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..towards sustainable economic development and equitable growth

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LEGAL ENVIRONMENT FOR COMMUNITY ENTERPRISES



COMMUNITY FOCUS

SADHNA
a women's handicraft enterprise



LEGISLATIVE PERSPECTIVE

CONTRACT LABOUR
Abolishment or unemployment



FEATURE

Onslaught of Industries
Overview of kutch coast



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From the Editor's Desk

In October, Transforming India magazine has completed three years of publication. Successful completion of the same is questionable. Right from the first issue till date, the magazine has not been viable. Though formally and informally, magazine has been appreciated by readers, the reach has been limited. While various marketing and promotional activities increased the subscribers' base, the success was fairly limited. The absence of support from government and other donors along with the current financial difficulties of ALC India, publishing Transforming India became even more challenging. The last one year also saw a turnover in the magazine management team.

Last two editions of magazine were published but could not be printed. As a corrective measure, we shall print both the issues in black and white and dispatch it to a select audience of all the subscribers & supporters simultaneously. Internally, there is change of guard as new managing editor has assumed charge of the publication.

The cover story on Legal Environment for Community Enterprises discusses the relation between Enterprises, their purpose and its interplay of various dimensions like benefit to community, business/commodity, profit orientation, social & environmental concern, access to capital etc, and the relation to legal structure. True member based cooperatives help the marginalized producers to aggregate their finance, inputs and skills and, enable processing and marketing, thereby increasing returns to members. However, the cooperative form of business continues to be stifled by appalling policy and legislation in most states. Even the amended and reformed Multi-State Cooperative Societies Act, has not been able to deliver what it was expected to. Does this mean that there are no other options or even if there are, is that their scope is limited? The Indian Cooperative Union formed in 1948 and the Cooperative Development Foundation registered in 1982 (with its creator, the Multipurpose Cooperatives? Association having its beginnings in 1977) have been instrumental in getting the liberal Self-reliant Cooperatives Act and also in helping promote sound cooperative businesses for disadvantaged communities. There are other legislations at the central level like Producers Companies Act and Limited Liability Partnership Act which are also worth exploring for community enterprises.

The article is an in depth analysis at the various possible legal forms and their advantages and disadvantages for small producers. Do keep an eye on the comparative aspects of all these legal forms, who knows it may provide an answer to your query also.

Articles related to 'Contract Tree Farming' which would work as an assurance to paper & wood industries for continuous supply of raw material and 'onslaught of Industries-Overview of Kutchh Coast' which discusses the flip side of industrial development on the Gulf of Kutch and the need for sustainable development shall keep you engaged in this issue.

India 119th in UNDP Human Development Report 2010

The robust economic growth notwithstanding, India has garnered a lowly 119th rank in the United Nation's Human Development Index due to poor social infrastructure, mainly in areas of education and healthcare. In the 'Human Development Report 2010' by United Nations Development Programme (UNDP) that covered 169 countries and territories, India's position is way below China (89th spot) and Sri Lanka (91).

India came in the 10th position as far as improvement in the income index was concerned but lagged behind neighboring countries like Bangladesh and Pakistan in education and healthcare. Norway has topped the HDI, with a score of 0.938, in a scale of zero to one. A score of one indicates a perfect level in the index.

"This time, we have taken three new indices - inequality adjustment HDI, gender inequality index and multi-dimensional poverty index - for our report," UNDP Resident Representative in India, Patrice Coeur-Bizot told reporters here. Other factors that determined the HDI ranking include empowerment, inequality, education, health, demographic trends, civic and community well being. Even though India has made steady progress in the human development index over the past 20 years, the country continues to see rising inequality, Coeur-Bizot noted.

"India... is among middle human development countries. There has been steady progress on HDI over the past 20 years and India's HDI is above the average for countries in South Asia. Economic growth has been impressive but inequality is on the rise," he said.

When inequality - especially in education and healthcare - is factored in, India's HDI value would see a 30 per cent loss, according to the report. In the gender inequality index, India is at the poor 122nd position, among 138 countries. Bangladesh and Pakistan are ranked at 116th and 112nd positions, respectively, indicating that these nations are better in gender equality than India. This year's report assumes importance as it comes 20 years after the first Human Development Report released by UNDP. The report was released today at various places across the world. During the last 40 years, life expectancy at birth in India has improved by 16 years, but less than the 23 years in Bangladesh, the report said. Average life expectancy at birth in India is currently 64 years, as against 67 years in Pakistan and Bangladesh.

UNDP pointed out that poverty rates in eight Indian states - that have a combined population of 421 million - are similar to 26 of the poorest countries in Africa. When it comes to education, the average time a kid spends in school in India is 4.4 years, much less than neighboring Pakistan where the average is 4.9 years. Neighboring China and Nepal along with Indonesia, Laos, Saudi Arabia and South Korea were among the Asian countries in the top movers list, measured in terms of overall good HDI performance.

In the South Asian region, Nepal has come out as one of the best performers in the human development index. "More than four of every five children on school age in Nepal now attend primary school, compared to just one in five 40 years ago," UNDP said.

Overall, China came 89th (0.663) while Russia was at 65th position (0.719) and Brazil at 73rd (0.699). In the South Asia region, Sri Lanka was at the top at 91st position with a value score of 0.658. Maldives at 107 (0.602), Pakistan at 125 (0.490), Bangladesh at 129 (0.469), Nepal at 138 (0.428) and Afghanistan at

155 (0.349) were other countries listed in the report. Bhutan was also part of the report but it was not ranked.

SOCIAL WATCH INDIA LAUNCHES ITS REPORT ON GOVERNANCE AND DEVELOPMENT



Source: National Social Watch Coalition India (NSWC)

The 2010 report of Social Watch India, to be launched in Delhi next Tuesday December 21st, includes evaluation of the working of Parliament in terms of the issues of representation and accountability, and examines the role and consequences of the Union's public policy and its effects on the lives of the people. In addition, issues of judiciary - confrontation with the executive, pendency of cases, probity of judges and persisting vacancies at all levels- are qualitatively and quantitatively analyzed.

Prepared by civil society and academicians, the report presents a holistic picture of the status of governance and democracy in India. It seeks to fill a significant policy gap existing between the institutions of governance and the institutional level. The report examines the sensitivity, efficiency and efficacy of the institutions of governance in ensuring rights and delivering public services.

The report will be presented on Tuesday December 21st, 2010 at India Islamic Cultural Centre, Lodhi Estate, New Delhi.

Constitution of National Social Security Fund for Unorganized Sector Workers

**Equality India news /
A shakti vahini
research initiative**

The Union Cabinet has approved the constitution and operation of a National Social Security Fund for unorganized workers with an initial allocation of Rs.1000 crore to support schemes for weavers, toddy tappers, rickshaw pullers, beedi workers etc. This follows the announcement made by the Finance Minister in his budget speech for 2010-11.

This Fund will support social security schemes for various segments of unorganized workers as most of these workers (around 433 million) do not have any social security cover in the form of life and disability insurance, health care and pensions. This would facilitate formulation of social security schemes for unorganized workers. The Fund will also facilitate evolution and funding of schemes by various Departments which are currently involved in the welfare of these segments of workers. The Ministry of Labor & Employment will be the nodal Ministry for the operation of the Fund.

**Industry welcomes
draft Bill
on microfinance**

The government on Wednesday released the draft of a new Bill to govern microfinance institutions (MFIs) that will, if approved in its entirety, take them outside the purview of state-level

legislation, including the Andhra Pradesh law that has thrown the industry into crisis.

The Microfinance Institutions (Development and Regulation) Bill gives more powers to the Reserve Bank of India (RBI) to regulate micro-lenders. It will cover all MFIs, including the smaller ones. MFIs give tiny loans to poor borrowers at around 24% interest. The Bill has to be approved by the cabinet and Parliament before it becomes law.

The industry welcomed the draft, saying it offers more clarity to the future of India's Rs.20,000 crore micro-lending sector. The Bill, which has been posted on the finance ministry website for public comment, says MFIs registered with the apex bank won't be treated as moneylenders, thereby keeping them out of the purview of the Andhra Pradesh Micro Finance Institutions (Regulation of Money Lending) Act. Early this year, RBI issued regulations to govern MFIs operating as non-banking financial companies, based on the recommendations of an expert committee headed by noted chartered accountant Y.H. Malegam. The new rules capped the interest rate MFIs can charge at 26% and made minimum two-year tenure mandatory for all loans above Rs.15,000.

The members of the council will represent the industry, the government, RBI, the National Housing Bank, the National Bank for Agriculture and Rural Development (NABARD) and the Small Industries Development Bank of India. The council will also look into establishing credit information bureaus for the creation of a database of clients who avail of microfinance services from various agencies.

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Stupid Question and Answer

1. At the movies:

When you meet acquaintances / friends Stupid Question:-
Hey, what are you doing here?

A: Well, it's so hot, there were no cool cabs so I thought I'd watch some advertisements in the cool comfort of the theatre.

2. In the bus:

A fat girl wearing pointed high-heeled shoes steps on your feet Stupid Question:-Sorry, did that hurt?

A: No, not at all, I'm on local anesthesia why don't you try again or should I try this time."

LEGAL ENVIRONMENT FOR COMMUNITY ENTERPRISES

Community Enterprises: Promising vehicles for Economic Development

Community enterprises fundamentally exist and operate to service the needs of their members on an ongoing basis. Today, across the country, self-reliant communities, government bodies, development agencies like financial institutions, national/International humanitarian agencies and civil society organisations are engaging in the process of promoting community enterprises in various sectors.

Typology of Community Enterprises

Based on different parameters, following are different types of community

purpose, there are different institutions with specific purposes.

Rationale for Legal Form

Taking up wide range of business operations, calls for the need of legally compliant institutions. The other reasons that these enterprises need to be registered under the appropriate Acts are, that as a legal entity, the enterprise becomes a separate legal entity, distinct from that of its members/shareholders,

it can acquire, own and transfer property in its name, and can enter into contracts and sue and be sued in its own name. It is also easier to access finance for a registered entity since it offers credibility

accountability for all stakeholders particularly for members.

Thus the merits of having a registered entity clearly outweigh the costs of registration and compliance that these enterprises have to afford at different times; A legal form leads to a robust institutional system required to fulfil different compliances and thus to be effective institutions.

Legal Forms for Community Enterprises

Although the legal form depends on the purpose (which is interplay of various dimensions; for whose benefit, business/commodity, profit orientation, social & environmental concern, ease to

Typology of Community Enterprises

S.No.	Sectoral	Commodity	Activity Based
1	Agriculture	NTFP items	Seed production
2	Dairy	Food grains (cereals, pulses, millets)	Back-end Services
3	Sheep	Horticultural Commodities	Marketing
4	Fishery	Milk	Productivity Enhancement
5	Forest	Meat & wool	Financial services
6	Crafts	Plantations	Water management
7	Multi-purpose	Sugar	Forest management
8	Non-farm	Eggs	Procurement & processing

enterprises, indicative if not exhaustive.

The forms and strategy follows purpose. Thus, it is very important to clear out the purpose of the enterprise to arrive at the appropriate legal form for it. The overarching purpose of the community enterprises that is kept in view in this article is sustainable economic development of their members by extending required services in an integrated manner. Within this broad

to its investors. A registered entity can also become a partner in other entity/association as it is a body corporate, i.e. it has a separate legal entity.

Having said that, a registered community enterprise also opens up the opportunity of inviting membership beyond the nears and dears, thereby contributing to the scale necessary for a viable enterprise; Moreover the status of being a body corporate improves the control and

raise capital etc), there are some particular legal forms suitable for community enterprises operating on above-mentioned principles. These forms include Cooperatives (under old Cooperative Acts, Liberal Cooperative Acts and Multi State Cooperative Societies Act), Producer Companies, and Limited Liability Partnerships (LLP).

Possible Legal Forms for Community Enterprises

A cooperative is an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly owned and democratically controlled enterprise

A “Producer Company” to emphasize that it is fundamentally designed to serve producers of primary produce

A LLP is a corporate business vehicle that enables professional expertise and entrepreneurial initiative to combine and operate in flexible, innovative and efficient manner, providing benefits of limited liability while allowing its members the flexibility for organizing their internal

Company is a voluntary association of persons formed for the purpose of doing business having a distinct name and limited liability and registered under The Companies Act, 1956.

Cooperatives

As community enterprises are institutions of producers, a set-up of a cooperative is very promising for them. This is because they are member-based organisations, owned and controlled by members themselves.

Promising features of cooperatives apt for community enterprises

- Member control & ownership
- Democratic control
- Member service based
- Enhanced bargaining position in view of aggregation
- Autonomy & independence

Cooperative Values & Principles*

Values: Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity, and solidarity. In the tradition of their founders, cooperative members believe in the ethical values of honesty, openness, social responsibilities, and caring for others.

1st Principle:
Voluntary and Open Membership

2nd Principle:
Democratic Member Control

3rd Principle:
Member Economic Participation

4th Principle:
Autonomy and Independence

5th Principle:
Education, Training and Information

6th Principle:
Cooperation among Cooperatives

7th Principle:
Concern for Community

*Internal Cooperative Alliance (ICA) 1992

In view of this a policy response in the form of 'Parallel Cooperative Acts' surfaced. The Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995 was the first in this category of liberal, more progressive Acts and later 8 other states joined.

¹ Guruprakash & N Madhu Murthy

² Primary produce is defined as produce arising from agriculture, including animal husbandry; from horticulture; floriculture; pisciculture; viticulture, forestry, forest products, re-vegetation, bee raising and farming plantation products, as well as the produce of those engaged in handloom, handicraft and other cottage industry or artisan's products. It includes those products, including the by-products thereof, which result from adding value to any primary produce.

Liberal Cooperative Acts

S.No	State	Liberal Cooperative Act
1	Andhra Pradesh	AP Mutually Aided Cooperative Societies (MACS) Act 1995
2	Bihar	The Bihar Self Supporting Cooperatives Societies Act, 1996
3	Jharkhand	The Jharkhand Self Supporting Cooperatives Societies Act, 1999
4	Karnataka	The Karnataka Souharda Sahakari Act, 1997
5	Orissa	The Orissa Self-Help Cooperatives Act, 2001
6	Chhattisgarh	The Chhattisgarh Swayatta Sahkatira Adhiniyam, 1999
7	Madhya Pradesh	The Madhya Pradesh Swayatta Sahkatira Adhiniyam, 1999
8	Jammu and Kashmir	The Jammu and Kashmir Self Reliant Cooperatives Act, 1999
9	Uttaranchal	Uttaranchal Self Reliant Cooperatives Act , 2003

Multi State Cooperative Society

Multi-State Co-operative Societies (MSCS) Act 2002 facilitates the organization and functioning of the cooperative societies having jurisdiction in more than one States. This Act which came in force with effect from 2002 was enacted to repeal the Multi-State Cooperative Societies Act, 1984. The Act facilitates voluntary formation and democratic functioning of multi-state cooperative societies as member driven institutions based on self-help and mutual aid and to enable them to promote their economic and social betterment and provides for functional autonomy.

Producer Companies

To further provide an enabling environment for producer or member owned collective institutions, especially in the changing global economic environment, wherein they have to compete against other players including big private corporations, the Companies Act was amended vide the Companies Amendment Act, 2002 to insert a new part, Part IX-A, relating to Producer Companies, a company that combines the unique elements of cooperative principles within a regulatory framework. The

notable feature is that it retains the principles of cooperation that emphasize voluntary membership of producers, democratic decision-making, patronage rather than capital, distribution of surplus based on patronage, education of members etc.

Limited Liability Partnership (LLP)

The LLP form enable producers, entrepreneurs, professionals and enterprises providing services of any kind or engaged in scientific and technical disciplines, to form commercially efficient vehicles suited to their requirements. LLP is a body corporate and a legal entity separate from its partners having perpetual succession. While the LLP is a separate legal entity, liable to the full extent of its assets, the liability of the partners would be limited to their agreed contribution in the LLP. It provides an alternative to the traditional partnership firm with unlimited liability. By incorporating a LLP, its member can avail the benefit of limited liability and the flexibility of organizing their internal management on the basis of a mutually-arrived agreement, as is the case in a partnership firm. LLP combines the advantages of running a Partnership firm

with a separate legal entity status & limited liability aspect of a Company. However, in view of much ease in promotion and operation of LLP, the required legal compliances are minimal that it may not lead to robust internal systems for the organisation.

Private Limited Company

In view of control and ownership by members only, private company form need to be assessed for its suitability for a community enterprise based on the local conditions and requirement.

Critical criteria to evaluate legal forms

Given the unique nature of community enterprise, following are the few in-spirit criteria that one must ensure to enshrine while choosing legal form for registering the community enterprise.

3'Member' means a person or group of persons (whether incorporated or not) qualified as stipulated in the Articles/Byelaws and admitted under it to Membership therein, and who retains the qualifications necessary for continuance

CRITERIA FOR EVALUATION OF LEGAL FORMS

S.No.	Spirits to be manifested in a community enterprises	Actionable criteria to be ensured in the legal form
1	Community ownership	Members owned share capital Majority of risk fund from member No external investment involving
2	Democratic control of decision making making boards	One member one vote Limitation on non member directors on key decision Election of governing boards than selection/ nomination
3	Division of profits/losses based on current performance	Patronage linked returns No dictation on distribution of surplus
4	Limited return on capital	Ceiling on returns of capital Nominal and not higher returns on capital
5	Facilitating members economic transactions	bFacilitates mutual self help and principles of cooperation
6	Provides autonomy to conduct affairs of the organizations	No non member interference in the affairs No arbitrary takeover of organisation

Criteria			Producer Company	Private Limited Company	Limited Liability Partnership	Self Reliant Cooperative	Old State Cooperative	Multi State Cooperative
1	a	Community members with common purpose alone own share capital equally	Any individual who is a primary producer or producer institution can be member and contribute to share capital. Restricts membership if not a producer.	Subscribers of the memorandum of a company and on its registration shall be entered as members in its register of members. Members beyond community with / with no commonality of purpose can own share capital	Partners can agree on proportion and contribute share capital accordingly. Partners beyond community with/with no commonality of purpose can own share capital	Each Member with commonality of purpose can alone contribute equally to share capital.	Differs from state to state. However share capital is contributed by members. Non community member is also allowed to own share capital.	Each Member with commonality of purpose can alone contribute equally to share capital.
	b	No external investment involving voting rights	External investment in the form of equity contribution involving voting rights is disallowed.	No External Equity investment can be accommodated with proportionate voting rights	No External Equity investment can be accommodated with proportionate voting rights	External investment in the form of equity contribution involving voting rights is disallowed.	External investment with proportionate voting rights can be accommodated.	External investment in the form of equity contribution involving voting rights is disallowed.
2	a	One member one vote	One member one vote	One Share one vote -	As per partnership agreement.	One member one vote	Varies from state to state	One member one vote
	b	Limitation on non member directors/governors on key decision making boards	Restriction on non producers being member, hence restriction on decision making boards.	Members / Non members with/with no commonality of purpose can become director and is left to AoA.	Members/Non members with/with no commonality of purpose can become director and is left to AoA.	Restriction on non member with no commonality of purpose becoming elected representatives	Members/Non members with/with no commonality of purpose can become director and is left to AoA.	Restriction on non member with no commonality of purpose becoming elected representatives

Criteria	Producer company	Private limited company	Limited Liability partnership	Self Reliant Cooperative	Old Sate Cooperative	Multi State cooperative
c	No/Yes	Not Necessarily	Not Necessarily	Yes	Partly	Yes
3	Direct link between patronage and sharing of surplus.	Sharing of surplus is linked to proportion of paid up shares held and not patronage of service	Sharing of surplus is linked to proportion of shares owned and not patronage of service	Direct link between patronage and sharing of surplus.	-	Direct link between patronage and sharing of surplus.
b	Distribution of surplus in proportion of their respective patronage.	Act doesn't stipulates, it is left to be decided by members.	Act doesn't stipulates, it is left to be decided by members in the LLP Agreement.	Act doesn't stipulates, it is left to be decided by members	Act clearly stipulates the majority part of disposal of residual surplus in most of the states.-	Members can decide the disposal of majority part of residual surplus
4	Ceiling on returns for capital contributed is specified	No ceiling on returns for capital contributed	No ceiling on returns for capital contributed	Ceiling on returns for capital contributed is specified	-	Members can decide the disposal of majority part of residual surplus Objects are to
5	Objects are to promote / facilitate members economic interest	Objects are to promote / facilitate Promoters /members economic interest	Objects are to promote / facilitate Promoters /members economic interest	Objects are to promote / facilitate members economic interest	Objects are to promote / facilitate members economic interest	promote / facilitate members economic interest
b	Imbibes the principle of cooperation and self help	-	-	Imbibes the principle of cooperation and self help	Imbibes the principle of cooperation	Imbibes the principle of cooperation and self help
6	No regular interference of externals in conducting the affairs of the organisation	No regular interference of externals in conducting the affairs of the organization-	No regular interference of externals in conducting the affairs of the organisation	No regular interference of externals in conducting the affairs of the organisation	Government machineries' regular interference is permissible	No regular interference of externals in conducting the affairs of the organisation
a	External / non member interference in the affairs					

Legal Compliances for Community Enterprises

It can be noted that whatever the legal form, there are certain legal compliances that need to be complied under specific Act. To be a robust and effective one, institutions need to be legally compliant entities. Thus, it is very important to fulfil these legal compliances. The lists of different legal compliances that need to be met are furnished in Table.

Institutional Systems and Legal Compliances

While complying relevant Laws is important, it can be noted that most of such compliance depend on the right internal systems of the institutions and unless these systems are in place, it is not possible to be legally complaint institutions. Thus, while appreciating different legal compliances is important, it is equally important to build the required systems for it. Following Table illustrates different legal compliances (common compliances irrespective of the Law) for community enterprises and required institutional systems for it.

calls for compliances specific to that activity/ business. Both are important and required. To list some of the Laws under

which compliances are required; VAT & Service Tax, Factories Act – Compliance Compulsory for manufacturing, Pollution Control Board, Prevention of Food Adulteration Act, Trade Marks and Certification, Weights& Measurements Act etc.

Institutions promoted by Acts

Whereas, there are community institutions registered under different Acts, the other category are the institutions which are promoted out of some Acts. The examples are highly scaled-up Water Users Associations (WUAs), promoted under Andhra Pradesh Farmers Managed Irrigation System Act (APFMIS Act) in 1997; Labour Groups under Employment Guarantee Act etc. Apart from this, many institutions are promoted by government and non-government agencies under many policies and programmes. To mention few, Vana Samrakshana Samithis (VSS)/ Forest Protection Committees (FPCs), Watershed Committees, Pani Panchayats, Commodity Groups, Farmers Groups etc.

Unregistered Institutions

In addition to many registered forms, there are substantial numbers of community institutions which are not registered. Most

common of them are Self-Help Groups (SHGs). Majority of these SHGs are not registered legally. However, they are being promoted mostly by the state and thus have identity. In view of this, many government programmes and also bank loans are being linked to the SHGs. Even if they are not registered as cooperatives, their essential functioning is on the lines of cooperation, mutual self-help, membership socio-economically homogeneous, mutual collateral, joint liability and mutual monitoring to compensate for individual.

Conclusion

Owing to their member centric existence and design, community enterprises found to be very promising, particularly to set free the economically marginalised. It is important that the decision of appropriate legal form be made based on the purpose and such features of the institution. This is in view that there is no one superior or best form for any case and it depends on purpose and local situations like members, key promoters, type of business, geographic location etc.

Legal Compliances and required Institutional Systems for Community Enterprises		
S.No.	Legal Compliance	Required Institutional System
1	Election of Board members	Meetings, democratic process, participation in decision making, board meeting compliance, governance system, dividend, capital raising
2	AGM	Annual reporting, membership, share capital, bylaws, information system, annual plans
3	Taxes filing	Financial system
4	Audit	Financial system, Internal audit system
5	Annual returns filing	Documentation
6	Statutory records	Accounts& Bookkeeping; Information systems of membership, eligible voters,

Other Legal Compliances

Legal compliances are two fold. While by virtue of registering under particular Law some compliances are required, by virtue of engaging in particular activity/ business

Comparative statement of different legal forms

S.No.	Parameter	Cooperative under liberal Acts	Multi State Cooperative Society	Producer Company	LLP	Private Limited Company
1	Governing Act	Vary in different states	Multi State Cooperative Act 2002	Companies Act, 1956, amended in 2002	Limited Liability Partnership Act, 2008; The partners can enter into agreement to make their own guiding rules. If there is no agreement among partners, the LLP will be guided by Schedule I.	Companies Act, 1956
2	Governing Authority	Registrar, Cooperative Societies, Department of Cooperation	Central Registrar, Department of Agriculture & Cooperation, Ministry Agriculture, Gol	Registrar of the Company, Ministry of Corporate Affairs, Gol	Registrar of the Company, Ministry of Corporate Affairs, Gol	Registrar of the Company
3	Membership	Vary in different states; However, generally, minimum 10 if individuals and 2 if institutions	In case where all members are individuals, by at least fifty persons from each of the state concerned; in the case of a multi-state cooperative society of which the members are cooperative societies, by duly authorised representatives on behalf of at least five such societies as are not registered in the same state; and in the case of a multi-state cooperative society of which another multi-state cooperative society and other cooperative societies are members, by duly authorised representatives of each of such societies	10 or more individuals, each of them being a producer or any 2 or more producer institutions, or a combination of 10 or more individuals and producer institutions; no upper limit	Minimum 2 members and there is no limit on maximum	Minimum 2 members and maximum 50

Comparative statement of different legal forms

S.No	Parameter	Cooperative under liberal Acts	Multi State Cooperative Society	Producer Company	LLP	Private Limited Company
4	Liability	Liability of the members is limited	Liability of the members is limited	Liability of members is limited to the amount of the unpaid shares held.	Liability of members is limited to the amount of contribution; No partner would be liable on account of the independent or unauthorized actions of other partners, thus allowing individual partners to be shielded from joint liability created by another partner's wrongful business decisions or misconduct.	Companies Act, 1956
5	Incorporation	Application along with 1 original & 1 photocopy of by laws; List of names of individuals or cooperatives with addresses, occupations & financial commitments (contribution); True copy of minutes of meeting in which by laws are approved	Application for registration (Form 1&2) signed by members; 4 copies of bylaws, name, headquarter & address, list of persons contributed to the share capital with amount, area of operation, objectives, certificate from bank stating credit balance, business plan, resolution of the promoters	DIN for Directors (required for this are identity proof & residence proof); Name approval (in Form 1A); Filing MOA&AOA; Opening of Bank Current Account; PAN card in the name of individual members termed as Directors; Common seal	No requirement of filing of MOA & AOA; DPIN (Form 7); Reservation of Name (Form 1); Incorporation Document (Form 2); If want to register the partnership, then Form 3; Partner Details (Form 4)	By filing MOA & AOA
6	Initial Share Capital	No minimum requirement	No minimum requirement is provided in the Act; Transfer of shares is restricted, in no case exceeding 1/5th of the total share capital	No requirement as to minimum share capital; Member's equity cannot be freely traded but only be transferred with approval of the Board	No requirement as to minimum share capital. LLP starts on the contribution made by the partners and transferability depends on their agreement	Minimum requirement of Rs. 1lakh; Member's equity cannot be freely traded but only be transferred

Comparative statement of different legal forms

S.No	Parameter	Cooperative under liberal Acts	Multi State Cooperative Society	Producer Company	LLP	Private Limited Company
7	Voting Rights	One member-one vote	Every member, including a member who is an employee of such society, shall have one vote in the affairs of the society. A multi-state cooperative society, the membership of which include cooperative societies or other multi-state cooperative society, may provide in its bye-laws for an equitable system of voting having regard to the membership of, and the extent of business carried on by such cooperative societies or multi-state cooperative societies	where the membership consist of individuals every member has single vote irrespective of the share owned; In case of Producer Institution, the voting rights are based on participation in business of the producer company in the previous year	The voting rights can be decided by the partners as per their terms and conditions.	Voting rights in proportion to share owned
8	Distribution of Dividend	As per patronage	The profit is distributed in proportion to the share at the rate which can be fixed in the by laws.	1. Every Member shall, on the shares capital contributed, receive only a limited return. 2. Member may be allotted bonus on share value in accordance with the provisions contained under section 581ZJ. 3. The surplus if remaining after all this may be distributed as patronage bonus (based on the contribution of the members)	The voting rights can be decided by the partners as per their terms and conditions.	Voting rights in proportion to share owned
9	Raising of external finance	Deposits, loans, grants	A multi-state cooperative society may receive deposits, raise loans and receive grants from external sources to such extent and under such conditions as may be specified in the bye-laws and under conditions given in the act.	Cannot raise funds through shares to the external public	Cannot raise funds from the external public	Cannot raise funds through shares to the external public

Comparative statement of different legal forms

S.No	Compliance	Cooperative under liberal Acts	Multi State Cooperative Society	Producer Company	LLP
1	Governance	The Board of Directors to be elected before the expiry of the term of the existing directors.	The board of director shall exceed 21.	At least five and not more than fifteen directors ¹ ; Board Meeting once a quarter	There is no provision as to directors
2	General Body	AGM at least once a year and has to be held within 6 months of the completion of financial year.	The board of every multi-state cooperative society shall, within such period as may be prescribed, and not later than six months after the close of the corresponding year, shall call the annual general meeting.	At least once a year and not more than 15 months shall elapse between the date of one AGM and that of the next	There is no requirement for conducting annual general meeting
3	Audit	Annual by a qualified CA appointed by the General Body	Every multi-state cooperative society shall cause to be audited by an auditor referred to in sub-section (2), its accounts at least once in each year.	Every Producer Company shall have internal audit of its accounts carried out, at such interval and in such manner as may be specified in articles and all the provisions of companies act related to audits.	Audit is not required unless capital exceeding Rs. 25 lakh or turnover exceeding Rs. 40 lakh

Comparative statement of different legal forms

S.No	Compliance	Cooperative under liberal Acts	Multi State Cooperative Society	Producer Company	LLP
4	Annual return	Within 30 days of conduct of the annual general body meeting; Annual report of activities, Annual audited statements of accounts with auditor's report, List of members at the close of the year under reporting with services provided to each member, Statement on the disposal of surplus or on the allocation of deficit, List of names of directors, their addresses and their terms of office; and f. Compliance reports relating to audit, special audit and inquiry, if any.	Every year within six months of the closure of the accounting year every multi-state cooperative society shall file the following returns with the Central Registrar, namely- (a) annual report of the activities (b) audited statements of accounts; (c) plan for surplus disposal as approved by the general body; (d) list of amendments to the bye-laws of the multi-state cooperative society; (e) declaration regarding date of holding of general body meeting and conduct of elections (f) any other information required by the Central Registrar in pursuance of any of the provisions of this Act.	Annual Accounts and Annual Return to be filed with ROC within 60 days of AGM	Every limited liability partnership shall file an annual return duly authenticated with the Registrar within sixty days of closure of its financial year in such form and manner and accompanied by such fee as may be prescribed in LLP
5	Statutory records	Cash book, Accounts of assets and liabilities, Accounts of all purchases and sales of goods, Updated register of members, Copies of audit reports and special audits, Copy of the law, Updated bylaws with all amendments, Minutes Book, Bye laws book	Audit statements, annual report, annual budget, members registrar	Books of Account; Register of its shareholders; register of its directors, managing director, manager, secretary	Books of Account

1. In the case of inter-State co-operative society incorporated as a Producer Company, such Company may have more than fifteen directors for a period of one year from the date of its incorporation as a Producer Company. After one year, maximum number of directors should not be more than 15
2. Cooperatives under liberal Acts have the flexibility of designing many aspects in their own Bylaws. Similarly, LLPs have such flexibility. Thus comparatively, legal compliances are more rigorous in producer company
3. Since, for all practical purposes, producer companies are like private limited companies, the compliances required for private limited company are same as that of producer company
4. Compliances for cooperatives under old Acts vary as per state. However, under these Acts, the compliances are very high without required freedom for them in view of high control of RCS
5. Compliances for cooperatives under liberal Acts depends on the state. However, the above-mentioned ones are common and applicable for many states

CONTRACT TREE FARMING : an assurance of raw material for paper & wood industries



Paper & wood industries which face difficulty in getting raw material have started inducing farmers to adopt contract farming. The agreements are done to benefit the farmers by assuring minimum support price for raw material. The industry also provides assistance in lending or coax banks to lend.

Contract farming is a system for the production and supply of agricultural / horticultural produce under forward contracts between producers / suppliers and buyers. The essence of such an arrangement is the commitment of the producer / seller to provide an agricultural commodity of a certain type, at a time and a price, and in the quantity required by a known and committed buyer.

Contract farming usually involves the following basic elements - pre-agreed price, quality, quantity or acreage (minimum / maximum) and time. It is essentially a means of allocating the distribution of risk, between processor & grower. The latter assumes risks associated with production while the former assumes the risks of marketing the final produce. As has been observed however in practical terms, there exists, considerable interdependence between the two parties. The development of contract farming will succeed if both parties share the risk & rewards. There are several global factors that led to the emergence of contract farming. One was the break up of many plantations in

colonial countries after Independence when foreign agri-businesses were subject to nationalist pressures, threats of expropriation and new conditions of profitability with a changing international division of labour. In a world of price instability, political uncertainty over nationalisation and tax regimes, unionisation of some labour forces, outgrower schemes that allow the company to delegate production to smallholders have several advantages.

The contract assures the company of regular inputs of raw material from the small holders so that it is able to meet its economies of scale. They would not be able to achieve this through purchases on the open market, whereas contracts can specify planting dates as well as total quantity to be delivered. The contract therefore both reduces uncertainty and gives the company control of the production process. Further, the company does not have to invest in land, hire labour or large scale farming operations.

Appachi's Integrated Cotton Cultivation A case study

Appachi Cotton Company (ACC), the ginning and trading house from Pollachi (Coimbatore district of Tamil Nadu, **India**) hit the headlines in May 2002 for the street play it employed to encourage farmers in the Nachipalayam village in Kinathukadavu block of Coimbatore to sow cotton seeds in their fields. The singer in the street play assured cotton farmers that, unlike in the past, they would not be disappointed if they cultivated cotton on their fields, as they would be backed by a **model** called the Integrated Cotton Cultivation (ICC), which would guarantee a market-supportive mechanism for selling their produce. ACC caters to top-bracket, quality-conscious clients from

the textile industry in **India** and abroad, and their client specific operation has won them laurels. ACC is the only private ginner in the country to have successfully entered backward and forward integration between the 'grower' (farmer) and the 'consumer' (textile units)

Key principles of the ACC model

One village, one group (SHG)

One village, one variety/hybrid of cottonseed

Crop loan at 12% per annum on Group's guarantee

Door delivery of quality inputs at discounted rates

Cotton crop insurance

Synchronised sowing

Integrated crop management through competent Farm Service Centres

Contamination control measures from farm to factory

Assured buyback of final produce from farmers' doorsteps

The sponsor (ACC) plays the role of a perfect coordinator/ facilitator between the producer and the consumer.

Advantages to the Farmer

Farmer has the advantage of getting an upfront price for his produce without marketing botheration along with free technical advice & exposure to latest agro technology.

Advantages to the Company

Company has the advantage of getting uninterrupted & regular flow of raw material with dedicated supplier base which helps the company for long term planning.

Types of contract farming

Contract farming usually follows one of five broad models, depending on the product, the resources of the sponsor and

the intensity of the relationship between farmer and sponsor that is necessary.

The centralised model

Involves a centralised processor and/or packer buying from a large number of small farmers

Is used for tree crops, annual crops, poultry and dairy. Products often require a high degree of processing, such as tea or vegetables for canning or freezing

Is vertically coordinated, with quota allocation and tight quality control

Sponsors' involvement in production varies from minimal input provision to the opposite extreme where the sponsor takes control of most production aspect

The nucleus estate model

Is a variation of the centralized model where the sponsor also manages a central estate or plantation

The central estate is usually used to guarantee throughput for the processing plant but is sometimes used only for research or breeding purposes

Involves a significant provision of material and management inputs

The multipartite model

May involve a variety of organizations, frequently including statutory bodies

Can develop from the centralized or nucleus estate models, e.g. through the organization of farmers into cooperatives or the involvement of a financial institution

The informal model

Is characterised by individual entrepreneurs or small companies

Involves informal production contracts, usually on a seasonal basis

Often requires government support services such as research and extension

Involves greater risk of extra-contractual marketing

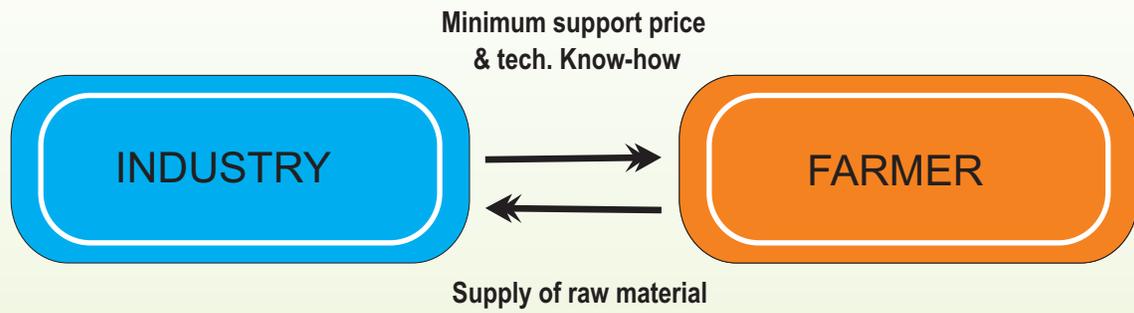
The intermediary model

Involves sponsor in subcontracting linkages with farmers to intermediaries

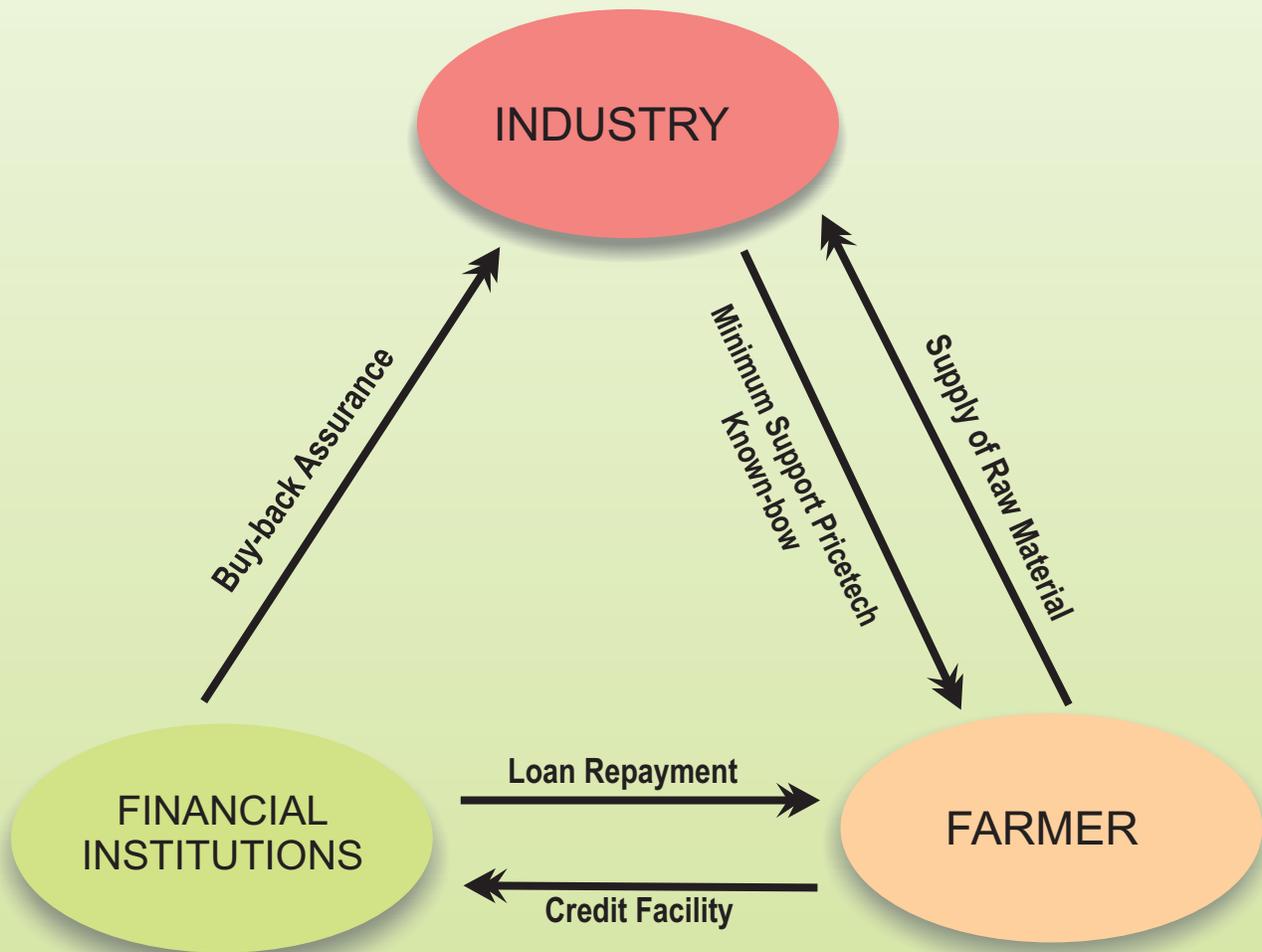
Contract tree farming by Wood based industries

The biggest challenge faced by wood based industries is the raw material shortage. A conservative forest policy coupled with promotion of farmers/ industries linked plantation activities on under-utilized cultivable and marginal agricultural lands will help to mitigate the crisis. This necessitates a business farm forestry model, in order to expand the area under farm and agro forestry plantations through multi-stake holder's participation. The middlemen and local contractors in the existing marketing system play a significant role and in most of the cases, they decide the harvesting time and also price fixation. Absence of efficient production to consumption system coupled with price incentives and assured buy back agreement is a major constraint faced by the tree growing farmers. This constraint on industrial agroforestry can be overcome through augmenting the existing supply chain system by linking the farmers directly with industries through contract farming system.

To meet the needs and increase the area under plantation through farm forestry, the paper industries & wood based industries enter into bi-partite & tri-partite agreement for promotion of wood based contract farming system. Through the system, it is intended to produce quality and sustained raw material through a strong supply chain. In a bi-partite arrangement, company enter into an agreement with the farmer for marketing assurance of his pulp wood at a minimum support price as well as for extending required managerial & technical support to him. Farmer agrees to supply pulp wood to the company as per the prescribed standard.



TRI-PARTITE MODEL CONTRACT TREE FARMING



In tri-partite contract farming arrangement, Company, farmer & financing institution enter into the agreement.

Farmer is liable to use the land for the purposes specified in contract, follow production regulations, sell crop to company & repay loan.

Company facilitates credits and inputs, provides technical and managerial support, purchases all production of acceptable quality, pays farmer minimum support price, maintains accounts in a comprehensible form, assures buy back & assists in loan repayment.

Financial institution extends loan to farmer as per norm & disburses loan instalments in time.

Corporates like BILT, ITC, JK Paper Mills, Andhra Pradesh Paper Mills, Star Paper Mills, Tamilnadu news print & paper Ltd, Sirpur Paper Mills & Mangalam Timber Products Ltd. have resorted to the tree contract farming for building up their raw material base. This programme is manned by experienced forestry professionals, and specifically focuses on marginal farmers with unproductive lands. These farmers are provided with high-yielding clones of pulpwood species, and are offered extension services and expert advice. In addition, the company facilitates long-term, tailor-made bank loans to needy farmers. The company also assures purchase of their pulpwood produce at a declared support price or market price, whichever is higher.

Area covered under pulpwood plantation with contract farming

Name of the Industry	Plantation area (Hectare)
Mangalam Timber Products Ltd.	17233
Sirpur Paper Mills Ltd.	10215
Star Paper Mills Ltd.	43983
Tamilnadu news print & Papers Ltd.	15022
The Andhra Pradesh Paper Mills Ltd.	86500
JK Paper Ltd.	48000
ITC Ltd.	90000
BILT	30000

Farmers covered under pulpwood plantation with contract farming

Name of the Industry	No. of beneficiary farmers
Tamilnadu news print & papers Ltd.	8235
The Andhra Pradesh Paper Mills Ltd.	37000
ITC Ltd.	45000
BILT	33500

Besides securing a sustainable supply of raw material, the farm forestry programme has several social, economical and ecological benefits. It generates employment for the rural communities, converts non-performing assets into performing assets, and reduces the pressure on natural forests.

Case study

Sri Madan mohan Panda, age 39 yrs. of Humki village in Ganjam district of Orissa, opted for pulpwood plantation with Eucalyptus clones in his waste land to an extent of 5 acres in the year 2003 under bi-partite agreement with JK Paper Ltd. Rayagada. Company agreed to pay him a minimum support price of Rs.1000 per MT of debarked pulp wood excluding transportation & felling cost. Company also agreed to provide him with all required managerial & technical assistance at free of cost through its field personnel. Sri Panda agreed to sell his pulp wood to the company as per the standards laid out by them. Company arranged to supply its in-house produced Eucalyptus clones at his site at a sale price of @Rs.6

per clone. Sri Panda has incurred an amount of Rs.48000 for raising the plantation. In the year 2008 he harvested the trees leaving the trunk at a height of 6 from ground for allowing coppice shoots to grow. From the 1st harvest, he was able to sale 87MT of debarked pulpwood to JK Paper Ltd.& earned an amount of Rs.87000 towards the sale proceed by which he could got a profit of approx.Rs.39000. He is expecting his 11nd harvest during the year 2012.

Conclusion

To strengthen the agrarian economy that ensures food and nutrition security to a population of over a billion, raw material for its expanding industrial base, surpluses for exports, and a fair and equitable rewarding system for the

farming community, 'commitment driven' contract farming is no doubt a viable alternative farming model, which provides assured and reliable input service to farmers and desired farm produce to the contracting firms. Several Indian and multinational companies have already begun such initiatives in India and have demonstrated repeated success. The successful cases should encourage the rest of the producing and the consuming enterprises to implement them for mutual benefits in specific and Indian agriculture in general.

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Once Santa & Banta were travelling along with their friends Monty & Jaggi. On a road surrounded by forests on both sides, their car was attacked by robbers. Santa & his friends were pulled out of the car. The robbers blasted the car and took Santa, Banta and their friends in the middle of the forest where their boss was residing.

Now, this boss was fond of jokes. So, he put the condition that whoever tells a joke that makes every single person laugh should be left unharmed and alive, but if one single person doesn't laugh then the joke-teller would be shot to death.

Banta started telling the funniest joke he had ever heard, "One day....." and when he was finished, everybody were falling with laughter except Santa. So according to the vow, the boss shot poor Banta.

Now, it was the turn of Monty. He also told the best joke he had ever heard. Again everybody laughed including the boss & his robbers, but still Santa was quite as a statue. So the boss shot him.

Then came Jaggi. As he opened his mouth to tell the joke, Santa suddenly burst into laughter. Everyone was puzzled. Santa was laughing madly.

The boss asked him, "Why the hell are you laughing without hearing the joke?"

Santa said laughing and giggling, "Oh! How funny Banta's joke was!

SADHNA: a women's handicraft enterprise

Sadhna - a Sanskrit term- means spiritual exertion towards an intended goal. That is precisely what the team of about 650 women artisans in villages around Udaipur, are engaged into, as part of an enterprise that is truly theirs, in every sense of the term. Sadhna is a story of grit, determination and commitment of the economically marginalised women. The women have yet again proved that with drudgery, they can break free from the shackles of long established norms and mores of a claustrophobically patriarchal society and carve their stories into the sands of time. It represents a journey that started over two decades ago, that in spite of numerous stumbles, the goal can be achieved if one is focused and determined.



From its humble beginning in 1988, as a project to support rural women's livelihoods through handicrafts, the enterprise has come a long way and has undergone various transformations since its inception. Initiated as an income augmentation project with women groups, and after enduring various stages of non-viability, functional effectiveness and finally an impressive growth both in terms of production and sales, it has today

grown into a self sufficient independent organization. After 17 years of being a part of Seva Mandir, Sadhna was registered as an independent Mutual Benefit Trust on 10th December 2004. It would be apt to mention here that Sadhna is truly a women's enterprise in every sense of the term. It is owned by its members and all surpluses are equitably distributed among them.

Today, Sadhna has grown into a vibrant self-sustaining unit. It has played a major role in creating awareness amongst its women members and their households regarding social issues that are a part of their day today life. There is noticeable change in the lives of these artisans. Once not even exposed to their own village surroundings, these women are today playing critical role in household matters as well as in the decision making of various villages level issues. The economic independence has brought them on an equal platform with their male counterparts. Many women members are also part of community level activities, such as, setting up a local self governance system for the betterment of their areas and village. In Delwara Village, artisan members have actively taken part in improving sanitation facility, creating hygienic village atmosphere through cleanliness campaigns, expansion of watershed catchment area, drinking water solution etc., in the village.



| COMMUNITY FOCUS |

Sadhna's dream lies in fulfilling its mission by achieving the production, sales targets and also thereby increasing the strength of its artisan members by providing sustainable income in the years to come. The main objective of the programme was to work towards empowering women and making them financially stable. Financial stability and independence would boost their confidence and hence their desire to participate in community decision-making and implementing, monitoring and managing development activities. Sadhna has tried to make a change in the life of these artisans not just through increased earnings but also taking care of various issues related to health, child education and social security. Each member is a part of the government provident fund scheme. In addition to this, eye check up camps, life insurance, medical facilities and small emergency loans have been provided to the needy at minimal interest rates.

Success Story

Sheila is a resident of Delwara village, which is located about 26kms away from Udaipur. Sheila a handicraft artisan from Sadhna Shares her experience. She shares how financial aid and opportunities provided by the organization have empowered her as a woman, wife and a mother. On an average day, Sheila wakes up at 6am and devotes her time to household chores, such as cleaning, cooking and washing. She usually puts in 5-6 hours of embroidery work every day. Sheila has been a part of Sadhna Earlier Sheila depended on her husband's income, but after his sad demise and with the aid of Sadhna, she can earn her livelihood with dignity and live a respectful life. Sheila and her friends feel that they have a greater sense of autonomy since their earning potential is a significant component of their family well being. She spends her earnings on family needs, including household items and children's education. Moreover she has also opened a saving account and deposits some part of her

monthly income as savings. Today Sheila is bold and confident and her working with Sadhna has empowered her as a woman, wife and mother. Before she signs off, she says. Every woman should get educated and work so that they would be independent.

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CONTRACT LABOUR: abolishment or unemployment

To compete in a liberalised market economy, firms require flexibility, especially in managing labour. As of now, the labour sector in India is quite restrictive with regard to labour laws. In order to go beyond the stringent labour regulations, the industry is largely resorting to Contract Labour, which is governed by the “Contract Labour Regulation and Abolition Act, 1970”. With the aim to safeguard the welfare of contract labour, certain provisions have been made mandatory by the Act, payment of minimum wages, provident fund benefits etc.,

This paper discusses a legal understanding and the judicial interpretation of the Contract Labour (Regulation and Abolition) Act, 1970 with the help of landmark judgments.

The age of globalisation is gradually changing the employment structure across the globe. In order to compete effectively in this globalised market one needs flexibility relating to labour, capital

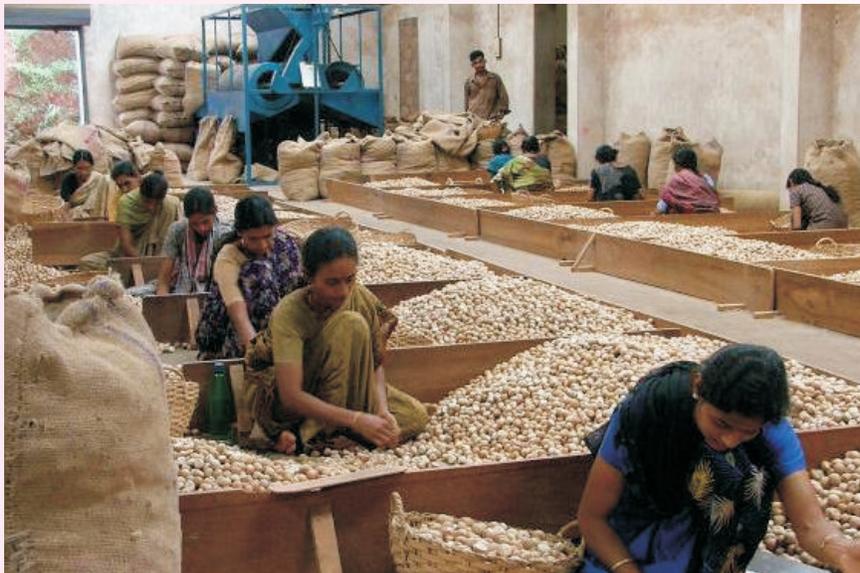
or in overall administration. This gives the option to both the employer and the employee to adapt to the fast changing world and compete efficiently. Among different kinds of employment structures, contract labour is becoming one of the most prominent forms because of the less rigidity it offers. However, having said that, although contract labour has become an integral component across the globe, it brings with it the challenge for the legislators to legislate on the subject.

In India, various Commissions and Committees have been formed from time to time to study the conditions of contract labour. The reports submitted by these Committees have all shown that their conditions have been appalling and exploitative in nature. Thus to provide legislative protection to this category of workers, Contract Labour (Regulation and Abolition) Act, 1970 was enacted. The objective of the act is to regulate the employment of Contract Labour in certain

establishments and to introduce better conditions of work and also to provide for its abolition in certain circumstances.

The 'contract labour' is defined under Section 2(1) (b) of the Act, “as one who is hired in connection with the work of an establishment by a principal employer through a contractor”. While a 'contractor' as defined in Section 2(1) (c) tries to produce the given results with the help of contract labour for the organisation, and a principal employer is the person responsible for the control of the establishment. “Principal employer” has been defined to mean (i) in relation to any office or department of the Government or a local authority, the head of that office or department or such other officer as the Government or the local authority, as the case may be, may specify in this behalf and (ii) in a factory, the owner or occupier of the factory. In view of Section 10, the appropriate Government may after consultation with the Central Board or, as the case may be, a State Board, prohibit, by notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment.

For the health and welfare of contract labourers certain provisions have been made mandatory by the Contract Labour Act. Amongst other things, facilities required to be provided under sections 18 and 19 of the Act are sufficient supply of wholesome drinking water and a sufficient number of latrines and urinals. If contract labourers are required to halt at night in connection with their work, the contractor is bound to provide hygienic rest rooms and separate



rooms for women workers. If the number of contract workers in an establishment exceeds 100, canteen facilities need to be provided as well. The Act delineates the necessary maintenance conditions of the canteen. First-aid facilities should also be available to the contract workers with a person trained in first aid in attendance. It is the primary responsibility of the contractors to provide all the facilities to the workers as delineated in the Act. However, if the contractor fails to provide these facilities, the responsibility falls on the principal employer to provide the same within 30 days of the expiry of the time allowed to the contractor. Other obligations which may fall on the principal employer, in case of the contractors inability to fulfil these obligations, include payment of minimum wages, certain health and sanitation facilities in the work premise, provident fund benefits and so on. In order to ensure that such norms are complied with, labour inspectors are engaged for supervision.

The employees are engaged to do work for the company but they are not under the company's roll. The labour is 'supplied' by a contractor, to the company, called the Principal Employer, and the company makes payment to the contractor as per the bills raised by him. The contractor, in turn, pays wages to the workers. In this case, the relationship between Principal Employer and the contractor's employees is not employer- employee relationship. As such the principal employer has no liability towards the employees but his liability is limited to the act of payment of bill raised by the contractor. However, being the principal employer, he has to ensure that the contract employees are getting their salary from the contractor in time. It is the responsibility of the principal employer to ensure that EPF/ESI in respect of these workers is remitted by the contractor in time. He has also to ensure that bonus is given to those who are eligible for. Besides, he has to obtain permission from the appropriate

authorities for hiring employees through a contractor.

This act applies to any establishment in which 20 or more workmen are employed on a contract basis on any day of the last one year and also to all contractors who employ or have employed 20 or more workmen on any day of the preceding twelve months. The act however, does not apply to the establishments in which work is intermittent or casual in nature. While the decision regarding whether the work is of casual nature or not rests on the appropriate government, if the work is carried out on more than 120 days in a year it cannot be considered as intermittent.

In the landmark case Standard Vacuum Refinery Company Vs. Workmen (1960-II-ILJ page 233) Supreme Court of India observed that contract labour should not be employed where: —

- (a) The work is perennial and must go on from day to day
- (b) The work is incidental to and necessary for the work of the factory
- (c) The work is sufficient to employ number of full time workmen and
- (d) The work is being done in most concerns through regular workmen

The establishments covered under the Act are required to be registered as principal employers with the appropriate authorities. Every contractor is required to obtain a licence and not to undertake or execute any work through contract labour except under and in accordance with the licence issued in that behalf by the licensing officer. The licence granted is subject to such conditions as to hours of work, fixation of wages and other essential amenities in respect of contract labour as laid down in the rules. In case of contravention of the provisions of this Act or any rules made thereunder, the punishment prescribed is imprisonment for a maximum term up to 3 months and a fine up to a maximum of Rs.1000/-, or both.

Three judgements delivered by the Supreme Court in the cases of Gujarat State Electricity Board Vs Union of India, Air India Statutory Corporation Ltd. & Others Vs United Labour Union & Others, and Steel Authority of India Ltd. & Others Vs National Union of Waterfront Workers and others on 09.05.1995, 06.12.1996 and 30.08.2001 respectively, are landmark judgements.

In Gujarat State Electricity Board case, inter-alia, the Supreme Court recommended that the Central Government should amend the Act by incorporating a suitable provision to refer to an industrial adjudicator the question of the direct employment of the workers of the ex-contractor in the principal establishments, when the appropriate Government abolishes the contract labour.

In an another case Air India Statutory Corp. v. United Labour Union where the issue raised was whether or not the labour who continued to be in employment for the last 10 years, had not crossed the age of superannuation and were medically fit, should be absorbed as regular employees in the order of seniority. The apex court in its judgement said that the Act works for the betterment of contract labourers as it underlines the rights of these labourers and the facilities/utilities which should be provided to them. Therefore it could easily be inferred that the Act has no intention of making these workers jobless after the abolishment of contract labour. The Act also does not intend to deny the workmen to continue their work or to devoid them from benefits of permanent employment because earning livelihood is a fundamental right. The Court ordered to absorb these workers on a seniority basis. The Supreme Court in the case of Steel Authority of India Ltd. Vs National Union of Waterfront Workers & Others has held that neither Section 10 of the Act nor any other provision in the Act whether expressly or by necessary implication provides for automatic absorption of contract labour



on issuing a Notification by the appropriate Government under sub section (1) of Section 10 prohibiting employment of contract labour in any process or operation or other work in any establishment. Consequently the Principal Employer cannot be required to order absorption of the contract labour working in the concerned establishment. The judgement in Air India's case was overruled prospectively.

In the case of Rourkela Shramik Sangh v. Steel Authority of India Ltd the SC held that the contract labourers who were less than 58yrs old and medically fit should be absorbed by the principal employer. Here the SC took alliance of its previous decision. Its decision again highlighted that the apex court has viewed the problem of contract labour from a practical point of view and not just from the statute perspective. The SC also took into consideration that it would be unjust to leave the labourers unemployed after the abolishment of contract labour.

In the wake of economic liberalisation as well as the judgements of the courts, proposals have been received from social partners to bring about amendments in the Contract Labour Act. Views of Employers' Associations Since 1970

when the Contract Labour (Regulation and Abolition) Act was enacted the economy has undergone a sea-change, from an era of protectionism to liberalisation, from restricted domestic competition to international competitiveness.

The system of contract labour offers tremendous opportunities for employment and allows the employers flexibility to choose what is best for them. This helps improve productivity and service competitiveness.

The Act should be made applicable only to the main and core activities of the establishment in so far as abolition of contract labour system are concerned.

Supportive or allied activities of an establishment like maintenance, housekeeping should be out sourced and the Act should only provide for regulating the working conditions and wages.

The Principal Employer should, however, have to ensure payment of wages to contract labour as laid down under the law in force as also other basic amenities and social security benefits.

Work requiring specialised skills unavailable within the establishment.

If the contract labour system, which is

cost effective, is not allowed to continue, industries may go in for technological restructuring with less number of workers leading to reduction in employment.

The Trade Unions are totally opposed to the idea of contracting of services and in jobs which are perennial in nature for following reasons:-

- Reduction of regular employment;
- The contract labour generally belongs to weaker sections of the society and will be deprived of the benefits that accrue to regular employees.

Efficiency will decrease as establishment will be deprived of experienced staff.

Coordination of activities of large number of contractors/sub-contractors will prove to be more time consuming and costly than in house activity.

What is required is not privatisation but in house improvements and restructuring.

Out sourcing will only lead to a type of employment founded on discrimination and exploitation of contract labour in regard to wages paid, working conditions, etc.

The Second National Labour Commission has been entrusted with the task of rationalisation of labour laws and hence its report should be awaited.

The Government, at the moment, has undertaken a thorough review of the Act, keeping in view the aforesaid views of the employers' association and that of the trade unions. The changes to be made in the law are still being worked out.

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ONSLAUGHT OF INDUSTRIES: overview of kutch coast

Over the last five years, Kutch has witnessed massive industrialisation, much of which has been concentrated on its coast, adversely affecting its unique and fragile ecology. With just one-third of the projects in execution, the area has already shown signs of irreversible deterioration. This article discusses the flip side of industrial development on the Gulf of Kutch and the need for sustainable development.



Important Features

Mangroves

Coral Reefs

Creeks and Estuaries

Intertidal zone

Fisheries

Marine National Park

Current Situation in the Gulf of Kutch

Kutch, India's largest district, has a 400 km coastline bordering the Gulf of Kutch, and is, mainly inhabited by traditional fisher folk and salt farmers. Its coastline is characterised by a rich mangrove ecosystem, wide intertidal zones and numerous creeks and estuaries, befitting its areas to be declared as Marine National Parks and Sanctuaries, in 1982. However, over the last five years, with massive industrialisation in the region, its ecology has been adversely affected, to the extent of irreversible deterioration.

Industries coming up around Gulf of Kutch

Category	Completed	Ongoing	MOU Signed
Metallurgical	41	40	08
Chemical	20	19	10
Infrastructure (Ports, SEZ)	3	15	13
Cement	4	11	06
Petrochem	5	7	2
Others	193	2010	27
Total	206	302	66

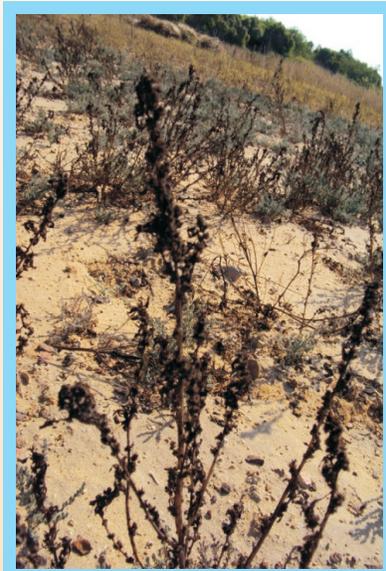
Examples of adverse impact on livelihoods/environment:

Akri Moti coal based power plant, a 250 MW power plant, located in the Lakhpat Taluka of Kutch, releases large amounts of coal dust, which affects the agricultural productivity within the area of 6 km radius, surrounding the plant. Not only this, the local people also narrate that their dresses/costumes turn blackish if they were to stand on their fields for about half an hour. Its not just the farmers, who have woes to tell, the fisherfolk also have complaints. According to them, there has been a drastic decline in the fish catch ever since the power plant started to function, as it releases, warm and saline water into the sea, which distances marine life from the coast. Considering the capacity of the power plant, which is just 250 MW its affects are far reaching, affecting about 10 km of the coast. With over 25,000 MW coal based power plants being proposed on the Mundra coast of Kutch. Coastal communities are concerned about the marine ecology being affected considerably; affecting their livelihood and fear that in the coming

years all ecology in the region and hence, their livelihoods would become extinct.

Release of coal dust from Akri Moti coal based power plant in Lakhpat Taluka of Kutch

The villagers of Gunau in Abdasa Taluka their village until 5 years ago. Today, the



number of boats has reduced to just 4. The reason: Effluents released by Sanghi power plant, desalination plant and cement factory which are located near the village. The Sanghi power plant is located right on the intertidal zone in blatant violation of Coastal Zone Regulations which stipulate that no thermal power plants can be setup upon 500 m from the coast. The number of boats in nearby Jakhau, which used to be around 1500; 10 years ago has reduced to about 250 due to decline in fish production caused by industrial pollution. The industries, mostly cement and mining industries have their captive power plants, desalination plants and private jetty in spite of port facilities at Kandla/Mundra thereby causing unnecessary damage to the environment and livelihoods of coastal communities.

In the Mundra region, the entire 60 km stretch of coast, having 5-7 km wide intertidal zone is being used for development of Port / SEZ by Adani Group.





Mangroves being uprooted in the Mundra coast

Mundra coast, with its wide intertidal zone and nearly 3,000 Ha mangroves, which have reduced to 2,000 Ha currently after the Adanis started construction, is home to over 10,000 fisherfolk and other coastal communities. The 16,000 Ha used by the Adanis for their port/SEZ comprises mainly of intertidal area and grazing land, with as little as 10% private land.

While studies for integrated coastal management, conducted by Department of Oceanography in 2002 recommended Mandvi coast as the most suitable location for industrialisation and ports, the Adanis thought otherwise and are constructing their ports/SEZ in the ecologically significant Mundra coast.

The Adanis deny the existence of fishing communities in the project area, thereby causing widespread fears of illegal eviction in the minds of the fisherfolk. To make matters worse for the local communities, by the time the public hearing was held for the project, the company had already completed a major portion of the project, thereby eroding the confidence of the communities in the environment clearance process, which seemed meaningless.

The struggle against OPG power plant

With the enforcement machinery of environment legislations, lacking teeth, the local communities are often pushed to a corner as in the case of the OPG power plant. In spite of large scale public opposition at the public hearings held for the 300 MW power plants which would

affect the second largest fishing settlement in Kutch, the company tried to start construction without the mandatory environment clearance. People repeated their appeals to the Government authorities, but they fell on deaf ears and in the end, it led to a violent clash pursuant to which 30 fishermen leaders were jailed for over 3 months. The fisherfolk also took the matter to court which ordered the company to submit an affidavit, stating that it would not start construction without procuring environmental clearance.

On the other hand, the OPG group was so sure that it would get environment clearance that it applied for expansion of their 300 MW power plant to a 2600 MW power plant even while the smaller project was being opposed tooth and nail by the local communities. Without stringent enforcement of regulations/legislations, the local communities feared that they will

be subjected to more harassment by industries wanting to implement projects by hook or by crook. After a sustained and intense struggle, the people had a victory of sorts in the OPG issue with the Gujarat High Court asking the State Expert committee to visit the project site before clearing the project.

After the visit, the State Expert Committee took a positive and welcome step in the interests of the local community by asking the OPG group to approach the central authorities for CRZ clearance and also to respond in detail to issues raised by the local communities. Another victory for the local community and environment came with the Ministry of Environment and Forests taking prompt action on the fisherfolks' complaint and issuing a circular stating that power plant companies can apply for expansion of projects only after the smaller project has been implemented with prior permission. The action taken by the central and state authorities has given a ray of hope to the local communities that their livelihood concerns would be protected in future and that the poor would get equal opportunity to develop, along with the rest of the country.

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Local communities in a protest rally against OPG power plant

ADVAITHAM : screened at Short and documentary film festival Hyderabad, 2010

Carrying forward its heritage, the Hyderabad Film Club hosted a short and documentary film festival in the month of September, 2010 which brought out a fine amalgamation of short films, animations and documentaries covering all genres. The film festival brought out its essence of fiction as well as art films. The central theme of most films was livelihood, the difficulties with livelihoods and means and ways for their resolution. The films depicted various facets of livelihoods, creatively woven into social messages for public interest. They raised concerns revolving around our lives and livelihoods and showed that if these were addressed properly, they could bring substantial change in our society. One such notable film screened at the festival was "Advaitham".

Advaitham, conveys a strong message of social injustice in the form of untouchability and the social stigma attached to it. The film answers how the livelihoods are affected, when one is born in a so-called socially backward sub-section of society. Caste and religion are attributed to a Child's right at birth, not by choice, but by fate and how these birth-based attributes mould a Child's acts and thoughts, are the concerns reflected in the film.

The film pivots around two childhood friends, Mallaya and Vishwanathan.

It brings out a very beautifully woven story, woven around human emotions and drama which translates into a satirical comment on the structural configuration of society, built on discrimination and social exclusion. The film highlights how this discrimination affects people, friendship and above all, livelihoods when

the stigma attached to untouchability comes into play. The prime characters of the film, Mallaya and Vishwanathan, are childhood friends living in a small village of Andhra Pradesh. By virtue of birth, Mallaya is born in a dalit family and Vishwanathan in a Brahmin's family. Mallaya is taken care of by Vishwanathan's family. Mallaya's source of livelihood is Vishwanathan's family. Both Mallaya and Vishwanathan are music lovers and conformed to two different forms of music. Since Mallaya is born in a dalit family, he is restrained from taking forward his love and passion for the art of music, and pursuing it as a profession, and Vishwanathan is well aware of this fact. Therefore, Vishwanathan helped Mallaya, financially to help him make a living. In this way, Mallaya got dependent on Vishwanathan for his livelihoods. This age-old friendship shared a strong bond of compassion and love. The petty arguments amongst them, over the art form each represented and claimed supremacy for, made them going together all along in all those years. The characters reflect the very sentiments that the director of the film wanted to convey through the film. But at the same time, the film lacked the other angle of interdependence of untouchables and other castes in society with regard to work and livelihoods as we live in a society where people from all castes, religion and age groups come together and mutually depend on each other for basic needs. Each community or caste is associated with a particular set of work, both culturally and socially. In this way, the film somehow gave a partial image of that aspect.

The film also depicts very implicitly, the

challenges that the untouchables have to face in getting access to education, when they have to strive hard to get their children admitted in school. Education is reflected as a course to be tread by the privileged class only. When Mallaya dies, Vishwanathan takes the responsibility of educating his son. Various acts of indifferences and isolation faced by Mallaya from his fellow villagers have been shown very sensitively through the heartrending scenes and tracks.

The film touches the heart and allows the brain to think down the spine, when one keeps himself in the same shoes as Mallaya, through self-questioning and introspection and makes one ponder that equality of status should prevail, irrespective of caste, creed and sex. The film conveys this message very subtly and appeals for an unbiased society free of all discrimination, giving equal space and opportunity to all sections of society.

An emotional and sensitive tale of two friends bound my music and humanity. The film struck the chord of music and hence again proved that music knows no boundaries and there is no religion beyond humanity as music was the only thing that they had in common since birth.

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TATHYA - II

the pulse of unsung heros



A journey through the lives of less visible contributors to India's growth story

There are millions of people, who work behind the stage and are less visible but are contributing immensely towards the society in various ways in the day-to-day life of each one of us, and without whom, India's growth story is difficult to imagine. But the irony is they themselves are struggling for basic necessities of livelihoods when the other section is enjoying all the luxuries. While understanding the reasons, it is important to acknowledge the fact that without their contribution, India's development story is indispensable. As a tribute to their contribution to economic growth, ALC India conceived Tathya-A Learning Event. Like last year, this year too, ALC India held this film festival conjoined with panel discussions and product kiosks from various NGOs from all across India.

Tathya was an effort to bring real change makers to light through screening of 19 award winning documentaries and short films pertaining to livelihoods converging to the economically marginalised sections of our society along with the difficulties surrounding them. It was a short and documentary film festival, organised by ALC India, on Nov. 27th -28th, 2010 at Ravindra Bharathi, Hyderabad, with the support of organisations such as Oxfam India, Jeevika, NABARD and COVA. Many NGOs participated in the event where they showcased handicraft and organic products produced by farmers and artisans. Tathya, dedicated to various issues and aspects related to livelihoods, is about creating a congenial environment where the privileged pay due respect and recognise the contribution of the underserved and underprivileged population. The films connect the audience to the other part of the plethora that also exists, striving with basic

difficulties in earning livelihoods for a day-to-day survival. These issues are posed by the ever-changing environment and the selective opportunities provided to them.

Be it the Nehrawalas community in Kolkata who hunt out gold from the dirt and drains or the children who depend on the dead for making their living or the character of Pistulya who is drawn forcibly to stealing to earn bread for his family or the trailer of the environmental disaster caused due to urbanisation in the name of technology and development projects gradually leading to the marginalization of Adivasis all over India –all portray the struggles of the economically marginalised to earn a living. And most of the times, these are the people who, through their struggles,

FEATURE

directly or indirectly support the livelihoods of many like us.

The screening of films intertwined with the panel discussions, with development practitioners, film directors and academicians. The panel, this year included Mr. Anwar from OXFAM India, Mr. Muralidhar of Akshara Network, Mr. Venkat Reddy of MV Foundation and Ms. Archana Londhe, a development consultant. More than 550 participants from the IT industry, NGOs, media and educational institutions shared their views, experiences and learning from these films. Students and media professionals together sparked discussions, debates and discourse on various livelihood issues and social justice. They also communicated the efforts and struggles of communities to earn their livelihoods and necessity to Recognise their contribution towards the society.

Many NGOs participated in the event and brought to the masses a wide range of handicraft and organic products that narrated the stories of tradition and culture

and the challenges in keeping them alive with the changing environment and ever increasing difficulties in this technologically dynamic world.

These product stalls by NGOs attracted more than 2000 visitors and acted as a platform for visibility and recognition of handmade and organic products. The visitors were not just ears to the communities' representatives, they also delved deep into the various practices and processes related to the manufacturing of the products. The stories and creativity was rewarded through the purchase of the products. By a rough estimate (discovered during interactions with NGO representatives), the two days sale was more than Rs. 60,000; a mega leap compared to last year where the sale was close to Rs. 15,000.

Way Forward!

ALC India through its efforts has been creating various platforms to engage the public in learning and reflection through formal and informal discussions. Supported by agencies like Oxfam India,

Jeevika, NABARD and COVA, Tathya is one such platform and an extension to the two way dialogue. Tathya over the next few years plans to work further towards involving public opinion, various institutions and policymakers involved in socio economic development to come together and bring sustainable change in the society.

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ARVIND KEJRIWAL



Arvind Kejriwal is a supporter for greater transparency in Government. In 2006, he was awarded the Ramon Magsaysay Emergent Leadership Award for activating India's Right to Information movement at the grassroots level, and for his efforts to empower the poorest citizens to fight corruption in the government. The former Indian revenue service (IRS) officer makes one realise the power of belief and determination, and that, change can happen, even against all odds. Overlooking the low rates of illiteracy and poverty in India, Arvind endeavoured to spread and activate the RTI Act-2005, at the grassroots level, to ensure that the state was made responsible and accountable to the poorest and the most illiterate.

The most popular person in and around Ghaziabad became popular not only in India but all around the world. He received recognition for his work done for people, at lower pyramid level, in the form of the Ramon Magsaysay Emergent Leadership Award. He narrates a story of ineffectiveness of the government by pointing towards a row of street lamps along the street—all of them without lamps. "These lamp posts don't have lighting and the billboards that they bear are unauthorised. So we requested the municipal commissioner to hand over the management of the poles to the residents, who would get them functional, without spending a rupee, by selling the advertisement rights. "But the municipal

commissioner didn't look keen to do that." However, the former Indian Revenue Service (IRS) officer, whose humility, unfailing civility, common sense, and amused-school-boyish smile, strike you, even before he starts to explain his work, appears at once to be a very heartening moral force in a very depressing urban setting like this.

His ideology did not stop him to live in the area just nearby the Delhi slums and the 'resettlement colonies' (areas that are slightly better than slums), which he used as his "laboratories" for public action. Parivartan, an unregistered "people's movement" that he founded in 2000, in Sunder Nagari, a resettlement colony in eastern Delhi, has been helping thousands of the city's most vulnerable people use the Right to Information (RTI) Act 2005 as an instrument of getting their work done in various government departments without paying bribes. Kejriwal's name is taken along with other stalwart social activists like Anna Hazare, Aruna Roy and Shekhar Singh, as one of the most prominent contributors to the RTI Act, which allows any Indian citizen to ask for government records at the Central and state levels on payment of a small fee.

Kejriwal's work makes one comprehend how India gummed itself up in corruption and ineffectiveness by turning straightforward concepts into complex systems. Democracy, for example, a simple concept which simply means power to the people, was allowed to be turned into, power to a horrible jumble of self-serving bureaucrats, that the vast majority of the population neither understands nor benefits from. Where is democracy in India? I have never been able to understand," says Kejriwal, who was honoured the Ramon Magsaysay

Future plans:-

To address the issues in the implementation of RTI through courts and other means

To study effective means of local self governance and work towards their implementation

To study desirable areas of judicial reforms with a view to making justice accessible, cheap, effective and speedy

To work towards improving the Vigilance machinery (government's anti-corruption departments)

Award for Emergent Leadership (2006) for fighting corruption with the RTI law as his main weapon.

'Public servants' lord over suffering masses of people, instead of serving them, public services remain largely dysfunctional, and public funds are misappropriated almost as a rule. The change that Kejriwal seeks is also simple: **upending the system**. He wants a top down system to be turned on its head, where the people are able to realise the power of self governance and all elected representatives and the bureaucrats become truly obedient and responsible towards public interest.

If it sounds like an unfeasible model of governance, Kejriwal's experiments in local self governance are by now pointing towards remarkably practical answers to the rot in the system. In Kaushambi, where he lives with his parents, wife Sunita (also an IRS officer), and two kids, Kejriwal has led the local residents to withhold their property tax payments until the municipal authorities complete the pending public works to their satisfaction. It's arguably one of the rarest public actions in an urban area in India, which has audaciously re-asserted the citizens' right to accountable governance.

Kejriwal hopes that the Kaushambi t the

experiment would be aped, elsewhere in the country, has not yet yielded very encouraging results. But it has come as a frightening realisation that urban India is miserable— millions of people crowded together in pullulating cities, held hostage by corrupt systems that concentrate all power in corrupt bureaucrats and harbour effete elective bodies. "We have found that even elected representatives in municipalities don't have the power to carry out the will of the people.

Power resides in municipal commissioners and other bureaucrats. Unlike in villages, where the Panchayati Raj institutions ensure some amount of accountability of public servants, urbanites have no control over local governance. In his recent journeys in India and abroad, Kejriwal has been on the lookout for effective models of local self-governance, which, he believes, is the only way India can rid itself of corruption and realise the democratic rights of the people.

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Witty One Liners

Life is pleasant. Death is peaceful. It's the transition that's troublesome.

Arguing with your Boss is like wrestling with a pig in mud. After a while you realize that while you are getting dirty, the pig is actually enjoying it.

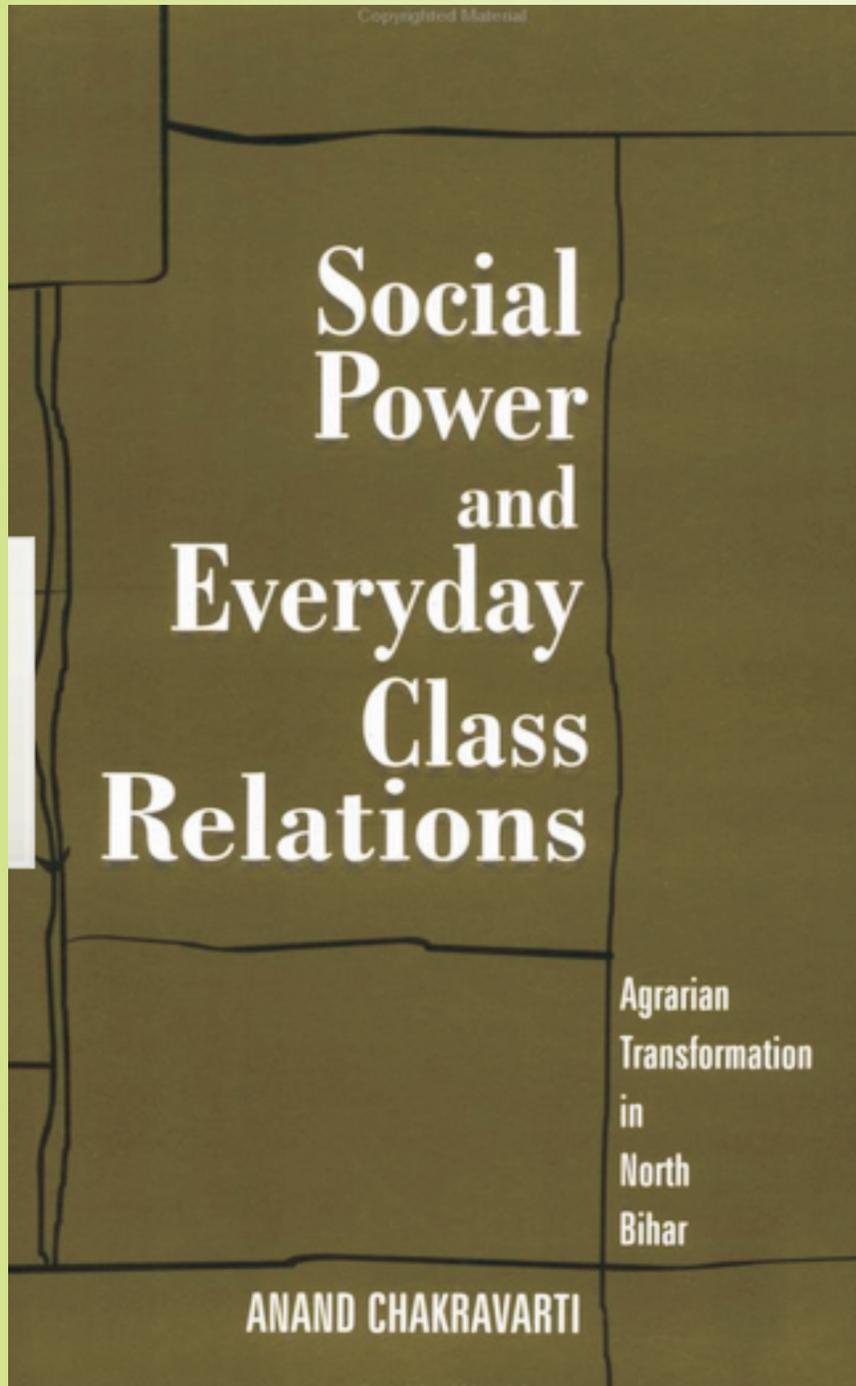
Help a man when he is in trouble and he will remember you when he is in trouble again.

Complex problems have simple, easy to understand wrong answers.

It is not exactly cheating, I prefer to consider it creative problem solving.

Behind every successful woman, is a man who is surprised.

Whoever said money can't buy happiness, didn't know



Social Power and everyday class relations: Agrarian transformation in north Bihar by Anand Chakravarty, Sage Publications.

Development discourses identify appropriate and legitimate ways of practicing development as well as speaking and thinking about it. The contribution of the social anthropologists in this process is valuable. It is evident from history that agriculture has been a way of life for the vast majority of the rural masses in India. Therefore India's development lies in the agricultural development, which is possible mainly through land reforms being a tool for socio-economic change. This gains more importance in India, considering the fact, that in India, the right over land is hereditary, with power and prestige tending to be astringent attributes. Therefore, changes in the institutional framework of agriculture - i.e., in the ownership, control, and use of land - have a major impact on a land-based social order. Briefly, the land system will have far-reaching consequences for the land-based social order in such societies.

The linkage between land and social power has long been the subject of research and concern for sociologists and anthropologists. Anand Chakravarty, an important figure in the Indian context stressed through his work, the need for land reforms so as to mitigate discrimination of those who do not possess land. "Social Power and everyday class relations: Agrarian transformation in north Bihar" is a book which is a result of a long and extended period of time spent in the field, between 1970 and 1980 by Anand Chakravarty, who lucidly discusses about the agrarian class relations in Aghanbigha village of Purnia district in North Bihar. The central question for Chakravarty is 'power' in the rural context.

Empirically, Chakravarty argues that agrarian class relations in Aghanbigha are embedded in the caste system, because a person's status is ascertained, not by possession of land, but by his caste. This caste has determined the magnanimity of exploitation of the agrarian class in the village, than ownership of land. Chakravarty referred to this as class, making it clear that he viewed the agrarian relations from the Marxist perspective. He focused on the relationship between the members of the dominant class i.e. malik, upper caste (Bhumidhar) and the subordinate class of landless laborers i.e. naukari, (lower caste) as a relationship between the oppressor and the oppressed. Thus his central subject was exploitation of man by man and conflicts arising from the ownership and control of land, the principle means of production. While doing so, he does not miss to take account of the caste relations to structuring the class.

This anthropological work is a factual reflection on the agrarian situation in the Indian villages, in which he explored the class relations in Aghanbigha (representative of all Indian villages) where landless laborers are being dominated by the superior class, by exercising comprehensive control over their lives-“materially, politically and ideologically”.

The exploitation of labourers have not only been manifested by the low wage rate, but also from the harsh discipline that has governed their work. Maliks are obsessed with the desire to extract as much work as possible from their laborers, and thus maximise their returns. The rigorous use of labour has been a critical element in the process of profit generation. This objective has been achieved by subjecting all agricultural operations to intense surveillance, where the task of supervision was performed by the maliks

or the grihasts, or by employees designated as 'sepahi'. The typical working day began a couple of hours after dawn and stretched on till dusk. Several labourers summed up the situation accusing the malik as having 'kaam ka bhook' - appetite or hunger for work and neglecting 'pet ka bhook'- hunger of the stomach. Chakravarty explored this exploitative dimension of class relations in his two chapters, which deal with certain specific characteristics of extraction of labour. For this he used two concepts, first; “The Working Day” which revolves around everyday class relations on the farms and fields where “relations of exploitation underlying the labour process were enacted day after day for most days in the year”, and “Wages” which elaborates on the wages paid by the maliks to their labourers, which were considerably below the statutory wage rate. It is to be noted that wages and working day are interconnected in the agrarian society as it happens that low wages leads to personal bondage for security of employment, which forces to work for long hours.

As discussed above, Chakravarty's main concern is exploitation on the basis of class and he argued that this is happening in Aghanbigha due to failure of agrarian reforms in Bihar. Agrarian reforms are a potent instrument for breaching the close connection between caste and land control. However, it is ironical that the land reform programme in Bihar has failed dismally. Though Zamindari was statutorily abolished in 1952, the programme did not significantly undermine the traditional social base of land control, which remained in the grip of the dominant castes. Therefore the historical connection between low caste status and landlessness, labouring, and being subject to exploitation was largely maintained as discussed by Chakravarty

in his book. Hence it is self-evident that agrarian reform and more particularly, land reform is necessary for people at the lowest level to rise up and let themselves be more assertive of their 'rights' which is rightfully theirs. The book truly reiterates the fact that one has the power, if one has the land. Landlessness leads to the poor material circumstances of the lower class which render it practically impossible for them to avail of other inalienable rights enjoyed by upper class which aggravates their disadvantaged position. In short, in spite of Chakravarty's failure to look into contemporary developments where new dominant classes were emerging from intermediate castes, to compete with the so called upper caste, to control the relationship with exploitative classes; this book looks potentially good to be considered as the bible for the future anthropological studies in India.

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**Dead Fool:
Why are Egyptian's
Children always
confused??
Coz after death,
their DADDY becomes
the MUMMY.**

SUCCESS STORY OF FODDER BANK IN "MUNDRA - KUTCH"

Kutch region of Gujarat is a drought prone area due to poor play of monsoon. In a block of every five years, on an average of 3 years there has been uncertainty of monsoon. Most of the people residing in the villages are cattle owners and their major source of income depend on animal husbandry activities. As these cattle require feed and fodder on daily basis, so owners have to make necessary arrangements to overcome the problem of shortage in summer season.

Availability of green fodder in this region looks fuzzy as it can be seen only in monsoon season. And in rest of the two seasons cattle owners provide either dry fodder, concentrate cattle feed or cotton cake to their animals. Cotton cake, Bhusa and Concentrate cattle feed can be easily accessible from the market in any season, but dry fodder is difficult to obtain in summer. To overcome the uncertainty of availability of dry fodder in summer, cattle owners of Mundra Taluka came up with unique concept of 'Fodder Bank'. The cattle owners get financial support from Ujjas Mahila Sangthan (UMS) which is an NGO working on woman empowerment and institutional building.

To start the fodder bank concept, an NGO has given initial seed money ranging from 10000 to 25000 Rs to individual cattle owners. The fund given to these owners is at 10% interest rate and the term is for 12 months. Let us discuss some of the success stories:-

1) Success Story of Hazraben

Hazraben, 45 yrs old, of Ratadiya village owns cattle and her secondary source of occupation is animal husbandry. She is having 11 cows and in summer she was collecting 7 liters of milk on an average per

day per cow. She is associated with UMS for many years now under different programs. Considering her loyalty, honesty, punctuality and dedication, UMS has chosen her as one of the beneficiary of fodder bank. Initial seed capital of Rs.10000 were given to her in the month of February 2010, with which she had purchased dry fodder in February month itself. She had purchased following:

Expenditure for buying Dry fodder

Fodder	No of Bundles	weight of bndles (kg)	Rate/Bundle (₹)	Amount (₹)	Transport Cost (₹)	Storage cost (₹)	Misc. (₹)	Total (₹)
Staws and Stems	12	40	120	1440				10000
Jawar Fodder	45	40	150	6750	500	900	410	
Total				8190	500	900	410	

The fodder was stored inside the Vaand (Barricaded land) whose rent was ` 150/month. The dry fodder is fed only to milch cows.

Shows expenditure on Cattle feeds per day per cow

Feed	Quantity (kgs)	Avg Cost/kg (₹)	Total (₹)	Net Expenditure (₹)
Jawar Fodder	10	4.50	45.00	86.50
Cotton Cake	3	11	33	
Straws and stems	2	4.25	8.50	

Income from milk (summer)

Cattle	Avg Milk per day per cattle (Liters)	Avg Fat from Cattle (%)	Avg Rate/Fat (₹)	Income (₹)
Cow	7	4.5	3.60	113.40

Hence, Hazraben was able to gain Rs. 26.10/cow/day from animal husbandry. But the fact that this dry fodder last only up to 5-6 months. During these months price of dry fodder shoot up to ` 250 per bundle (40Kg). Apart from Animal Husbandry, her husband is earning ` 150/day by operating camel cart.

CASE STUDY

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2) Success Story of Hawaben Hayatbhai

Hawaben Hayatbhai of Vaaki village of Mundra taluka of Kutch district also received financial assistance from UMS for buying fodder in lean season. She got an amount of ` 15,000 from UMS and also arranged ` 25,000 from family members. Therefore a total of ` 40,000 was used to purchase dry fodder in February. She owns 50 Cows and 5 Buffaloes daily producing 50 liters of milk in NDDB BMC. She had purchased 170 bundles of groundnut fodder at a price of ` 175/Bundle. 53 bundles of Jawar fodder were also purchased at a price of ` 150/Bag. It was all stored inside the vand at rent of ` 50/month paid against it.

Expenditure for buying Dry fodder

Sr. No.	Fodder Type	No. of Bundles	Avg. Weight	Rate/Bundle in ₹	Amount in ₹	Transport in ₹	Storage Cost in ₹	Misc in ₹	Total ₹
1	Groundnut Fodder	170	40	170	29750	1000	300	1000	40000
2	Jawar Fodder	53	40	170	7950				
Total					37700				

Hawaben Hayatbhai is feeding 4 Kg of groundnut dry fodder + 5Kg of Jawar + 4 Kg (Bhuso + Cotton cake) to her cows.

shows expenditure on Cattle feeds per day per cow

Feed type	Quantity (kgs)	Avg Cost/kg (₹)	Total (₹)	Net Expenditure (₹)
Jawar Fodder	5	4.25	21.25	83.25
Cotton Cake and Bhusa	4	11	44	
Groundnut Fodder	4	4.5	18	

Hawaben Hayatbhai is feeding 4 Kg of groundnut dry fodder + 5Kg of Jawar + 4 Kg (Bhuso + Cotton cake) to her Buffaloes

Shows expenditure on Cattle feeds per day per Buffalo

Feed type	Quantity (kgs)	Avg Cost/kg (₹)	Total (₹)	Net Expenditure(₹)
Jawar Fodder	8	4.25	34	127
Cotton Cake and Bhusa	6	11	66	
Groundnut Fodder	6	4.5	27	

The income from cow and buffalo is calculated on per animal/day basis.

Income from milk (summer)

Cattle	A vg Milk per day per cow (Liters)	A vg Fat from Cow (%)	Avg Rate/Fat (₹)	Income/day in (₹)
Buffalo	8	7	3.6	201.6
Cow	6	4.5	3.6	97.2

Conclusions

From above calculations in tables it is clear that Hawaben Hayatbhai earns ` 13.95 per milching cow and ` 74.60 per milching buffalo.

Similar type of concept of fodder bank should be replicated in other parts of country by Non Government Organizations, so that economically marginalized poor could largely benefited. As fodder loan is given to individuals rather than to groups so it become very easy for NGO's to monitor and recover the given amount. The economically marginalized poor can sustain livelihood even in severe drought condition through continuous income from milk and also restrict them from migration.

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INTEGRATED NATURAL RESOURCES MANAGEMENT (INRM): conceptual understanding

The world around man is full of resources. These resources are a vital element for life to exist, that without them one cannot comprehend of life, on this planet. These resources help in producing and reproducing goods and services for man to meet his needs. Before we go further it is clarified that the resources referred to, are the 'natural resources', which have been endowed to us by god. . These resources include the geophysical resources of water, soil and its productive qualities, intermediate and long-term carbon stocks, biodiversity of the managed landscapes, and the stability and resilience of the ecosystem of which agriculture is a part (CGIAR, 2003). Earlier these natural resources were in abundance and everybody had enough to enjoy, as that population density was low. However, with the explosion of population, pressure was asserted on nature, leading to conflicts among individuals, communities and nations all over the world. Claims were made to the nature's gift and this led to the destruction as well as extinction of some of the natural elements.

To tackle this situation, scholars emphasised the need to conserve and sustainably manage our natural resources. This is termed as Natural Resource Management (NRM). NRM recognizes the need for a more conscious effort towards judicious and sustainable management of natural resources. It also recognizes that natural resources are inter-related to one another within a defined ecological system, and therefore need to be managed in an integrated fashion. This has given rise to the concept of Integrated Natural Resources

Management (INRM). The concept of INRM stresses upon the need to take a holistic integrated approach in dealing with the natural resources and to be conscious of the interactions among the different components of the resource base, like soil, water, forests etc.

Definitions: "Integrated natural resource management (INRM) is a way to ensure that the use of natural resources is ecologically sustainable. It is 'integrated' because it attempts to manage all the activities that could affect natural resources, taking natural processes into account as well. It combines managing the uses of natural resources with conservation. To do this artificial distinctions such as government agency responsibilities, government or property boundaries, industry sectors and scientific disciplines need to be cut across. In defining management areas it gives priority to natural resources over human boundaries, for example using river catchments or bioregions as the primary basis for planning and management. (Department of Environment and Heritage, Government of Australia, cited in Samal, et al, 2005).

According to the definition propounded by the Task Force of the Consultative Group of International Agricultural Research (CGIAR), INRM is "an approach that integrates research on different types of natural resources, into stakeholder-driven processes of adaptive management and innovation, to improve livelihoods, agro-ecosystem resilience, agricultural productivity and environmental services, at community, eco-regional and global scales of intervention and impact" (Task

Force on INRM, 2001). In other words, INRM aims to enhance social, physical, human, natural and financial capital. It does this by helping solve complex real-world problems affecting natural resources in the agro-ecosystems.

To be precise, INRM involves the integrated analysis and management of the components of production, in such a way that one is able to achieve the products required by man for survival, while maintaining environmental balance and sustainability. INRM operates on the principle that natural resources are neither indestructible nor infinite; they can be destroyed or depleted through agriculture and other land use practices. They require to be managed in a holistic and an integrated manner, accounting for the complexity of the ecosystem and the inter-relations amongst its various components.

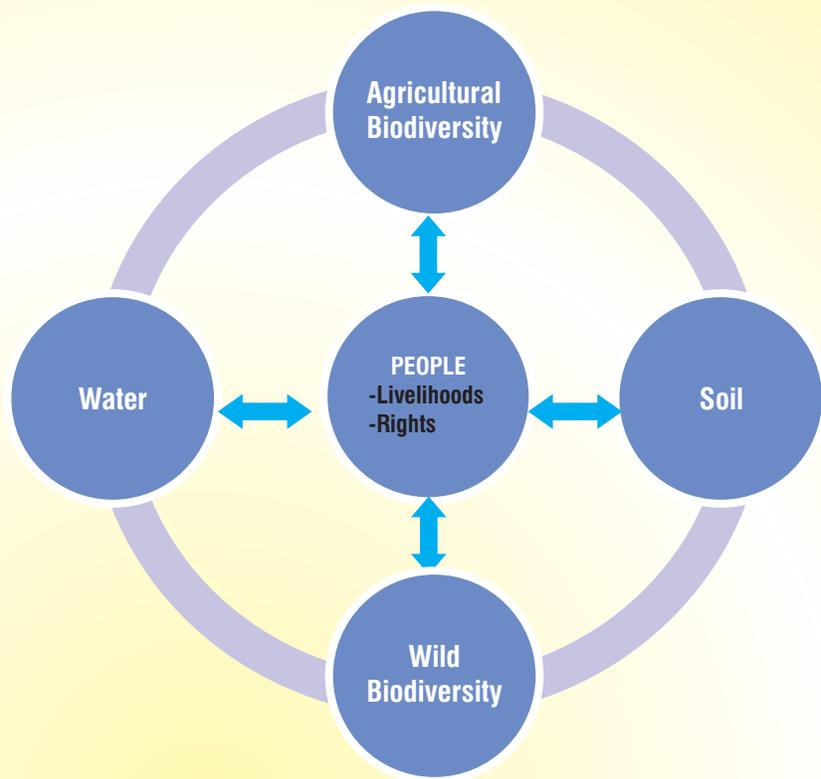
It is, however, to be noted that INRM practices reveal that the environment or natural resources are not at the heart of the concept INRM but it is the People - their needs, their livelihoods and their rights which forms its epicentre. In addition to this, it is essential to understand that INRM does not limit itself to the livelihoods of the present generations but it reiterates that it is the responsibility of the human beings to use the resources in a manner that they are available to the generations to come.. This suggests that sustainability is of paramount concern in INRM. It may also be stressed here that people living in and around the particular natural resource base have to be involved in conservation and management of the natural resources e.g. tribal communities around forests,

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fisherfolks around coastal zones etc. Communities need to be involved in the development of policies and regulations for ensuring sustainable use of the resources. They must feel a sense of ownership and responsibility and participate in the management of the resources, else implementation would become difficult.

Components of INRM: The key components of INRM are: 1. Biodiversity-agricultural and wild life; 2. Water and 3. Soil. At the core of the concept are people and livelihoods. This concept becomes more important from the economically marginalised perspective as it emphasizes on the livelihoods of people and urges for sustainable livelihoods, which puts constraints on the greed of selfish people. A central dimension in INRM is the way in which the natural resources interact within and among themselves, and how their management and interaction relates to people and livelihoods.

Need for INRM in India: It is sarcastically said that India is rich country of poor people. Much ink has been split on writing about poor and poverty in India; most of the poor in India come from the rural background and belong to the agricultural sector, where most farmers face the challenge of small and fragmented landholdings, intensive soil and water loss, nutrient depletion, increasing loss of forest cover and associated environmental services, scarcity and inefficient use of water resources, declining ability of livestock to positively contribute to the maintenance of the system, and poor public services and infrastructure limiting access to credit and markets. The situation is worsened by the increase in the problems like BPL population, illiteracy, unemployment etc which make people more vulnerable economically. In such a scenario, promotion of an “integrated natural resource management” (INRM) approach becomes essential and unavoidable to the



Components of INRM, Atta-Krah, 2006.

people surrounded by some or the other kind of natural resources. resource management” (INRM) approach becomes essential and unavoidable to the people surrounded by some or the other kind of natural resources.

Concluding Remarks: Integrated natural resources management therefore is of prime importance for ensuring the sustainable use and conservation of our natural resources. INRM is not just a subject for researchers; it is equally relevant and significant for farmers, communities, and development agents. INRM approach has the potential to manage and contribute sustainably towards food and nutrition security, poverty alleviation and maintenance of environmental health. The need is to make it participatory with local communities by using their local knowledge.

Ref: CGIAR, 2003. Research towards Integrated Natural Resources Management. (Harwood, R.R. and Kassam, A.H. eds.) CGIAR Interim Science Council, CGIAR Rome 2003

Pramod Kalekar

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CARPED: centre for action research and people's development



CARPED, Centre for Action Research and People's Development is an action research group, formed by a group of young professionals, engaged in participatory community development. With the objective to facilitate a better quality of life in all its realms, through community mobilization and participatory governance, based on sustainable natural resource management, CARPED was registered as a Society in 1989. With its office in Yousufguda, Hyderabad, the organization has its sphere of work spread to Medak, Warangal and Khammam and is marching forward with the mission to promote participatory development of the marginalised communities in the society.

Community participation, education, protection and promotion of environment and social capital are central to the activities of the organisation. Emphasis on children, women and environment are major areas of attention of CARPED's action research interventions, that provide space for the participation and engagement of the stakeholders in analysis and change of the conditions forming the milieu of the people with whom the organisation works. Thus the target audiences are partners in the interventions and important stakeholders.

CARPED's understanding of community development is based on the belief that communities and the marginalized sections of the community are able to

collectively ensure better living conditions for themselves, if they organise and get educated about the opportunities available to them. Its basic thrust therefore, is on facilitating the communities to be a part of the efforts in analysing their situations or informing them of the same to enable their involvement in evolving strategies to



address the issues. Thus in the nutshell, the organisation's activities are focused on action research, information dissemination, mobilisation of resources, advocacy and assistance. Strategic approach to developmental efforts consists of capacity building of Self-Help Groups (Vana Samrakshana Samithis, Thrift and Credit Groups, Water Users' Associations, etc.), resource mobilisation and management of government sponsored welfare measures. Besides these, CARPED also participates in networks, campaigns and movements to facilitate peoples' development especially in the areas of child rights, education, participatory governance and community management of natural resources. CARPED is also engaged in designing participatory training tools and materials in the areas of forest protection, child rights, documentation and educational material on development issues. A team of professionals from social sciences, environment education and engineering are engaged in these activities. The team

caters to the capacity development needs of the development practitioners of NGOs and CBOs in the districts. It is more specifically focused on participatory forestry and child rights. CARPED emphasises on making policies which are people oriented. material on development issues. A team of professionals from social sciences, environment education and engineering are engaged in these activities. The team caters to the capacity development needs of the development practitioners of NGOs and CBOs in the districts. It is more specifically focused on participatory forestry and child rights. CARPED emphasises on making policies which are people oriented.



CARPED has been actively involved in the areas of preventing displacement of the tribal communities, environment education and legal aid as part of larger networks, during the first five years. CARPED has initiated activities in Kowdipally mandal of Medak since 1994 with a focus on woman and child issues and participatory community development based on natural resource management (NRM). Besides this, it has also had a continued active involvement in networks, campaigns and movements to facilitate people's development in varied spheres.



CARPED has facilitated state level networks of NGOs comprising of more than 200 NGOs engaged in promotion and strengthening of participatory forestry management through Joint Forest Management/ Community Forest Management. Similarly the state level network of the NGOs has been engaged in promotion of child rights in Andhra Pradesh. CARPED has also facilitated youth sensitization programmes in the tribal areas of Warangal, Khammam and Adilabad.

CARPED prepared a good number of educational material for child labour turned students at different levels (according to their age and learning levels) and texts for tribal communities. CARPED strengthened its educational programmes by capacity building of (VEC) Village Education Committees, self-help groups and CBOs to protect child rights, literacy for adolescent girls and motivating rural youth to take part in literacy programmes.

CARPED is known for designing and implementing Pilot projects to demonstrate alternative models. Projects include stopping of child marriage in the Gangireddula community, education to the first generation lambada children by developing temples of learning in tribal hamlets, campaign against unnecessary hysterectomies, developing IEC material on HIV/AIDS in a tribal language and social audits on BC scholarships to mention a few.

Publications of CARPED Paryavarana Vidya - mukya abhyasanaalu

The First comprehensive handbook published by CARPED in Telugu for the



teachers and volunteers engaged in environment education and protection, blends information, facts, definitions, opinions in a scientific manner to meet needs of the young minds engaged in understanding of environment. This has been originally published, in English, as an outcome of the collaborative effort of Centre for Environment Education, Vikram Sarabhai Centre and American educational bodies.

Policy in Wilderness - a glimpse into tribal life and governance in agency areas.

'Policy in the Wilderness' is the second publication of CARPED. The social and ecological crisis in the tribal areas of the state of AP are elaborately of agency areas in the state is discussed in this booklet written by P Trinadh Rao. Development of adivasis and the alternative forms of governance in the agency tribal areas necessitates a detailed study by concerned sections offor the transformation of tribal societies vis-a-vis unrest and ineffective administrative interventions, according to the author. It is published This was published in 1996.

Vanam-A bi-monthly Telugu journal

A bi-monthly Telugu journal published by CARPED focused on issues relating promotion of participatory forestry management. It disseminates learning

from community experiences and is circulated among members of the Vana Samrakshana Samithis and other stakeholders CARPED Achievements

As a result of its dedicated work towards the cause, carped had earned several numerous achievements on his journey some along its journey, of which a few are:- of them are,

More than 4000 children from Lambada ST community, SC and other backward communities have been enrolled into govt. schools through non-formal education and campaigns for Universalization of elementary education. In those who joined some of them are Quite a few who joined



schools under this program are child labors.

Child rights and educational programmes in the Kowdipally mandal over the past five years have been successful. As a result the Govt. has started 25 single teacher educational centres over the past two years in the mandal where earlier CARPED had run NFE centres.

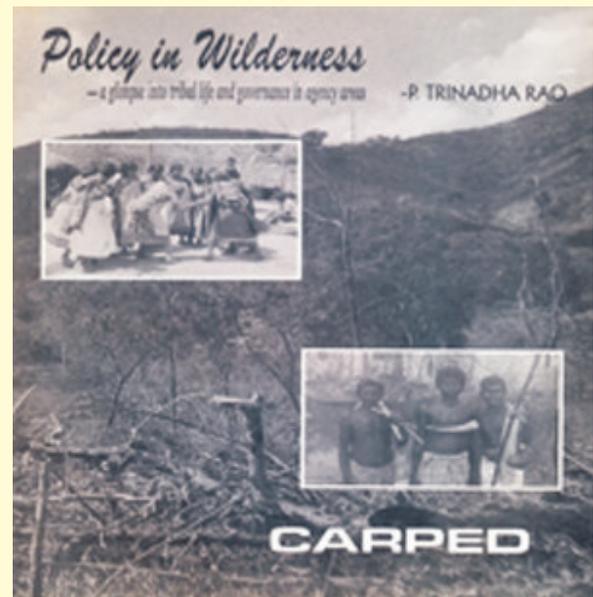
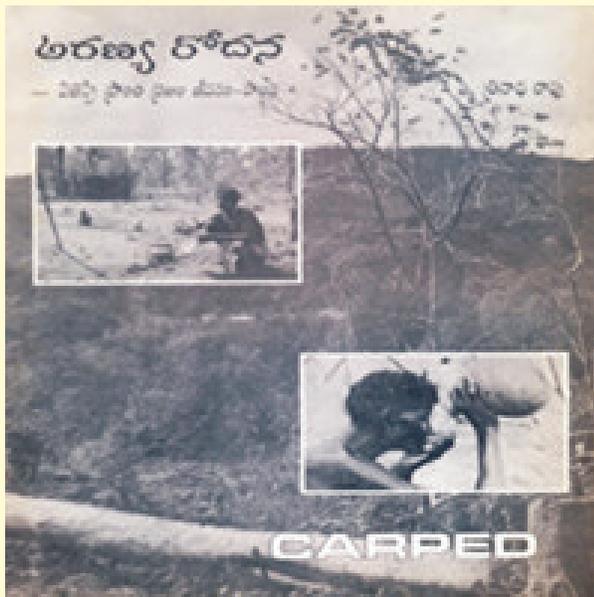
Child marriages among the Gangireddula gudem community right in their preschool age have been restrained due to come to a halt owing to community mobilisation and sensitising sensitizing the authorities. CARPED has formed a Forum by bringing 29 Water User Associations of the mandal to address issues related to the

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CARPED is known for designing and



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