid, the CCI requests that the US Department of Labor may kindly provide all such evidence/reports/documents which have formed the basis for the proposed inclusion of hybrid cotton seeds in the EO list. It is stated that in the absence of the said information, no interested party can offer its comments and defend its interests in a reasonable manner. We reserve our right to offer additional comments/information as and when we receive the full documentation from the US Department of Labor or any other agency involved in the present process.

18. CCI is of the view that there does not seem to be a legal or factual premise to suggest the inclusion of hybrid cotton seeds to the EO List and would seek time and the opportunity to study the resources of information that have been cited for inclusion of this product in the EO and TVPRA lists. Some of these are outdated and also not easy to find and CCI would need time to study them and respond with the current facts.

Yours sincerely,

(SUBHASH GROVER)
CHAIRMAN-CUM-MANAGING DIRECTOR