Emerging Challenges of the Plantation Sector in India

Plantation, a part of agriculture, retains an important role in the economy of India. A plantation crop normally is monoculture growing mainly tea, coffee, rubber and cardamom. But in certain pockets especially in South India, spices such as pepper, chilies, cinnamon and other products are also commonly grown. Such crops have traditionally been internationally traded commodities. In 2009-10 these crops generated revenue of Rs. 7638.16 crores which constituted 0.9% share of India’s total export earnings. The plantation sector in India is mainly spread across the states of Assam, West Bengal, Kerala and Tamil Nadu and Karnataka. Due to its labour intensive nature, it is an important source of rural employment for men and women.

Over the past two decades, with free trade economy, stiff competition between the producing nations and weak market regulations have affected the development of it as an organised sector. Instead the question of viability of the ‘estate’ sector is constantly being discussed on the one hand while on the other, there is a significant emergence of the small holder sector. Commodities such as tea, for instance, which were earlier predominated by the estate system of large tracts of land characterising the enclave economy, especially in the states of Assam and West Bengal, have now shifted to the small holder sector. This sector now contributes 26.25 percent to total tea production in 2008 and 99% of tea producers in South India are the small holders.

Shifts in productions relations have changed the labour market scenario with more casual and seasonal workers. This is severely pronounced in the ‘organised’ estate sector. Curtailment of cost of production vis-à-vis labour has been adopted in the estate sector largely as a result of market instability and rising competition and investments overseas in countries such as Kenya, Sri Lanka and Vietnam. Diversifications of investments are now a common phenomenon in the plantation industry with increasing interest in real estate, eco-tourism and so on. Issues of social security and livelihood nonetheless remains for workers and their families but another crucial issue that the plantation sector at large is facing, especially in South India, and currently in the state of West Bengal is labour shortage. Employment generation programmes, are although, a welcome intervention, increasing absenteeism is a concern by the management in the organised plantation sector.

Mitigation measures such as ‘labour-pooling’ and ‘family’ labour are being adopted by the small producers in particular. The Report on the Enquiry into Conditions of Labour in Plantations in India, 1949, defines the small holding as “a holding on which plantation crops are grown by a cultivator and his family with the help of occasional outside labour”. It is therefore pertinent to address whether the concept of ‘family labour’ for sustainable livelihood is knocking back to these communities. Planters’ organisations, commodity boards and research institutes need to work hand in hand with the state to address aspects of trade, strong market regulations that would help in providing security to workers through socially inclusive policies and programmes for alleviating the plantation sector and labour in particular.
Centre for Employment Relations and Regulations

Centre for Employment Relations and Regulations is one of the major research centres of the Institute. The centre aims at developing an understanding of the changing employment relations in order to help in the formulation of appropriate legal regulation framework and evolving appropriate social protection measures in the country. The core research areas of the centre include: role of trade unions in the emerging socio-economic scenario; emerging employment relations in the informal and the unorganized sector; changing employment relations in the public sector; limitations of the existing Indian legal framework in the regulation of employment relations in the informal sector; changes in judicial trend and social protection to labour. The centre has undertaken and completed a number of research studies. Some of the major research studies completed by the centre in the recent past include: Labour, Employment and Social Security Issues in Education Industry; Strengthening Labour Laws in order to prevent Violations; Contract Labour and Judicial Interventions; Labour, Employment and Social Security Issues of Security Guards engaged by Private Security Agencies and Evolution of Minimum Wage Policy and Regulatory Framework: An Inter Country Perspective. Most of these studies have been published by V.V. Giri National Labour Institute in the form of research monograph. In addition, based on these studies a number of articles and write ups have also been published in various national and international journals.

Major Research Projects recently completed include:

- Minimum Wage Policy and Regulatory Framework: An Inter Country Perspective

Research Advisory Group

The Centre is having a number of distinguished persons as members of its Research Advisory Group (RAG) for seeking appropriate guidance, orientation and advice for carrying out its various activities. The RAG of the centre has recently been re-constituted. The members of the newly constituted RAG include representatives of trade unions, employers’ organizations and the academia. They are as follows:

Prof. Mahavir Singh, Dean Academics, Gautam Buddha University
Dr. Rajan K. E. Varghese, Faculty of Law, University of Delhi
Dr. Kamala Sankaran, Faculty of Law, University of Delhi
Shri. H. Mahadevan, All India Trade Union Congress
Shri. B.P. Pant, All India Organisation of Employers.

Centre Co-ordinator: Dr. Sanjay Upadhyaya, Fellow

For any further information, please contact: sanjaynli@gmail.com
The large chunk of workers of the informal sector who make up or 93 percent of India’s total workforce do not benefit from the protection of labour legislation as laws are not enforceable in this sector. Even in some pockets of organised sector, legislative provisions exist mostly on paper and not in practice. Within this framework the study looks into the legislative structure of childcare facilities in the country, career break job penalty and downward occupational mobility, if any. Duration of the temporary withdrawal from the labour force, the timing and the propensity of mothers to return to the labour market post maternity and the stability of employment were also examined.

While reviewing the literature on legislative structure, the research team found that the Factories Act (1948) covers working conditions, health and safety, basic amenities such as toilets, working hours and crèches, but it is not implemented at workplaces with fewer than ten workers using power-driven machinery or to those with less than 20 workers without power thus restricting the implementation of relevant laws. The Contract Labour Act (1971) has made it easier for employers to deny benefits to workers since subcontracting production into small units allows employers to evade existing laws. There are two types of labour legislation relating to childcare. The first is the Maternity Benefits Act (1961), which provides 12 weeks of maternity leave paid by the employer at the average daily wage and entitles women to two breast feeding breaks per day after joining work from leave until her child is 15 months old. However, given that few women work in factories, mines, plantations, establishments and shops with more than ten employees and that most of them are in informal employment, few women benefit from this legislation. The second type of legislation consists of labour acts in specific sectors which mandate the provision of childcare facilities depending on the number of women employed and the size of the plantations/factories. Although crèches for working women are mandated by law in these different sectors, negligible data is available on the implementation of this legislation. In practice, very few crèches exist. Employers either refrain from employing women if it is mandatory for them to provide daycare for their children or they avoid the obligation by failing to show the employment of women in their official records. Most of the women are unmarried in health industries, IT, ITES and are delaying the marriage and motherhood because of above mentioned facts. In the garment sector there is a preponderance of women entering the labour market post maternity.

The study recommends provision of crèche facility in all the establishments irrespective of size, coverage of maternity leave in private sector and effective implementation of Maternity Benefit Act in hospitals and small establishments.
The Training of Trainers (TOT) programme was conducted at Nabakrushna Chaudhary Centre for Development Studies, Bhubaneswar, Odisha from September 18-22, 2012. The programme was part of the action research titled: "Developing Effective Strategies and Techniques for Creating Awareness and Organization for Development of Rural Workers in India: An Action Research Project."

The objectives of the programme was to enthuse and train the trainers, in order to enable them to organize ‘Rural Labour Camps’ for MGNREGA and other rural workers. The programme also aimed to instill organising skills among the participants, so that they could foster MGNREGA workers’ organisations in rural areas and play an active role in effective implementation of MGNREGA.

The duration of the programme was for five days. The trainees came from 10 districts of Odisha. Majority of them were trade union leaders and a few were NGO activists. Some were very senior, experienced and reputed leaders of Odisha.

The programme was inaugurated by Dr. G.C. Kar, former Director of NCCDS and Dr. Deepender, Director in Ministry of Rural Development, looking after MGNREGA. Apart from the VVGNLI faculty, many other resource persons from SIRD, Ministry of Rural Development in Odisha and labour department also interacted with the participants. The participants were very cooperative, active and interacted with all the resource persons enthusiastically.

Shri V.P. Yajurvedi, Director General, VVGNLI, delivered the valedictory address. On this occasion, Dr. R.K. Panda, Director of Nabakrushan Choudhary Centre for Development Studies, was also present. He also addressed the participants. The participants gave a very positive feedback after the TOT. According to the post TOT reports the trainees are trying to organize MGNREGA and other rural workers in all the ten districts. They are also trying to implement MGNREGA effectively in their respective areas.

Dr. Poonam S. Chauhan, Senior Fellow, was the Course Director.

CHILD LABOUR PROGRAMMES (CLP)

Training of Trainers Programme on Strengthening Law Enforcement System to Combat Child Labour
(04-05 October, 2012)

Dr. Helen R. Sekar, Senior Fellow, VVGNLI, has been invited as a Resource Person for the Training of Trainers Programme on Strengthening Law Enforcement System to Combat Child Labour which was conducted during 4th and 5th October, 2012, at A. N. Sinha Institute of Social Studies, Patna. This programme was jointly organized by Labour Resource Department, Govt. of
Bihar, V. V. Giri National Labour Institute, and International Labour Organisation under the Project “Converging Against Child Labour: Support for India’s Model”. Dr. Helen R. Sekar, Senior Fellow, was the Course Director of this programme.

**Training Programme on Making National Child Labour Project Effective**

*(29-31 October, 2012)*

This programme was conducted during 29th to 31st October 2012 and was attended by forty participants. The objective of the programme was to enable the Project Directors and Accountants to understand the objectives and importance of the National Child Labour Projects for rehabilitating child labour withdrawn from work and enrolled in NCLP Special Schools for effective implementation of NCLP. The Training Workshop was attended by Project Directors and Field Officers of NCLP, Master Trainers, Accountants and Clerks from Parlakhemundi, Gajapati and Deogarh Districts of Odisha; Darbhanga, Madhubani, Banka, Bhagalpur, Begusarai and Madhubani District of Bihar; Allahabad district of Uttar Pradesh; Nasik, Jalgaon and Solapur Districts of Maharashtra; Dharwad, Davegare, Bellary, Haveri, Raichur and Kolar Districts of Karnataka; Rajkot, Banaskantha, Kutch Districts of Gujarat; Jabalpur District of Madhya Pradesh; Sarguja District of Chhattisgarh. Dr. Helen R. Sekar, Senior Fellow, was the Course Director of this programme.

**INTERNATIONAL TRAINING PROGRAMMES (ITP)**

**International Training Programme on Gender Issues in Labour**

*(03-21 September, 2012)*

The training programme was conducted during September 03-21, 2012 at the V.V. Giri National Labour Institute under ITEC/SCAAP programme. The programme was attended by 23 participants representing 15 countries, namely Bangladesh, Cambodia, Democratic Republic of Congo, Guyana, Laos, Lithuania, Myanmar, Serbia, Uzbekistan, Botswana, Ghana, Kenya, Mauritius, Tanzania, and Zimbabwe.
The main objectives of the programme were: (i) to discuss the importance of social dialogue in gender issues; (ii) to enhance the capacity of the participants so that they could tackle the gender based injustice; (iii) to orient the participants on legal framework to promote equality in the world of work; (iv) to sensitize the participants about sexual harassment at workplace; (v) to discuss the key concepts and approaches related to gender discrimination in the world of work; (vi) to examine the inter-linkages between gender and decent work perspective.

The training programme was inaugurated by Shri. V.P. Yajurvedi, Director General V.V.G.N.L.I and the Key Note Address was delivered by Ms. Tine Staermose, Director, ILO-DWT for South Asia and Country Office for India, New Delhi. Ms. Chitra Chopra, former Member-Secretary, Ministry of Social Justice & Empowerment, Govt. of India, was the Chief Guest for the Valedictory session. She delivered the Valedictory Address and distributed the certificates to the participants. Dr. S.K. Sasikumar, Senior Fellow, VVGNLI delivered the Presidential Address and conveyed message on behalf of Director-General, V.V.Giri National Labour Institute. Dr. Shashi Bala, Fellow, VVGNLI was the Course Director.

Training Programme on Labour Market and Employment Policies for Officials of Government of Afghanistan
(17-28 September, 2012)

V.V.Giri National Labour Institute organised a Training Programme on Labour Market and Employment Policies for officials and functionaries from Afghanistan during September 17-28, 2012 at the Institute’s campus. The programme was attended by 28 senior and middle level officials dealing with labour and related issues in the Government of Afghanistan.

This programme aimed at enhancing the capacities of the participants in conceptualizing, designing, and operationalising effective labour market and employment policies. The programme provided an opportunity for the participants to have intensive interface with renowned scholars and practitioners in the area of labour market and employment policies.

The specific objectives of the Programme were:

(i) Understand various concepts and theories related to labour;
(ii) Provide an overview on labour and employment scenario of the world in general and developing countries in particular;
(iii) Acquire knowledge about different sources of data on labour;
(iv) Developing capacities to undertake labour market surveys;
(v) Sharpen skills for undertaking employment impact assessment studies;
(vi) Enhance the skills on computer applications in labour research;

The programme was inaugurated by Mr. S.K. Dev Verman, UNDP, Afghanistan. Mr. V.P. Yajurvedi, Director General, V.V. Giri National Labour Institute delivered the valedictory address and presented the certificates to the participants. Dr. S.K. Sasikumar, Senior Fellow and Dr. Rakkee Thimothy, Associate Fellow were the Course Directors.

**International Training Programme on Leadership Development**  
(Under ITEC/SCAAP Programme)  
(1-19 October, 2012)

People believe that leaders are formed, but more than that, it has been amply proved that leaders are made. In the contemporary world “Leadership” assumes great importance. The leaders can be a good manager, but managers, in turn, may not necessarily be a good leader. Leaders can change an institute or organization to become a better place of work. Leadership leads to personal and organizational effectiveness. Keeping this in mind, the above training programme was designed. The programme duration was of three weeks. The objectives of the programme were as follows: (i) Share and experience various leadership styles; (ii) Provide insights into the leadership dynamics of inter-personal and inter-group relations; (iii) Develop communication skills particularly focusing on effective articulation and listening; (iv) Acquire skills for managing and resolving conflicts at work. (v) Develop positive attitudes towards work, superiors, peers and subordinates; (vi) Sharpen behavioural skills and insights for supervision, coordination and motivation to the subordinates to enhance their effectiveness; (vii) Examine different systems and approaches to labour administration; (viii) Understand the concept and use of emotional intelligence; and (ix) Enhancing conflict management skills.

The programme was participated by 31 participants who came from 20 countries, such as African Union, Armenia, Bangladesh, Botswana, Cambodia, Costa Rica, Ecuador, Ethiopia, Indonesia, Bahrain, Iraq, Jordan, Lithuania, Malawi, Zimbabwe, Mauritius, Myanmar, Laos, Oman and Palestine.

All delegates were from different ministries, commissions, organizations, institutions and universities of their respective countries. Their age profile was from 25 to 50 years. Majority of the delegates were in middle order positions. Some were from top level management. They showed lot of enthusiasm during different sessions. The programme was inaugurated by Mr. R.K. Kataria, IAS, P.S. to Hon’ble Minister for Labour & Employment, Government of India.

Shri V. P. Yajurvedi, Director General, VVGNLI, was the Chief Guest for the Valedictory Session of the programme. Dr. Poonam S. Chauhan, Senior-Fellow, was the Course Director.
COLLABORATIVE TRAINING PROGRAMMES (CTP)

Workshop on Leadership Development for Trade Union Leaders and Representatives of NGOs (24-26 September, 2012)

A three-day collaborative ‘Workshop on Leadership Development for Trade Union Leaders and Representatives of NGOs’ was held during Sept. 24-26, 2012 at Late Narayan Meghaji Lokhande Maharashtra Institute of Labour Studies at Mumbai. The workshop was attended by 34 participants comprising of male and female representatives of trade unions from organized and unorganized sector and NGOs working for various labour issues in and around Mumbai. Some of the major subject areas covered during the workshops included: law relating to wages; laws relating to contract labour and migrant labour; law relating to building and other construction workers and social security laws. During the workshops, in addition to the Director of MILS, Mumbai and faculty of the V.V. Giri National Labour Institute and the MILS, the participants were also addressed by senior trade union leaders and senior officials of the Maharashtra State Labour Department. The workshop was coordinated by Dr. Sanjay Upadhyaya, Fellow, VVGNLI.

Training Programme on Gender Issues in Labour (03-05 October, 2012)

Training Programme on Gender Issues in Labour was organised by V.V. Giri National Labour Institute in collaboration with Tamilnadu Institute of Labour Studies (TILS), Chennai during 3rd to 5th October 2012. The programme was inaugurated by Dr. Chandra Mohan, IAS, Commissioner of Labour, Tamil Nadu. The specific objectives of the programme were: (i) provide a gender analysis in labour summarising the comparative situation of women in Tamilnadu, with particular reference to their social, economic, legal and political status; (ii) identify the particular needs of women in India in relation to health, education, employment, income, political representation and legal rights. The training programme was attended by 40 participants from various districts of Tamilnadu which included members of Trade Unions from State Trade Union organizations, Government Officials and Academicians. Shri Mohan Pyare, I.A.S, Principal Secretary to Government, Labour and Employment Dept, Tamilnadu delivered the Valedictory Address and distributed certificates to the participants. Dr. Dhanya M. B, Associate Fellow, VVGNLI was the Course Director.
Training Workshop on Trade Unionism in a Globalizing Economy: Role of Trade Union Leaders (10-12 October, 2012)

V.V. Giri National Labour Institute in collaboration with the Kerala Institute of Labour and Employment organised a training programme on Trade Unionism in a Globalizing Economy during October 10-12, 2012 at Thiruvananthapuram, Kerala. The programme focussed on the opportunities and challenges for trade union movement during the current phase of globalisation. It also dealt with issues like leadership development, women’s empowerment and the recent trends in labour jurisprudence and its implications for trade union movement. Forty senior women trade union leaders representing the major national trade union federations from all over the Kerala attended the training workshop.

Shri Philip John, Chairman, Kerala Institute of Labour and Employment inaugurated the training workshop. In his inaugural address, Shri John highlighted that challenges confronting the trade union movement have become more complex in the wake of growing informalisation in the labour market. He noted that collaboration with a national Institutes like V.V. Giri National Labour Institute would provide much more broader perspectives, especially in relation to both national and international developments in the area of labour and employment which is very critical for trade union leaders.

Dr. S.K. Sasikumar, Senior Fellow, VVGNLI and Dr. A.K. Shrihari, Executive Director, Kerala Institute of Labour and Employment were the Course Directors.
OTHER IMPORTANT ACTIVITIES

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Memorandum of Understanding (MOU) between V.V. Giri National Labour Institute and International Training Centre of International Labour Organisation Turin, Italy

Memorandum of Understanding (MOU) between V.V. Giri National Labour Institute (VVGNLI) and International Training Centre (ITC) of International Labour Organisation (ILO) Turin, Italy for professional collaboration was signed on October 30, 2012. The MOU was signed by Mr. V.P. Yajurvedi, Director General, V.V. Giri National Labour Institute on behalf of VVGNLI and Ms. Patricia O’Donovan, Director, International Training Centre on behalf of ITC and in the presence of Dr. Mrutyunjay Sarangi, Secretary, Ministry of Labour and Employment and Chairman, Executive Council, VVGNLI.

The purpose of this MOU is to expand the collaboration between the two institutions in training activities to promote decent work for all. The two organisations will work together in areas of mutual interest for activities, inter alia, related to (i) organising collaborative training and education programmes; (ii) developing training modules; and (iii) faculty exchange. Such a collaboration is expected to result in upgradation of technical capacities of both the institutions in responding to the challenges emanating from transformations in the world of work.

The collaboration will also aim to evolve V.V. Giri National Labour Institute as a training institution for the SAARC region to begin with and developing it further as an internationally acclaimed centre of excellence in training on labour and related issues.

The innovative dimensions of this collaboration can be situated at two levels. One, the transfer of cognitive knowledge and methodological approaches from ITC to VVGNLI. This would help VVGNLI to reorient some of its training strategies to ensure that it is in consonance with those being used at the international level. Such a step would act as a catalyst for evolving VVGNLI as an internationally acclaimed centre of excellence. Two, the collaboration would provide an opportunity for the VVGNLI to highlight the relevance of the methodology being adopted by the Institute in addressing training requirements of major social partners in developing and emerging economies. Both these aspects taken together would be used in developing innovative training modules on contemporary concerns in the area of labour and employment.
**PROFESSIONAL ENGAGEMENTS**

**Professional Engagements of the Director General**

- Delivered a Valedictory Address and interacted with the participants of the Training of Trainers Programme for MGNREGA/Rural Workers held from September 18-22, 2012 at Nabakrushna Choudhary Centre for Development Studies, Bhubaneswar, Orissa.

- Participated in the 43rd Session of State Labour Ministers Conference held on September 27, 2012 at Vigyan Bhawan, New Delhi.

- Addressed the participants in the Inaugural Session of the Seminar on “Legal Aspects of Engaging Contract Labour—Obligations of Principal Employer under various Labour Laws” organized by PHD Chamber at PHD House, New Delhi on September 28, 2012.

- Visited the International Training Centre of International Labour Organization, Turin on 30th & 31st October, 2012 to sign the Memorandum of Understanding between the VVGNLI and ITC-ILO and participated in the extensive discussions held between the Indian Delegation and ITC officials dealing with various themes.

**Professional Engagements of the Faculty Members**

**Dr. Helen R. Sekar, Senior Fellow, VVGNLI**

1. On 7th September 2012, Dr. Helen R. Sekar, Senior Fellow, VVGNLI, was invited as a Resource Person by the Labour Department, Government of Gujarat, for the Training-Workshop for Stakeholders as a part of the ILO-IPEC project converging against Child Labour where she addressed representatives from the leading Trade Unions, Employer Associations, SSA, Social Justice and Empowerment, Local Bodies, Members of CWC, Juvenile Justice Board, Women and Child Development and District Administration.

**Dr. Sanjay Upadhyaya, Fellow**

1. Presented a paper on ‘**Role of Ensuring Legitimate Dues to Contract Labour in Good Governance**’ in the **International Conference on Transparency and Accountability in Governance: Issues and Challenges** organized by National Law University, Delhi organized during 13-14 October, 2012. The conference was attended by Judges of Supreme Court, Delhi High Court, Senior Advocates, Vice-Chancellors of various National Universities, Directors of State Judicial Academies, Professors/Teachers of Law and Research Scholars from India and various other countries. The technical session in which the presentation was made was chaired by Dr. T.K. Viswanathan, Secretary-General, Lok Sabha, Parliament of India.

2. Contributed article on ‘**Rethinking Contractualisation and Casualisation of Labour**’ for ‘**Lex Witness**’, India’s first magazine on legal and corporate affairs. The same has been published in September 2012 issue of the magazine.

**Dr. Shashi Bala, Fellow, VVGNLI**


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