# Annual Report 2012-13



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Annual Report 2012-13

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### **ED's Notes**

There are three major issues that CEC has grapled with during the year. First, we were confronted with the extremely disturbing phenomenon of the existence of bonded labour in the brick kilns of Punjab. It is as if there are catchment areas of bonded labourers, where they are constantly regenerated. The situation is extremely alarming when we realise that the bonded labourers are dalits and they live in enclaves amidst affluence without right to land other than namesake homestead land.

The key to the issue is the 'advance'. The study that we have conducted among brick kiln workers in Amritsar, Ferozpur and Taran Taran districts, it was found that 94 per cent of all workers (Pathers, Jalais, Bharais and Nikasis) took advance and among Pathers, everyone took advance. More than 35 per cent the advance amount was higher than Rs.50,000 and upto Rs.100,000. Most of them said that they cannot repay the advance at the end of the season. That this is debt bondage can be argued from the following reasons: (1) it is compulsory that the workers must take advance; (2) advance is repaid against wages; substantial amount gets deducted; (3) there is no clear documentation of advance taken, work done and the loan repaid; (4) workers get only a weekly payment, so low that they cannot manage daily requirements without taking loan again; (5) workers do not get minimum wages; (6) workers cannot leave the job in a particular kiln and take in another till the advances are paid off; (7) in the next season, workers are compelled to choose work as dictated by the Jamedar from whom they have taken advance. Advance is the medium by which labour market is controlled and work, regulated.

Though brick kilns are covered under Factories Act, 1948, and therefore technically part of organised sector, none of the labour laws are

applied in a way such that the stigma of 'forced labour' is done away with.

The project that we are carrying out in the region proposes a four pronged strategy to address bonded labour, namely, provision of entitlements, advocacy, legal recourse and building organisations of brick kiln workers. However, a critical examination is called for as to whether these activities will genuinely liberate brick kiln workers from bondage or whether these will further entrench brick kilns as catchment areas for bonded labour and also for self perpetuating resource mobilisation against bonded labour.

Second, our intervention against child labour in homebased craft work raises similar critical concerns. Our investigation has shown that 1. child labour is prevelant in the homebased craft sector; 2. it is not necessary that children are engaged by crafts people for acquiring and transferring traditional skills; 3. children are engaged in wage work, whether at home or at karkhanas; 4. homebased work or karkhana work is the lowest production processess linked, usually, to global supply chains; 5. girl children work at home; 6. fairtrade supply chains are more conscious about child labour; 7. children are engaged in hazardous work.

The overwhelming strategy against child labour in craft sector has been to focus on education. It has been observed that in many cases informal schools without infrastructure, teaching aids, trained teachers etc., are touted as formal schools and worst, children are made to work after school hours. In some cases, children work and the products they produce are for sale.

Issues that have not been adequately addressed or resolved are, among others, improved adult wages as a means to prevent child labour as well as the supply chain issues like transparency and

regularity of work assignments. Another area of concern is the link between adolescent labour and apprenticeship. In most cases, apprenticeship is a guise to extract labour from adolescents, without provding any of the rights adults enjoy at work.

Third, our major intervention, work among small tea growers, have thrown up major challenges. The crux of our involvement is the empowerment of small growers and creation of institutions, which enable them to bargain with those who control the value chain, for fairer terms of trade. The logic of empowerment says that the small growers potentially can move up the value chain further and further. Two basic steps that the small tea growers have taken are one, to avoid leaf agents and then, to negotiate with tea processing enterprises - bought leaf factories or the estate factories. Experiences show that even at these levels, the small growers are not in full control. Leaf agents manipulate supply, prices and loans to wean away indivudals and groups of growers from collective action. When they deal with estate factories owned by corporate houses, those people do not allow growers to aspire anything more than regular supply of leaf. The small growers also do not have full negotiating power over to influence the determination of green leaf prices, which are decided by the tea manufacturers.

There exists a vested interest in not changing the current supply chain model, seen in an unholy alliance between agents, bought leaf factories and some small grower leaders.

Another concern is that the present model of tea processing, with huge capital investment and large volumes, is not suited for small tea growers. However, small tea processing units are considered unviable and the machinery suppliers are not inclined towards supplying small units.

Small growers are also reluctant to move to manufacturing because the tea marketing systems and channels are highly controlled and corporatised. It is not easy to build a *brand* of the small tea grower tea and sustainable marketing channel.

Nevertheless, CEC is encouraging the lead collectives of small tea growers to learn from the innovative experiments and move towards small scale green leaf manufacturing and marketing. Initiatives, in this direction, has come from the mostive active small tea grower societies in Tamilnadu and Kerala. NABARD has supported this idea.

A very large number of workers are engaged by the small tea growers for agricultural activities and for regular plucking of leaves. Since most of the workers engaged by small tea growers are outside the purview of the Plantation Labour Act, 1951, there are no specific measures to address the vulnerability of these groups. Consistent neglect of welfare of these workers could, in the long run, result in low productivity and attrition.

New Delhi J John

July 2013 Executive Director



### **CEC: Brief Overview**

Under the globalisation regime, workers and small producers have to reckon with national and global perspectives, which are conflicting and unifying at the same time. Production in developing countries, along commodity chains controlled by multinational corporations for metropolitan consumer markets, calls for innovative strategic advancement. Global actions initiated by cross-country networks are a case in point. In such relationships, CEC emphasises the recognition and integration of worker-centric producing-country perspectives in the overall articulations and specifics of research and policy advocacy.

As a labour-resource centre, CEC engages in 'knowledge generation', 'knowledge dissemination' and 'capacity building' with the objective of enhancing the dignity of labour and small producers. Nature of CEC's activities is discursive and advocacy oriented. The discursive character makes CEC a knowledge based organisation. The knowledge it receives is the knowledge from the workers and the community. The transformative character of this knowledge is such that in CEC's engagement with knowledge, it considers the 'subject' as an 'active entity' rather than a 'passive entity'. It is distinct from political parties and social movements, but exists in contestations with them.

A world where all workers and small producers are empowered to lead a life with rights, dignity, equity and justice.

CEC's mission is to build a wider horizon with labour and small producers and to uphold their rights as well as to enhance their dignity and power. CEC develops key ideas, policies and solutions that address changes in the world of work and engages with organisations of workers, small producers and like-minded entities.

Programmes of CEC are based on principles of economic, civic and social justice:

Values

- Economic justice based on universal social security and ensuring need based wage to all workers and fair price for small producers;
- Civic justice through enhancing bargaining capacity of workers and small producers, legal and policy interventions for achieving decisive participation of the working population in decision making and
- Social justice based on non-discrimination and ensuring equality in terms of gender, caste and ethnicity.
- Though CEC does not have separate gender and caste-based programmes, principles of gender rights and social inclusion are strictly followed in all activities.

In the year 2012-13 there was a strategic focus on four key areas: Issues of

## Stategic Focus 2012-13

- (a) sustainable livelihood
- (b) moving up the value chain
- (c) eradication of child labour and
- (d) eradication of bonded labour.

Small tea growers account for almost 30 per cent of the total tea produced in India. Their numbers are increasing as a result of changes in tea trade and a corporate led restructuring of the Industry. Their insertion into the global tea value chain is determined by the governance structures within the chain as well as though institutional relationships. Through collectivisation small tea growers have tried to build a counter pressure through establishing a direct linkage with bought leaf and estate factories and upgrading their productivity and quality. However, the biggest challenge confronting the small tea growers is moving up the value chain. Successful collectivisation in the dairy and other sectors emphasise that small producers need to upgrade their relative position through forging strong marketing linkages. Only when the PPSs enter into processing and establishing direct marketing linkage the collectives of STGs will be able to realise their full potential.

#### Sustainable Livelihood

In this process a sustained partnership with Tea Board in supporting the PPSs and ensuring their viability becomes a crucial challenge.

Working with STG associations effectively for shared learning, negotiation, collective lobbying and advocacy is a huge challenge.

In home-work the line between work, rest and recreation is usually blurred. Low income, insufficient or irregular work; unclear or non-existent employment status; inadequate social security and benefits leads to persistance of child labour at homes.

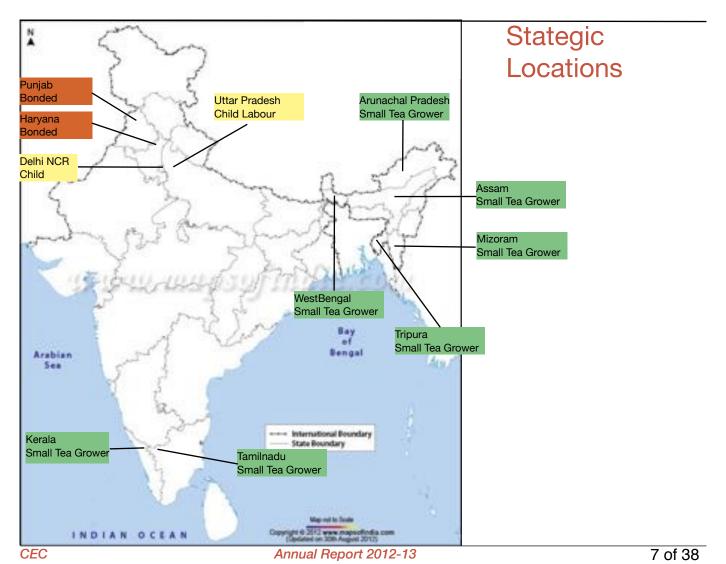
Right to Education ensuring free and compulsory education to all children from age 6-14, was made a law in 2009. Earlier, in 1986, when the CLPRA was promulgated, education was not a fundamental right. Now, with the recognition of the fundamental right to education, there is a need make changes in the CLPRA accordingly. It implies that the children in the age range of 6-14, cannot be engaged in non-hazardous work.

# Eradicating child labour

Facilitating the implementation of the right to education is big challenge. Linking up formal schooling and job oriented vocational education is another challenge. The process of transition from schooling to work needs to be understood and taken into consideration.

Bondage in new and old forms coexists in India. In the traditional understanding of bondage, debt is the medium of operation. Though bondage relations mediated through debt continues to be practiced widely, they no longer work within the older frames of permanent relations between workers and employers. The Bonded Labour System Abolition Act (BLSAA) passed in 1976 understands bondage within the framework of identification, release and rehabilitation. It needs to be changed and made relevant to the existing realities. There is a need to strengthen the countervailing forces that can understand the old and contemporary forms of bondage — one ensuring a living wage for all workers, two, strengthening the role of labour administration; three emphasising on the responsibility of corporates, four, emphasising on the role of the trade unions and five, emphasising on the role of other organisations.

# Eradicating bonded labour



### **Building Sustainable Livelihoods**

CEC is working among the small tea growers in Assam, West Bengal, Mizoram and Tripura. The overall objective of the work is to reduce poverty among Small Tea Growers (STGs) by enabling them to realize fairer terms of trade.

Currently (2011), tea is grown in 15 states in India over an area of 579,353 hectares, which account for 16 per cent of the total area under tea cultivation in the world. However, 92 per cent of the area under cultivation and 98 per cent of the total production are accounted for by four major teagrowing states, viz. Assam (51 per cent), West Bengal (23 per cent), Tamil Nadu (17 per cent) and Kerala (7 per cent). The other states where tea is grown are Tripura, Arunachal Pradesh, Orissa, Manipur, Mizoram, Nagaland, Sikkim, Uttarakhand, Himachal Pradesh and Bihar. What emerges is that more than 75 per cent of tea produced in India is from West Bengal and the northeastern states (Assam, Tripura, Arunachal Pradesh, Manipur, Mizoram, Nagaland and Sikkim).

STGs and the workers in their gardens are vulnerable and receive the lowest rewards for their labour. They grow and harvest a perishable product that cannot be stored or transported over a long distance. Ideally, tea leaves need to be processed within two hours of harvest, limiting market opportunities to a small geographic area. As a result, STGs are dependent on local processing factories, making it virtually impossible for them to negotiate with buyers on price. STGs are not recognised by the wider tea industry and have little capacity to negotiate. Their lack of representation means they suffer from low prices, exploitation by factories, and lack of access to resources that could improve the quality and yield of tea. These factors contribute to their poverty and vulnerability. The current project intends to address poverty by helping small tea growers to negotiate their space in the tea value chain and to achieve fairer terms of trade.

"Till last year for us Rs13 was a good rate. We were trading leaf individually then. Not through collective leaf supply we are getting a price of Rs 14.5 per kg. We have managed to reduce on the transportation cost and that has contributed significantly to the price gain."

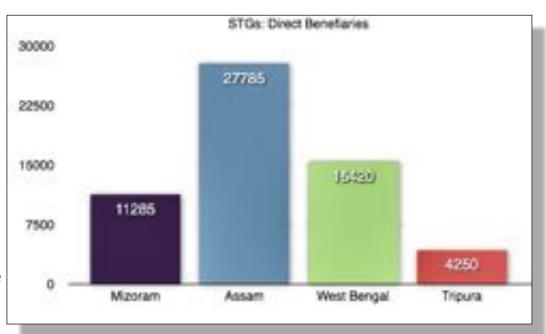
Dhanyamanik Deberma, Secretary, Fatikchara STG Society,

The project, 'EqualiTea' or 'Sustainable Livelihoods for Small Tea Growers' is being implemented by CEC in partnership with Traidcraft, UK and supported by the European Commission. The project period is from April 2011 till March 2016 and is expected to organise 50,000 growers in India and 1000 in Bangladesh.

The project has collectivised small tea growers in the states. They are negotiating with bought leaf factories for better realisation of prices; have avoided leaf agents or brokers in the process; have improved quality of leaf through better agricultural practices and through training and practice, have developed financial and organisational management systems.

Since April 2011, the beginning of the intervention, 58,740 small tea growers have been directly benefited from the project. The networking process have had a snowballing effect. The growers who have been collectivised, are negotiating with bought leaf factories for better realisation of prices; they have avoided leaf agents or brokers in the process; they have improved quality of leaf through better

agricultural practices and through training and practice, and they have developed financial and organisational management systems. As the growers are getting organised into societies, they are influencing other potential growers in the same locality and nearby villages and



helping the staff to contact other growers. The work of Equalitea has also had a ripple effect by increasing the bargaining capacity of growers in a region as a whole – those incorporated into societies as well as those from the same village and nearby areas who could not get organised due to advances taken by the agent, have also gained from the overall price increase.



11478 small tea growers are members of 140 primary producer societies or self help groups. All are registered under the Society Registration Act, 1860.

CEC

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#### **Assam**

In Assam, 95 primary producer societies (SHGs) covering about 5500 growers have been formed. These are in Jorhat, Golaghat, Tinsukia, Dibrugarh, Shibsagar, Karbi Anglong, Udalgudi and Kokrajhar districts. In Jorhat and Golaghat districts we have formed about 18 societies covering 1106 growers over an area of 3188 acres. Average size of landholding is 2.88 acres. In Tinsukia and Karbi Anglong a total of 1055 growers have been organised into 16 PPSs with a total landsize of 1363.73 acres having an average land holding size of 1.3 acres. In

Shibsagar 330 growers have been organised into 8 PPSs with a total landsize of 1000 acres. This district had a higher land ownership, an aerage of 3 acres. In Dibrugarh 358 growers have been organised into 8 PPSs. In the Bodoland districts (Udalgudi and Kokrajhar) about 2708 growers have been organised into 47 PPSs covering a total area of 4354 acres. Here, the average size of landolding is 1.67 acre.



#### West Bengal

In West Bengal, 3,084 growers have been organised into 29 societies covering a land area of 6,214 acres. Average landholding is 2 acres. 14 societies have obtained society registration certificates. Most of these societies have been formed in Jalpaigudi district and efforts are on to organise growers in the Uttar Dinajpur region. Uttar Dinajpur is a region where the growers are extremely backward in terms of cultivating practices and are still following a 45 day plucking cycle. As a result, the yield is very low and consequently, the income is also

very low (price of green leaf even touches Rs 4 or Rs 5 per kg). Most of the newly formed societies have initiated negotiations with the bought leaf factories. Societies from Jalpaigudi have initiated leaf trade whereas the societies from Uttar Dinajpur are focussing more on trainings on collective action.



#### Tripura

In Tripura focus has been on organsing small tea growers in the Unnakoti district of North Tripura. Small tea growers started cultivating tea in this area more recently – in 1996 and many started from 2010 when the government helped them by providing saplings and gave them land for tea cultivation. Agents are not present in Tripura and growers are individually selling tea to the factories (BLFs and Estate factories). A total of 850 growers organised into 16 societies covering an land size of 1,990 acres. Average landholding is 2.3 acres. The Equalitea societies have started negotiations with the factories for collective leaf trade. Another need identified by the Equalitea team is of saplings both for infilling as well as for planting in

new land allocated to them by the government. A rough estimate shows that Tripura faces a shortage of approximatley 35,00,000 units of saplings. Based on this a dialogue has been initiated with the Tripura government. Potentials of developing organic cultivation in one of the societies formed has also been recognised and negotiations are on with the government to help them develop as an organic farm using small scale processing techniques.



#### Mizoram

In Mizoram most of the work has been with small tea growers ventured into cultivation of tea encouraged by the government. These

have been formed into cooperative societies. In the State, there is a need to have more processing units and efforts are being made in this direction. Exposure visits have been conducted to a factory in Meghalaya which has been conceived to cater to the needs of small farmers. Subsequently, farmers are being helped to negotiate with the government to set up similar processing facilities. Mizoram too faces acute shortage of saplings.



#### Capacity Building

A total of about over 100 field level training programmes have been organised on technical aspects and administrative and management issues. Trainings are decided based on the needs of the growers.

Trainers are selected on the basis of the nature of the training and the experience of the trainer. In West Bengal the focus of the technical trainings has been on pest control, plucking pruning and use of fertilizers while in Mizoram the focus of the technical trainings has been on giving guidelines for planting tea, raising of nursery and vegetative propagation in tea. In Tripura technical training has been imparted on young plantation management and shade tree, plantation technique and drainage systems. In Assam the trainings have been on pruning.



#### Engagements with the Tea Board of India

CEC has been recognised by the Tea Board as its strategic partner for North Bengal and North East region, Second, CEC has been a crucial speaker in the small tea grower conventions initiated by the TBI and third, CISTA organised conference of STGs which was attended by the TBI chairman. Complimentary to the work of EqualiTea on the ground, the Tea Board is increasingly giving priority to the growth of the small tea growers and recognising that they have contributed significantly to the development of the tea industry as a whole. Tea Board recently initiated a series of conventions for the small tea growers. First in the series was held in Tezpur University, Sonitpur (April 28, 2012) and the second in Golaghat district (June 11, 2012) of Assam and then in Uttar Dinajpur, West Bengal (December 10, 2012). Purpose as stated by the TBI ihas been to spread awareness among the small tea growers on formation of societies,

improving field productivity and technology dissemination. CEC has been invited to make presentation by the Tea Board of India in the conventions of small tea growers organised by the Tea Board in Sonitpur, Golaghat and Islampur. In a



crucial development the 219th meeting of the Tea Board held at Kumarakam, Kerala on 22nd June 2012 affirmed and passed the decision taken in the previous board meeting of having a working relationship with Centre for Education and Communication for motivation of Small Growers and Formation of groups of small tea growers in the NE Region and North Bengal region.

In the States, CEC staff work in close coordination with officers of the Tea Board in providing training to growers and in ensuring the reach of Tea Board benefits to growers. CEC team facilitates growers in applying for and obtaining biometric cards.

#### **Engagements with State Governments**

The project has the support of state governments of Tripura and Mizoram. Project team has had a series of meetings with the central ministry in Delhi. The project team has been networking with state governments at various levels and has successfully got support from them. Two key instances that can be listed 1) Tripura government is collaborating with EqualiTea project staff in building PPSs and providing training programmes. 2) Mizoram Government is collaborating with EqualiTea project staff in providing trainings to the STGs.

#### **Engagements with STG Association**

CEC has also facilitated Confederation of Indian Small Tea Growers Association (CISTA), a federation of associations of small tea growers from nine tea growing states, in networking with the government as well as with the Tea Board of India. CEC facilitated a Seminar on Small Tea Growers organised by the CISTA and All Assam Small Tea Growers Association (AASGTA) in Dibrugarh on August 29, 2012. Tea Board Chairman Mr. MGVK Bhanu in his speech called for formation of primary producer societies of small tea growers and encouraged

them to work collectively and enhance their bargaining capacity. CEC has also been facilitating small tea growers in the conceptualisation and articulation of their campaign and advocacy documents.



We have been rescued from the monopoly of the middlemen. We can get the information on green leaf price at the earliest.

Drubojyoti Nath, Secretary, Banjyoti Society, Udalgudi

India Inti-

#### Collective leaf trade

Once the PPS is formed their capacities are enhanced through continuous training on collective actions. Institution building and strengthening of governance structures will be the focus at this stage. PPSs are mentored on conducting society operations, negotiating with BLFs/estate factories and initiating leaf trade, opening bank account, procedure for registration under the Societies Act, tea Board as well as the DIC (in Assam). In Tinsukia and Karbi Anglong 6 societies are engaged in leaf trade. In Shibsagar 3 societies are engaged in leaf trade. In golaghat and Jorhat 11 societies have initiated leaf trade. In Udalgudi and Kokrajhar 42 societies are beginning leaf trade. In West Bengal 16 socities are beginning leaf trade. In Tripura 3 societies are starting leaf trade. Leaf agent poses the single biggest challenge to this effort and overcoming it is a process of constant struggle.

We have experienced a price gain of about Rs 3 this year. Society is maintaining good quality leaf through technical and institutional training.

Kesharam Ganju, EC Member, Trinayan STG Society, Jorhat



Last year we started saving from leaf trade.
End of the year we had Rs 16000 and invested that in an office space. Now we have this small office.

Arun, Secretary, Baba Loknath STG Society, Jal paigudi, West Bengal

### Moving up the Value Chain

Real empowerment of the small tea growers happen when they realise their potential in the tea value chain and assert their rights. Collectivisation is the beginning; it gets strengthened when the growers start collective leaf trade avoiding leaf agents during which they negotiate with the manufacturer and gain a better price for the green leaf. Next stage, for the small tea growers, in their movement up the value chain is when they collectively manufacture the tea rather than giving it to a third party.

Societies of small tea producers formed by CEC in Nilgiris as well as in

some parts of Kerala have are now ready to move into the next level in the value chain manufacturing their own tea. Working with them CEC is trying to build producer companies which will function on cooperative principles. The plan is as follows: one society will have one producer company registration. All the members of the society will be members of the producer company and will have a share in its earnings and profit. A producer company will have one or more than one production facilities depending on the need. The production



facility will be a small tea producing unit – 400-700 kgs capacity. The unit will produce orthodox or green tea. All these processing units/producer companies will be linked to one marketing federation at the national level.

Federation of Small Tea Growers Associations in Tamilnadu (FESTATN) in October 2012 set up a committee to look into the feasibility for factory. Karadippara, Kayuni, Ganthinager, Periyar nager, Marapalam Ebenaser, Aruthuparai, Elamalai, Karukapali, Karakorai, Appukodu, Bandhumini, Karugapali, Selvapuram, Yallamali, Karakorai, Subas Nagar, Marapalam, Puliyamparai, Sri Madurai STGA, Sholur STGA, Periyarnager Society, Athipallai are among the societies which are considering setting up of the factory.

CEC ED as well as field coordinator have had series of individual meetings with the societies. Members of interested societies have been taken for exposure visits to a small factory running in Kotagiri as well as to an existing agricultural producer company in Coimbatore to understand the process of registration and other formalities.

Key challenge CEC encountered in this was that many cases the STGs were willing to set up the factory for themselves and not for the society as a whole. CEC is carefully maintaining the group dynamics and encouraging only societies to register and not individual growers.

In Mizoram CEC has already conducted survey in one of the STG

societies-Baktwang where there are around 200 growers and is working with the horticulture department towards getting the resources and setting up a factory. In the other states of North India where CEC is working, the idea has been mooted to some of the societies that have been formed namely Dharani, Sri Sri Anirudha Dev orgnaic Tea Growers Societies in Assam and some societies in Uttar Dinajpur. However, there are issues which need to be addressed – these are relatively new

groups, in the South the green tea



Exposure visit to Sharawn Small Tea Grower Factory, Meghalaya

production is possible but in northern areas it is only CTC. At present there is no CTC production possible though small factories, which means that business plan has to be innovatively worked out with the societies before they take to setting up factory; pesticide content etc is very high as bushes are mostly old, in areas where new plantations are there organic cultivation for a part or whole of the land has to be encouraged.

### **Eradicating Child Labour**

Home-based workers are hard to reach, largely invisible, not separately identified and the longer and constantly changing supply chains make them difficult to map. Home-based works in the informal sector fall into different categories of employment: from employer to self-employed to informal and casual wageworkers to industrial outworker to contracted or subcontracted or dependent workers. They are vulnerable to all forms of exploitation and unfair practices in the production oriented processes in the craft based industry. The

combination and complexities between and among different actors in chain, the uncertainty in employer responsibilities and the invisibility of home-workers makes it harder to ensure good employment conditions for home-workers. Child workers and children of home-workers are even more deprived in this sector. The project, therefore, focuses on home-workers and children involved in homebased works in the project areas of western Uttar Pradesh, including the districts of Agra, Firozabad, Moradabad, Saharanpur and Buland Shahar



and the National Capital Region (including Noida, Gurgaon) of Delhi. These are the regions where home based workers are concentrated and both fair trade craft and non fair trade producing organisations are located. Using fair practices as a starting point to understand the issues involved in this sector, target groups, including craft producing organizations, were selected on the basis of the home-based craft works where children are engaged; presence of export oriented supply chain; sustainability factor; presence of schools and other educational initiatives and the presence of agencies who can take the project forward.

The project address the issue of child labour in a sector that is functionally characteristic of engaging children in major ways: homebased crafts production. The project focuses on improving the quality of life of children involved in home-based craft works and promoting their best interests; ensuring quality formal education for children

involved in home-based work and/or children of home-based workers; addressing the causes of child labour in home-based works; ensuring minimum wages to home-based workers; using fair trade as a starting point to understand the different ways in which child labour can be eradicated. Overall Objective of the Project is to ensure the rights and development of children working in the home-based crafts sector in India. Specific Objectives are: To develop an effective model for addressing child labour issues in the home-based crafts sector in India; ensuring that the model developed under the project is comprehensive, sustainable, viable, replicable and appropriate; gain the support of key stakeholders to ensure the implementation of this model; and setting up monitoring mechanisms that ensures that the model addresses the child labour issues completely.

There are two project areas: (1) Western Uttar Pradesh, which includes the districts of Agra, Firozabad, Moradabad, Saharanpur and Buland Shahr and (2) The National Capital Region (including Noida, Gurgaon) of Delhi. Project implementing partners: Traidcraft Exchange, India; Fair Trade Forum – India (FTF-I), Delhi and Centre for Education and Communication (CEC), Delhi

CEC's key role is conducting the action research which is on-going throughout the project period and advocacy during the latter half of the project: Action research aims largely in identifying, examining and studying existing interventions in both fair trade and non-fair trade supply chains in home-based craft production.

Mapping stakeholders in the export oriented supply chain of craft production were conducted as part of initial phase of the research.

About 65 models were studied during phase I. The initial mapping exercise has been conducted in the project areas in order to study the stakeholders and supply chain. The study has been carried out using mixed approaches. Researchers vsited field/ learning centre/household/ kharkhana/production units/ factory/shops and outlets, and conducted interviews and focus group discussions with fair trade organizations, big producer groups, contractors, sub-contractors, home-workers

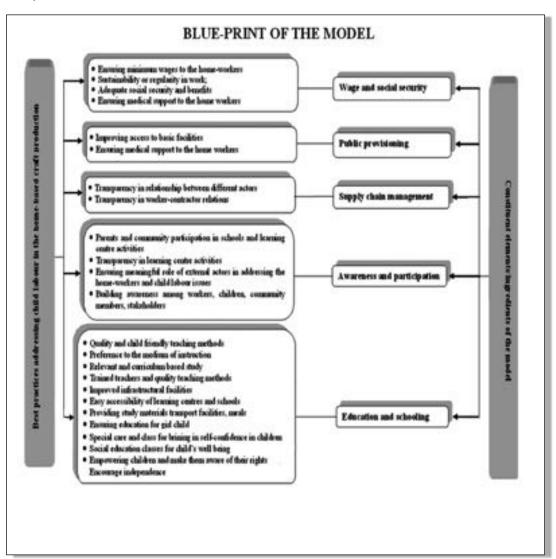


both men and women and children. A value chain analysis of the supply chain in craft production helped in identifying home-workers, home-based craft workers, child labour, nature of the supply chain, role of stakeholders in the supply chain, interventions in the field, justification of geographical location, etc. Based on the initial mapping analysis, certain components of the model based on the best practices were identified.

An intensive case study approach was undertaken during the second phase of the research in order to understand the various inter-linked factors like the socio-economic conditions of home-workers, the nature of work, working hours, wages, social security and health, awareness, skill transfer, etc. The detailed research on this phase focused more specifically on studying: the situational analysis on the status of child workers home-based craft production stakeholders and supply chain, studying curriculum-based skill development — constraints and possibilities and studying the problem of ensuring a minimum wage for home-workers. More than 15 specific sites have been studied during this phase.

Through an analysis of the action research phase I and the detailed study on phase II and the interventions on the field, a blue print of the model addressing child labour in homebased craft production is developed.

A blueprint of the model addressing child labour in home-based craft production was developed through an analysis of the activities. The detailed situational analysis conducted



on the basis of best practices/elements identified resulted in exploring and understanding the various aspects of child labour in home based craft production. The blueprint of the model developed was shared with the key stakeholders in different stakeholder and multi stakeholder network meetings. The inputs of the consultative process were taken into consideration in order to finalise the model.

#### National Consultation on Child Labour

A national consultation on child labour was organised by Centre for Education and Communication and ActionAid at Constitution Club (Dy Chairman Hall), New Delhi, on 13 December 2012. The consultation discussed several issues related to the problems of definition and enumeration of child labour, child labour and informalisation, laws and policies pertaining to child rights and labour, migration and trafficking, the role of police in child labour prohibition, and the political economy of child labour. It ended with a set of policy recommendations and policy decisions on how the proposed changes to the Child Labour Prohibition and Regulation Act (CLPRA) should be worked out. Minister of State for Labour and Employment Shri K. Suresh inaugurated the session in the presence of Prof. Shantha

Sinha, Chairperson, National Commission for Protection of Child Rights (NCPCR), and Ms Tinne Steamrose, Director, International Labour Organization (ILO). Dignitaries from various institutes, scholars, advocates, experts in the field, and civil society and trade union representatives addressed the consultation.



The participants noted that the Government of India had

presented a bill under the title Child Labour (Prohibition & Regulation) Amendment Bill, 2012, in Rajya Sabha on 4 December 2012, to amend the Child Labour Prohibition and Rehabilitation Act, 1986, thereby banning all child labour till one reached the age of 14 years, without making any distinction between hazardous and non-hazardous occupations and processes. Participants also observed that the present amendment bill, which treats employing child labour as a

cognizable offence, made it possible for the police to file a charge against those who employed children, which would enable the effective implementation of child labour prohibition.

While acknowledging that the move to amend CLPRA was in sync with Right to Education Act and the provisions of ILO Conventions 132 and 182, the participants expressed serious concerns about certain provisions that, in effect, would undermine the stated objectives.



Participants disapproved of the fact that the bill did not ban

child labour up to the age of 18 and, in fact, banned it only in the case of hazardous occupations and processes. Therefore, the participants requested the Government to legislate for a complete ban on child labour up to 18 years, without any discretion with regard to hazardous and non-hazardous occupations, in line with articles 32 and 1 of the United Nations Convention on the Rights of the Child (UNCRC). The participants did not accept the change suggested in the nomenclature of the original CLPRA 1986 as mentioned in Section 3 of the present amendment bill, which proposed to rename Child Labour Prohibition and

Regulation Act (CLPRA) as Child and Adolescent Labour Prohibition and Regulation Act (1986). As per the suggested change in nomenclature of original bill, Section 3 of the amendment also defines as children only persons up to the age of 14 years, and considers as adolescent all those above 14 years and up to the age of 18. As per UNCRC, a child is defined as a person up to the age of 18 years. It is also stated in the 11th Plan (2007–12)



document that 'recognizing everyone below the age of 18 as children and respecting their rights will be an important Eleventh Plan initiative.' In this connection, the 11th Plan had also mentioned: 'The

Child Labour Act and related legislations like The Factories Act, 1948, The Mines Act, 1952, The Plantation Labour Act, 1951, The Merchant Shipping Act, 1958, The Motor Transport Workers Act, 1961, The Beedi and Cigar Workers (Conditions of Employment) Act, 1966, The Bonded Labour System (Abolition) Act, 1976 continued to prohibit employment of children under 14 years only.' Despite this admission, extension of child labour prohibition till 18 years has not been achieved, even as the 12th Plan is now being rolled out. In this connection, the present amendment bill is also disappointing. The participants, therefore, recommended that the Act be named as Child Labour Prohibition Act, 2012.

The legal construct of 'adolescent' is not tenable as per UNCRC, which governs progressive child rights thinking internationally. Construction of such a category of 'adolescent' would amount to giving sanction to employing them as labour in one or the other pretext. Therefore, the participants recommended that the nomenclature of adolescent be removed.

The participants made an important suggestion based on their vast experience in dealing with child labour-related cases, emphasising that the Government should strengthen the bill in such a way that the onus of proving the age of children under labour fell on the accused, that is, the employer, and not on the plaintiff.

It was also recommended that the role of the police be made a part of the Act. Joint inspection teams of police, NGOs and community members should inspect suspected sites that employ children, so that any possible complicity between law enforcers and employers could be checked. The consultation stressed the need for specific police personnel/officer in every district equipped with training knowledge, proper powers and perspective in order to deal with the issue of child labour. Innovative methods including multipurpose vehicle against

child trafficking with participation of different stakeholders and duty bearers should be explored and introduced in all places.

It was suggested that the district task forces and the office of child labour prohibition officer/inspector should be created to prevent child labour; the fine that is obtained from employers



(increased to Rs 50,000) should be deposited in the account of the child; the National Child Labour Programme (NCLP) should be made consistent with the Right to Education Act 2009. It was also suggested that schools be handed over to the Ministry of Human Resource Development, which was implementing the Right to Education Act, 2009; The Act must also cover child trafficking. The definition of child labour must include trafficked child labour also; Trade unions should be involved in implementation of CLPRA and the Government should give them the responsibility of monitoring; The number of rehabilitation centres should be increased; The rights of the child must be elaborated. All children must have equal rights without any discrimination, and atrocities of all forms against children need to be prevented; Since there are various surveys giving vastly divergent estimates on the number of child labour in India, the participants recommended that a large, statistically valid survey be conducted by the Government of India on 'child activity' in India, using the 'time use' method. This survey should have parameters to include migrant children and children of migrant workers, street children and others who are not captured by the present household-based employment surveys. The vast rural-urban migration that is taking place in India on account of the agrarian distress and the urbanisation-led growth model should also be amply reflected in this survey since this trend has led to a major increase in largely invisibilised child labour in urban areas.

### **Eradicating Bonded Labour**

With the aim of eradicating Bonded Labour within 300 brick kilns in three Indian States Centre for Education and Communication is implementing a project funded by Irish Aid and is being implemented in partnership with ASI in UK and VSJ in Punjab. The project commenced on August 15, 2013.

The project is working for 1) Reducing workers' poverty and vulnerability to bondage through facilitating their access to entitlements, benefits and government programmes. 2) Improving working conditions through engagement with kiln owners and government officers, and seeking implementation of employment and other legislation. 3) Obtaining releases from bondage, using the court system, of workers who are experiencing extreme vulnerability and abuse. 4) Empowerment of workers by facilitating their selforganisation as fully functioning and autonomous associations. The total number of beneficiaries is 60,000; Female: 24,000; Male: 21,000 and Children (male/female): 15,000. The role of CEC in the project is of monitoring and of VSJ is implementation at the field level. Specific responsibilities of CEC include conducting the recruitment for CEC, conducting the project planning meetings, developing campaign materials, conducting the initial assessment survey, designing monitoring & evaluation framework, reporting to ASI, conducting national advocacy work and preparing training material.

#### Toll Free Number

CEC has printed publicity materials in Hindi and Punjabi containing the Toll Free Number 1800 180 1432. It is a visiting card sized folded document which carries prominently the number, the address of the organization and a message. Project Team distributed it among the workers and their families in the brick kilns.



#### **Initial Assessment Survey**

Based on a structured questionnaire and other research tools, survey was conducted in the brick kilns and nearby villages in the districts of Taran Taran, Ferozpur and Amritsar in Punjab. Some of the main challenges confronted during the field work fwere 1. indefinite strike of brick-kiln owners as a reaction towards Supreme Court guideline to

get environmental clearance, which resulted in delay in getting access to brick kilns and initiating the research work; 2. unavailability of labourers as brick kilns were closed for longer period there were very less number of workers even when kilns were partially opened or functioning and 3. strategic focus on filing affidavits.

The initial assessment survey was conducted among 189 brick kiln workers from 50 brick kilns, which also gathered information on 836 family members of the respondents. The survey provided some startling information. An overwhelming 93.65 per cent of the respondents said that they took

Social Composition of Brick Kiln Workers

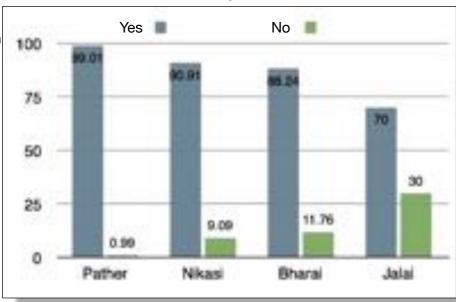
advance from the employer before they started working in the kiln.

And, 96.83 per cent of the respondent households belonged to the Scheduled Caste category. the advance amount ranged from Rs.10,000 to Rs.100,000.

Workers, during the focus group discussion, said that it was compulsory for them to take advance before the commencement of the season.

59.04 of females and 74.13 of males in the brick kiln houselholds were working in the brick kiln itslelf.

#### **Percent of Workers Reported Taken Advance**



# Register of rules framed by state governments and judicial comments and orders by High Courts on Bonded Labour Act and practices in India

CEC prepared a Register of rules framed by state governments and judicial comments and orders by High Courts on Bonded Labour Act and practices in India is based on the requirement of the International justice Mission's campaign on the eradication of Bonded Labour launched in 2012 together with 4 other project partners. The campaign is focussed on releasing and rehabilitating labourers found in extreme forms of bondage across the country. IJM is present in 9 states namely: Delhi, Punjab, Uttar Pradesh, Bihar, Orissa, Chhattisgarh, Karnataka, Tamil Nadu and Rajasthan. Information was collected from all the nine states.

The target was to collect documents from the date of enactment of the Bonded Labour System Abolition Act to March 2012, covering a period of 26 years. Wherever possible the information was collected through internet and visiting libraries of relevant institutions in Delhi. Additionally, requests were made under the Right to Information Act. Key informant interviews of academics, government officials, trade unions and grass root NGOs were conducted. The Register was prepared over a period of six months.

### **Other Activities**

#### **Publications**

The law that governs the tea producing population in India is the Plantation Labour Act 1951. 'Social cost' of tea production has been an issue of intense debate in recent years. 'Social cost' of tea production is defined as those costs the planters have to bear on workers over and above the costs they incur as cash wages to comply with the welfare provisions of Plantation Labour Act, 1951 (PLA). Though PLA is applicable to seven plantation crops, it is the representatives of the tea industry that articulated this concern vociferously. CEC tried to examine whether the PLA has empowered tea workers and how far it is inclusive in its outreach. The economic and social implications of a piece of law has been differentially understood and interpreted by the planters and the workers, the former as empowering and the latter as cost enhancing. This paper examines the reasons for this differential interpretation by delving into the historical context that brought PLA into existence and its practice by various actors. CEC participated actively in a research programme of the Ministry of Commerce and Industry which was hosted by Centre for Development Studies, Trivandrum focussing on the Tea Industry. J John and Pallavi Mansingh wrote a paper that gives useful insights into the situation of the small growers.

#### **Universal Social Security**

Social security in India, is dualistc in character; as a right to a few and for others adhoc schemes. It has never been universal. It was argued that the rights available for industrial workers would become

available to all the workers when they graduate to the status of industrial working class. However, this did not happen. At present for over 90 per cent of Indian workers schemes and programmes provide social assistance to specific categories of poor and are non-statutory in character. The 12th Plan document stresses on Universalisation of Health Benefits. But the Rashtriya Swasthya Bima Yojana (RSBY) which provides 'cash less' inpatient treatment for eligible beneficiaries through an insurance based system covers only the population below the poverty line. RSBY essentially remains a targetted programme and it needs to be examined whether this

जिस व्यवस्था में भूगिष्ठत नहीं वह व्यवस्था भी भूगिष्ठत नहीं भूगिष्ठत नहीं

contradicts the UHC perspective on health. Moreover, the status on RSBY is a scheme.

The fact that India has a huge demographic dividend also raises a strong need for institutional mechanisms to be in place to support the income of people when they turn old or are incapacitated and incapable of working. Universalisation of old age pension needs to be ensured. There is an increasing informalisation of the economy. Informal workers are increasing even in the formal sectors. The insecurity attached with jobs puts workers in extremely precarious and vulnerable situation raising the need for social security. Social Security Now (SSN) has advocated the demand for Universal Social Security for all those who live and work in India. It called for earmarking of 5 per cent of GDP for Universal Social Security. CEC, being the Secretariat of SSN and its founder member, has called for the intensification of the campaign in the context of the increasing inequality in the country.

#### **Tea Workers**

Workers who work in the tea plantations migrated here two to three generations back and now plantations are their homestead lands. They have contributed to its economy but have been denied rights over their homestead land. Housing, has been an instrument of control in the hands of planters, rather than entitlement for workers. Workers here lack of alternate livelihood options. Land rights give identity, access to benefits and ensure representation. It is important to ensure that workers in plantations get land rights. CEC worked with trade unions to organise the International Tea Day 2012 on December 15 at Kumargram, West Bengal with the support of International Labour Organisation.

#### Migrant Workers

There is a lack of a rights based approach to migration – government of India's changing perspective on migration is getting reflected in the changing approach from regulating migration and protecting the rights of migrants (Emigration Act 1983 has some provisions to this effect) to one of managing migration well suited to deal with labour shortage in specific countries. There is a need to ensure that the Government of India develop policy, legal and administrative instruments that guarantee and ensure the rights of migrant workers from and into India. The present approach of the government of India towards migration is gender insensitive. There is a need for recognition of female migrants as legitimate economic actors. CEC participated as a resourceperson during meetings organised by the Ministry of Overseas Indian Affairs and ILO on migration.

#### Manufacturing Industry

Cost reduction strategies of big corporations are resulting in a downward spiral of labour standards in India. Reduction of regular workers in manufacturing enterprises at all levels, all over the country and the simultaneous systematic denial of core labour rights - right to organise and collective bargaining, decent working conditions - intensity of work, working hours, occupational health & safety and minimum wages etc. There is a trend of replacement of regular workers by casual, temporary, contract, trainee workers, who in reality do not engage any of labour laws in the country. There is a denial of rights guaranteed under apprentice Act, 1961, though most of the replacements of regular workers are taken under the provisions of the Act. There is a need to relook at India's apprentices policy in line with the emerging developments. With this as the focal point CEC intervened to support the struggles of the Maruti workers as well as other such struggles in Delhi and NCR region.

### **Governing Board Members**



#### **Duarte Barreto**

#### **President**

Dr. Duarte Barreto, President, CEC, is a social scientist. He is executive trustee of FEDINA (Foundation for Educational Innovations in Asia), since 1996. Dr. Barreto is former Deputy Director of Indian Social Institute, Bangalore

Philip Jadhav

Secretary

Mr. Philip Jadhav, Treasurer, CEC, is a social activist. He has long association with the YMCA movement and has worked in senior posts with the Delhi and National YMCAs.



#### **Dominic D'Souza**

#### Treasurer

Mr. Dominic D'Souza, Treasurer, CEC, is Associate Director, Laya, Visakhapatnam. He is also involved in the governance of other NGOs: founder member, and currently on the Governing Board of YUVA (Youth for Unity and Voluntary Action), Mumbai; Chairperson of YUVA-Rural, Nagpur; Trustee of National Youth Foundation (NYF), and Samvada, Bangalore. He is elected as the Executive Council Member of the Asia South Pacific Association for Basic and Adult Education (ASPBAE), Philippines.

Deendayalan E.

#### Member

Mr. Deenadayalan E., a social activist, has long association with the human rights movement in the country. Mr. Deenadayalan returned to serve CEC in its Governing Board after a stint as its Executive Director in 1992. He is the founder member of The Other Media.



Surinder S. Jodhka

#### Member

Dr. Surinder S. Jodhka, an eminent scholar and writer, is Professor, Centre for the Study of Social Sytems, Jawaharlal Nehru University, New Delhi. He is on the Boards of Institute of Rural Management, Anand and Indian School of Political Economy, Pune.



#### Member

Dr. Gunasekaran S., a researcher and writer, is Assistant Professor, Hindu College, University of Delhi (North Campus), Delhi.





#### J John

#### **Executive Director**

Mr. J John is Executive Director, Centre for Education and Communication (CEC) and an Ex-officio member of the Governing Board. J John is among the founders of the English bi-monthly, Labour File.

### Financials 2012-13

#### Auditor's Report

#### R.K. TULI & ASSOCIATES

CHARTERED ACCOUNTANTS

#### AUDITOR'S REPORT

The Members, CENTRE FOR EDUCATION & COMMUNICATION New Delhi

#### Report on the Financial Statements

We have audited the accompanying Balance Sheet of CENTRE FOR EDUCATION & COMMUNICATION ("the Company") as at March 31, 2013, the Statement of Profit and Loss for the year ended annexed thereto and the Receipt & Payment for the year ended on that date and summary of significant accounting policies and other explanatory information.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation of these financial statements that give a true and fair view of the financial position, financial performance and cash flows of the Company in accordance with the Accounting Standards referred by the institute of Chartered Accountants of India (ICAI). This responsibility includes the design, implementation and maintenance of internal control relevant to the preparation and presentation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

#### Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Standards on Auditing issued by the institute of Chartered Accountants of India. Those Standards require that we plan and perform the audit to obtain reasonable assurance whether the financial statements are prepared, in all material respects, in accordance with an identified financial reporting framework and are free of material misstatement.

An audit involves performing procedures to obtain evidence supporting the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Company, preparation and presentation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness

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Fax: 011 - 4510 4498 Website: www.rkta.in



of accounting policies used and the reasonableness of the accounting estimates made by the Management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion and to the best of our information and according to the explanations given to us, the financial statements give the statutory information, in the manner so required and give a true and fair view in conformity with the accounting principles generally accepted in India:

- a. in the case of the Balance Sheet, of the state of affairs of the Company as at 31 March, 2013;
- b. in the case of the Statement of Income & Expenditure, of the profit for the year ended on that date; and
- c. in the case of the Receipt & Payment, of the cash flows for the year ended on that date.

For R.K.Tuli& Associates Chartered Accountants

R.K.Tull

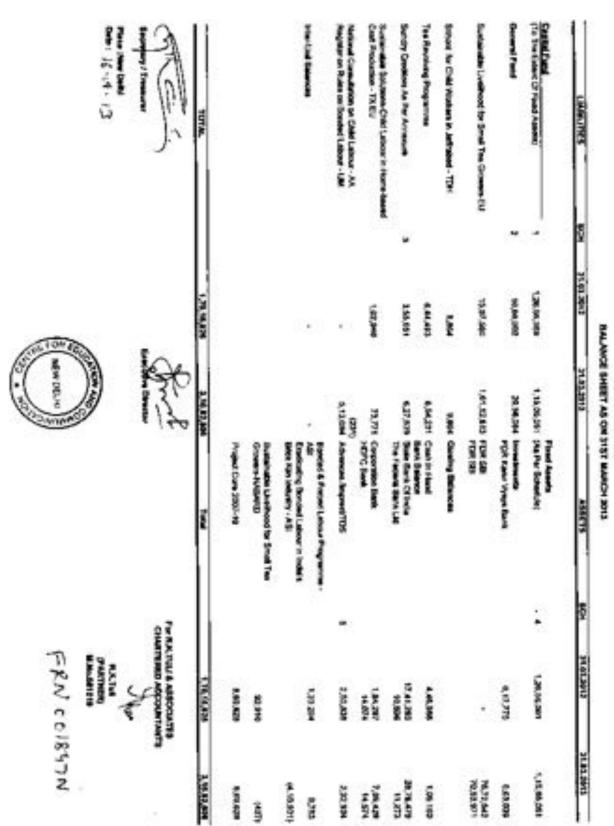
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Partner

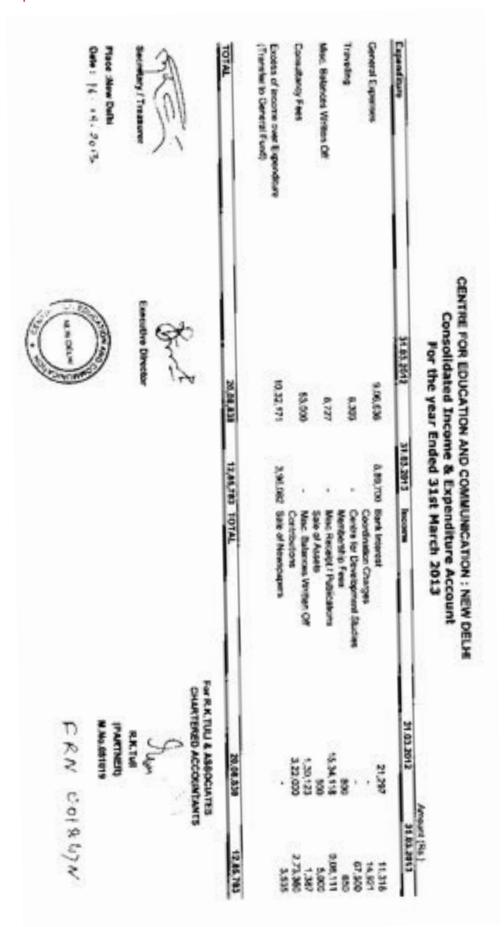
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Place: New Delhi

Date: 16 -09 - 13



CENTRE FOR EDUCATION AND COMMUNICATION : NEW DELHI CONSOLIDATED



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CENTRE FOR EDUCATION AND COMMUNICATION: NEW DELHI Receipts & Payments Account No the year treded 3 Ltd March 2013

### **CEC Team as on 2012-2013**

J John Subhash Pallavi Mansingh Minto Goswami Meena Sharma **Kaustav Roy** Sandhya Chaturvedi Pijush Goyary **Tanmoy Chatterjee** Lalhriatpuii V.K. Vinayaraj Sujit Hazarika Md. Izharul Haque Zafari Dayananda Pashi Priyanka Bhardwaj Shampa Das Prasad R Monoj Boruah Priyanka Bhardwaj **Arup Das** 

Gijo P. M

V Rajanagam

### **Annual Report 2012-13**



Centre for Education and Communication (CEC)
New Delhi