

# ANTHROPOLOGY OF WORK REVIEW

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## Note from the New Editor

Michael Chibnik

I am pleased to have the opportunity to edit the *Anthropology of Work Review*. The goal of the journal is to publish articles, photo essays, and book and video reviews about all aspects of work. I encourage ethnographic, applied, and methodological contributions written in a straightforward, readable style. Details about manuscript submissions can be found on p. 2. I can promise timely reviews of submissions and prompt publication of accepted articles.

This issue features a provocative article by Sarah Besky about "fair trade" on Indian tea plantations. She argues that a neoliberal ideology underlying fair trade has contributed to weakening of labor unions and state regulations that protect workers from abuses by plantation owners. The article challenges the conventional wisdom about fair trade being a way to improve the standard of living of agricultural laborers, craft producers, and other workers in Africa, Asia, and Latin America.

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## Can a Plantation be Fair? Paradoxes and Possibilities in Fair Trade Darjeeling Tea Certification

Sarah Besky, University of Wisconsin-Madison

### Abstract

This paper explores interactions between the Indian government's colonially inspired Plantations Labour Act and TransFair USA's fair trade standards. Although fair trade makes claims to universalistic notions of social justice and workers' empowerment, what "fairness" means and how it is experienced varies by locale. In this paper, I discuss how state laws and fair trade certification agencies complement and contradict each other on Darjeeling tea plantations. I argue that by reinforcing neoliberal logic, fair trade undermines the state, which has maintained the responsibility of regulating the treatment of workers on plantations. Certification often leads to the dissolution of unions, which are regarded as a barrier to trade.

**Keywords:** fair trade, labor unions, labor law, neoliberalism, food security, India

## Introduction

The challenge of achieving meaningful fair trade is difficult on plantations, which are inherently hierarchical. Tea production in Darjeeling, India, today has a dual character because of its roots in a British colonialist system and its place in the international market for fair trade commodities. Although these plantations can take steps toward becoming "fair," the degree to which fair trade certification is currently achieving this objective can be questioned. In this paper, I argue that fair trade regulations are too abstract to be able to account for the roles of local institutions that bolster workers' rights. By reinforcing neoliberal logic, fair trade undermines the state, which has maintained the responsibility for regulating the treatment of workers on plantations.

In India, the complementary role of unions and labor law in maintaining social justice is important for the regulation of workers' rights. In many plantations in Darjeeling, there are often four different politically affiliated unions, each

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**Policy**

The *Anthropology of Work Review* is the publication of the Society for the Anthropology of Work, which is a section of the American Anthropological Association. The goal of the journal is to publish research that will facilitate exchanges among those engaged in the study of all dimensions of human work. Articles and photo essays are welcomed from those working inside and outside academic contexts, from all nations and from all subfields and areas of specialty within anthropology. Theoretical and methodological discussions of the study of work and its contexts are encouraged, including interdisciplinary, collaborative, and student submissions.

**Submission Guidelines**

Articles submitted for peer review for publication in the *Anthropology of Work Review* may be sent at any time during the year. Please submit manuscripts electronically, in Word (without identifying headers and footers), accompanied by full contact information. Manuscripts should be approximately 20 pages, including references, and be double-spaced and formatted according to the style guide available on the American Anthropological Association Internet site. Please send, as a separate attachment, a one-paragraph abstract for the article with at least 5 keywords. Send article manuscripts to the AWR General Editor, Michael Chibnik, at michael-chibnik@uiowa.edu. Correspondence may be addressed to Michael Chibnik at the Department of Anthropology, University of Iowa, Iowa City, IA 52242-1322.

All book review and visual review inquiries and manuscripts should be directed to the AWR Reviews Editor, Carrie Lane (clane@fullerton.edu), Department of American Studies, P.O. Box 6868, California State University, Fullerton; Fullerton, CA 92834-6868.

Book reviews should not exceed 4 double-spaced pages, and review essays should not exceed 10 pages.

There is a new section in the journal called *Scenes at Work* that includes photographs and photographic essays. Photographs of and/or by workers should be submitted electronically as tif files, in black and white. Inquiries, photographs, and photographic essays should be directed to Michael Chibnik at mchibnik@gmail.com.

attempting to ensure that the management upholds its obligations under Indian labor law. In the case study presented here, unions were dissolved shortly after fair trade certification. I am not saying that fair trade certification *caused* the dissolution of these unions, but wish to call attention to the possibility that the regulations of fair trade certification might be displacing the Indian state's regulatory institutions.

The possibility of unionization, guaranteed by the Indian government's colonially influenced Plantations Labour Act, remains a concern for the owners of fair trade plantations. The treatment of unions in fair trade certification is congruent with the logic of neoliberal economics, which desires to dissolve them as a barrier to trade. The largest fair trade certifier in the United States is TransFair USA. These standards, in contrast to the Plantations Labour Act, do not require the presence of unions.

**Background**

In 1951, shortly after the fall of colonialism, India's central government drafted the Plantations Labour Act, which wrote colonial labor policies into the constitution of independent India. The Plantations Labour Act continues to guarantee plantation workers' social welfare, insisting that owners provide workers housing, health care, food rations, and schooling for their children. It is the positive legacy of an otherwise exploitative colonial regime. Many tea plantation owners gained the attention of fair trade certifiers because their strict adherence to the Labour Act made them viable candidates for fair trade certification, which attests to the social welfare of agricultural laborers.

Darjeeling is a former hill station of the British Raj, established to escape the heat and disease of the plains. In hill stations across India, the British set up botanical gardens to test the potentials of new cash crops. In Darjeeling, Lloyd Botanical Gardens assisted in the development of tea, cinchona, and rubber industries. The tea industry became the most lucrative, meeting both demand back home in Britain and in the new colonies. In order to maintain their plantations, the British had to recruit laborers from outside Darjeeling. During the 1800s, Nepal's oppressive Rana monarchical regime restricted the advancement and rights of rural people, particularly in the eastern region bordering Darjeeling. To entice laborers to leave their homes and families in Nepal, plantations offered laborers housing, farmland, and schools for their children, privileges unknown to them back home. Under the *sardari* system, labor recruiters, or *sardars*, brought workers to Darjeeling. Sardars ordinarily recruited workers from the same community year after year; whole Nepali communities were often replicated on Darjeeling plantations.

Darjeeling tea laborers are primarily Nepali-speaking and often sixth- and seventh-generation tea workers. In the summer of 2006, I lived, worked, and conducted ethnographic interviews with these laborers, who speak Nepali, spattered with Hindi. The work force is composed of both men and women, although female tea pickers dominate the labor force (Chatterjee 2001). Women typically pick tea while men work in the factory processing the plucked tea or supervising the female laborers. In this paper, I discuss tea plantations; however, tea cooperatives are also becoming

successful tea-growing communities with the help of local and international NGOs.

This research for this paper began in a pilot study of several fair trade and organic Darjeeling plantations, which I visited during the summer of 2006, one of which I will call "Dhokebari." It is also based on a content analysis of TransFair USA publicity material and the Plantations Labour Act of 1951. TransFair USA – the real name of an organization based in Oakland, CA – is the major fair trade certification agency in the United States. This agency certifies a multitude of products such as tea, mangos, and rice.

### Can a Plantation be "Fair?"

In the Himalayan foothills, tea is extensively cultivated on plantations, living reminders of colonialism. Piya Chatterjee (2001) has examined the legacies of colonial discourses about labor and gender in the Jalpaiguri plantation industry, which does not enjoy the international recognition of Darjeeling, and thus has not embarked on fair trade certification projects. In other parts of the world, fair trade certifiers acknowledge the inequities of the plantation system. As a result, fair trade coffee, cocoa, and sugar (other former colonial crops) come primarily, if not exclusively, from small farmer cooperatives. Global agencies' willingness to certify Indian tea plantations raises the question: Can a plantation *ever* be "fair?"

Fair trade, with its reliance on transnational non-governmental certifiers and its emphasis on universal notions of social justice and individual rights through "direct trade," reflects many of the philosophical tenets of neoliberal economics. Rooted in neoclassical economics, neoliberal theory upholds the *free market* – a market that is free of obstacles to trade like national government policies, and a market that privileges the power of private interests over publicly held institutions. Neoliberal theory maintains that institutions made up of strong private property rights and promoting free markets can best protect individual liberty and freedom. The implication of neoliberal theory is that the state should not be involved in the economy; instead, the state should use its power to preserve private property rights and the free market. Neoliberal logic privileges non-state actors such as TransFair USA as the best regulators of capital, and challenges the ability of states to regulate the flow of capital. According to neoliberal logic, non-state actors can accomplish this task more effectively and more equitably. Fair trade is part of what Peck and Tickell call "roll-out liberalization," characterized by the "new forms of institutional 'hardware'" (2002:389). The institutional "hardware" of fair trade certification includes "social" policymaking strategies aimed at opening trade to the Global South. Fair trade, however, also presents an alternative to neoliberal policies because it seeks to empower those not conventionally empowered in a free market system. This paradox is not lost on contemporary scholars, and overcoming it is essential for maintaining the fair flow of goods and capital on the global market (Jaffee 2007).

The effects of fair trade certification resonate with those of the neoliberal environmental institutions discussed by geographers (e.g., McCarthy and Prudham 2004). Much like community forestry projects in British Columbia (McCarthy 2006) and water privatization in the United

Kingdom (Bakker 2005), fair trade certification takes regulatory power away from the state and places it in the hands of non-state actors. Neoliberalization has undermined the state's involvement environmental protections, just as it has eroded the state's ability to regulate the social welfare of workers. McCarthy (2006) points out that even though the concept of neoliberalism has analytical value, an institution is never simply neoliberal or not neoliberal. Scholars should instead pay attention to the larger context of neoliberal policy and its broad effects in certain places (McCarthy 2006:101).

To date, most studies on the production of fair trade products have focused on coffee in Latin America and have highlighted how fair trade is an alternative to neoliberal economic policies (Whatmore and Thorne 1997; Rice 2000; Renard 2003; Bacon 2005; Murray et al. 2006; Lyon 2007; Renard and Pérez-Grovas 2007; Smith 2007). Fair trade production in South Asia remains understudied. Coffee and tea are very different, but boxes of fair trade organic coffee, tea, and other products all explain that consumer revenue goes straight into the pockets of producers, described on the packaging as "empowered small farmers." Often the literature on fair trade and other socially and environmentally friendly products focus on marketing (McDonagh 2002; Lyon 2006a, b; Barrientos and Smith 2007); consumption, specifically how people identify purchasing fair trade or organic commodities with environmentalist practices (Elkington and Hailes 1989; James 1993; Loureiro and Lotade 2004); resistance to conventional production (Shreck 2005); or class distinction (Roseberry 1996). This literature tends to reinforce Lester Thurow's (1980) thesis on "green consumerism," which describes the consumption of items like fair trade organic Darjeeling tea as a component of environmentalism in upper middle-class industrialized societies.

Fair trade certification in the United States started with coffee cooperatives and quickly expanded to encompass cocoa, mango, and rice cooperatives as well as tea and banana cooperatives and *plantations*. Scholars of the banana industry in Latin America and the Caribbean have documented the history of environmental and social abuses of plantation production (Bourgeois 1989, 2003; Moberg 1997, 2003; Grossman 1998, 2003; Soluri 2002, 2005; Striffler 2002, 2003). Many scholars are exploring the alternative and "ethical trade" initiatives in the banana industry, both on cooperatives (Shreck 2002; Moberg 2005; Reynolds 2007) and on plantations (Prieto-Carrón 2006). Although there is more scholarly engagement with banana production than tea production, scholars of the banana industry have not critically addressed the role of fair trade certification on plantations.

The certification of banana and tea plantations raises questions about the pursuit of justice in fair trade certification. What makes banana and tea plantations eligible, while other products are not? TransFair USA does not take into account the ways in which place affects fair trade producers and their families. Although local laws, state practices, environmental problems, infrastructure, and development projects shape the effects of fair trade in different locations, the abstract tenets of fair trade do not account for regional variability. The universalism of the fair trade sys-

tem resonates with neoliberalization and the construction of a single global free market.

Although there is a substantial literature on the anthropology of unions in industrial settings in the United States (Kasimir 1991, 2001; Erem 2001; Collins 2002; Durrenberger 2002, 2007), ethnographic research on farm unions has focused to a large extent on the United Farm Workers (e.g., Thomas 1985; Rosenbaum 1993; Wells 1996). Only a few scholars (e.g., Holmström 1976, 1984; Gill 2005) have conducted ethnographic studies of unions outside of the United States. The largely historiographic literature on labor unions in India provides little information about their changing roles after the fall of colonialism and focuses on urban industrial settings.

### **Legacies of British Colonialism in India in Labor Laws**

In the early years of colonization in India, the British East India Company wanted to expand into Gorkha territory, which led to the Anglo-Nepalese Wars from 1814 to 1816. After the wars, the British annexed present-day Darjeeling and all territory east of the Mechi River and significantly reduced Nepal's western possessions. The British also annexed much of the lowland Terai, the most fertile part of the Gorkha Empire (Burghart 1984:113). To offset the loss of land, Nepal's central government pressed for the reclamation and agricultural intensification of less fertile lands in the eastern middle hills (English 1982:258). This marginalized the Nepalis living in these peripheral hill regions. After 1816, often with the support of the central government, the British recruited tens of thousands of hill people to work as soldiers in Gurkha regiments, woodcutters in jungles of northeast India, and as laborers on tea plantations in Darjeeling and Assam. Lacking the resources to pay domestic taxes, many eastern hill people eagerly migrated to Darjeeling.

Anthropologists have explored the role of Nepali labor in the construction of the British Empire through ethnohistorical analyses of Gurkha soldier regimes (Caplan 1991, 1995; Des Chene 1991). Labor recruitment into the army as well as into other industrial pursuits caused Nepalis to regard India as a source of new life and an escape from Nepal's oppressive Rana monarchical regime of the 1800s and early 1900s. In the early 1800s, the British began to recruit Nepali laborers to work their new tea plantations, clear forests for their new railroads, and to serve as guides to the unfamiliar mountainous terrain. The British need for labor steadily increased as their plantations developed in Darjeeling. To supply this need, the British began to increase the incentives for laborers to leave their families and homes in Nepal. Promises of housing, health care, land for cultivation and herding, and good schools for their children lured Nepalis to Darjeeling plantations (Griffiths 1967:88; English 1982:264). Tea laborers often described myths of gold growing on tea bushes in the Darjeeling hills. Emigration meant an escape from financial oppression, while resettlement promised opportunities for steady wage labor and a reliable supply of food grains. Additionally, the British hired whole families to work on Darjeeling plantations, not just males. Unlike other British colonial enterprises, such as the mines, jungles, railroads, and factories, children on Darjeeling tea plantations could pluck and sort tea along-

side their parents (Griffiths 1967:267; see also Stolcke 1988 for a Brazilian example). For most of the 19th century, the British stably accumulated wealth and maintained a willing labor force in the Darjeeling hills.

### **Labor Law and Labor Unions: A Path Toward "Fairness"**

After India gained independence in 1947, the British turned their Darjeeling tea plantations over to local elites, who quickly found that they did not have enough capital to maintain the plantations. After the fall of the colonial regime in India, these new plantation owners had a surplus of tea. When the British left India, they turned to their remaining colonies in Kenya and Sri Lanka to supply their domestic demand.

After Indian independence, the government codified British colonial recruitment practices in the Plantations Labour Act of 1951. The act applies to all Indian plantations – tea, cinchona, rubber, cardamom, and coffee. The Plantations Labour Act is a detailed description of ways plantation owners must treat their laborers. The document spans over 30 pages addressing topics such as "definitions," "inspecting staff," "hours and limitations of employment," "welfare," "provisions as to health," "leave with wages," "penalties and procedures," and "accidents." The act mandates that an owner provide each laborer health care, housing, and food rations. It insists that drinking water in both the fields and the workers' homes be provided as well as latrines for each sex. The act guarantees day-care to working mothers and calls for the establishment of plantation schools. Heavy fines and plantation repossession await owners who do not comply (Government of India (GOI) The Plantations Labour Act 1951). Labor unions have been more effective in ensuring that these regulations are followed than the understaffed regional offices charged with enforcing laws. On Darjeeling plantations where there are active labor unions both in constant bargaining with management about the plantation living standards and also in dialogue with other plantation employees about what their rights are under the Indian labor law, such laws appear better upheld. Where there are no active labor unions, knowledge about the labor laws deteriorates. Without such workers' empowerment, work hours can become longer, infrastructure can crumble, medical services can halt, and food rations can diminish.

The Plantations Labour Act and the labor unions, which hold the owners accountable to the Labour Act's codes, have insured the fair treatment of workers on Darjeeling plantations for the past 50 years. The role of enforcement of Indian labor law does not rest in the hands of an international certifier such as TransFair USA; instead knowledge about labor codes and the power to enforce them is held by labor unions. Without labor union involvement on the plantation, I have found that workers are less informed about their rights. Under TransFair USA's standards (and consistent with neoliberal trade policy), the Plantations Labour Act's requirement of the freedom to unionize is diluted to a checkbox for "democratically organized bodies," which serve to divvy up fair trade revenue.

### Fair Trade: Is It Really an Alternative to Neoliberalization?

Fair trade works both with and against neoliberal policies. Fair trade certification has become an increasingly popular venue for creating new markets for small producers' goods outside of the global mass market propagated by neoliberal orthodoxy. For example, to avoid losing their land, the Bengali plantation owners in Darjeeling entered the international market, because other, larger Indian tea plantations were meeting the demand for tea within India. The tea auction system, another remnant of colonialism, limits the access of most smaller tea producers to international buyers. In Darjeeling, producers have to truck their tea over 400 miles south to Kolkata, where they auction it off to major international tea buyers like Tetley and Lipton. Tea from both small and large Darjeeling plantations as well as from large plantations in Assam, Jalpaiguri, and the Dooars goes up for sale at the auction. The large tea plantations have much greater success in this venue, because they are able to sell in greater volume, and there is much more tea at the auction than can be sold. When the major international buyers and domestic outlets buy all the tea they need, the auction closes, and many producers return to their gardens with as much tea as they brought down. The Darjeeling planters found that fair trade certification was an effective and lucrative means of reaching U.S.A. and other European markets without participating in the auction system. Fair trade shortens the commodity chain and allows plantations to trade directly with international retailers.

Although fair trade is an alternative movement, it is nonetheless enmeshed in neoliberalization. Fair trade certifiers such as TransFair USA are non-state actors that aim to direct capital into the hands of empowered small farmers. This ideology of individual freedom and empowerment within a global market is a key tenet of neoliberal orthodoxy. Fair trade creates a new kind of symbiosis between production and consumption. The owners are happy because fair trade tea fetches more on the international market than non-fair trade tea. Consumers are happy because they are empowering "small farmers" through their consumption practices.

Many scholars have shown that consumers regard labels such as "fair trade," "certified," and "organic" as enabling them to make a political act through the process of consumption (Loureiro and Lotade 2004; Shreck 2005; Getz and Shreck 2006; Howard and Allen 2006; Fischer 2007). Geographer Julie Guthman has written extensively about the labeling, standardization, and governance of organic produce, specifically in California (1998, 2004a, b, 2007). Guthman explains that grades and standards in the organic food industry have caused farmers to abandon sustainable methods (1998) and have often undermined farmers' attempts to farm in a less intensive manner (2004a). Guthman (2007) further argues that voluntary food labels, verifying environmental, social, or geographical values, are intended to counter neoliberal forms of governance. Such labels as implements of standardization in sustainable agriculture, however, further the neoliberalization project in environmental governance because the process of standardization

creates a set of property rights that demarcate who has the ability to use a label.

### Legal Fairness Vs. Voluntary Fairness: The Labour Act and Fair Trade Compared

To show some of the effects of fair trade on Darjeeling tea estates, I describe one particular plantation, Dhokebari. TransFair USA fair trade certifiers approached Dhokebari in the early 1990s because of its "progressive" labor practices. TransFair was eager to integrate new products into the fair trade spectrum, which, until recently, was dominated by coffee. Dhokebari is an excellent example of a plantation with good social practices, but these social practices are not as distinctive as TransFair might have thought. At the time of certification, Dhokebari had good labor practices because its managers were following the law. There are only two roads through Darjeeling, and one of these roads bisects Dhokebari. The villages where laborers live are easily visible from the road. This visibility may have prompted the owner to abide by the regulations of Indian labor laws. Because of its location and its strict adherence to the Labour Act, Dhokebari easily achieved fair trade certification. It became one of the first plantations of any kind to sell its products on the fair trade market. For Dhokebari workers, the transition to fair trade was subtle. Supervisors responsible for escorting tourists and international fair trade certifiers on the plantation often said that fair trade certification was meaningful change. Other workers I talked with equated fair trade with organic agricultural practices such as the lack of chemical pesticides and fertilizers.

TransFair USA's guidelines (TransFair USA 2007) provide a description of the rights of workers under fair trade. The six tenets of fair trade production are:

**1. Fair price:** *Democratically organized farmer groups receive a guaranteed minimum floor price and an additional premium for certified organic products.*

Tea laborers in Dhokebari's fields and processing plant do not make a daily or an hourly wage. Dhokebari's plantation laborers make \$0.15 per kilogram of plucked tea. Workers pluck 8–10 kg a day. This rate has not changed since the inception of fair trade certification in the 1990s. When I asked the owner of Dhokebari how much workers were paid, he quoted a lofty figure of almost two dollars an hour. He factored in medical coverage, food rations, schooling, and other benefits – items provided to workers by law. TransFair USA seems to have accepted this exorbitant figure without question. At Dhokebari, workers do not receive a transparent floor price (minimum price received per unit) mediated by fair trade certifiers. Tea plantations in Darjeeling process their own tea, but workers still receive little for their labor.

In contrast to the rhetoric of fair trade, the Labour Act regards plantations as factories, guaranteeing workers hourly or daily wages, not per unit payments. There are several clauses addressing how workers should be paid for overtime and holiday time. The Labour Act attempts to concretize socially just wages as opposed to TransFair's abstract claims of fair wages or "guaranteed minimum floor prices."

**2. Fair labor conditions:** *Workers on Fair Trade farms enjoy freedom of association, safe working conditions, and living wages. Forced child labor is strictly prohibited.*

"Freedom of association" is part and parcel of democratic state based in the rule of law, which India has been since the fall of the colonial regime in 1947. "Safe working conditions" is ambiguous. The Plantations Labour Act goes into much greater detail as to what a safe working environment should entail. According to the act, there should be clean and sanitary latrines for each sex that are easily accessible from villages and the fields. The owner must provide, safe drinking water, medical facilities, "canteens" (food stands), "creches" (day-care), recreational facilities, and a house for every worker. The Labour Act also makes it illegal for children under the age of 18 to work on plantations (Government of India (GOI) The Plantations Labour Act 1951). These regulations, to recapitulate, are meaningfully enforced through constant negotiation between labor unions and plantation management. There are also regional offices that are responsible for ensuring that these laws are upheld, but I contend that union action is a far more effective means of regulating the social welfare of plantation workers.

**3. Direct trade:** *With Fair Trade, importers purchase from Fair Trade producer groups as directly as possible, eliminating unnecessary middlemen and empowering farmers to develop the business capacity necessary to compete in the global marketplace.*

Direct trade is the major advantage of fair trade certification for Darjeeling plantations. For tea, it enables producers to circumvent the auction system in Kolkata and deal directly with international buyers. Of course, tea plantation laborers are not engaging in trade themselves. All financial arrangements go directly through the owner and management. Fair trade does not address this paradox in the certification of plantations. The owner of the plantation acts as a middleman, a barrier not only to free trade but also to fair trade. The Plantations Labour Act does not regulate the way that the plantation trades with outside vendors. The act is concerned only with the labor practices inside of plantations.

**4. Democratic and transparent organizations:** *Fair Trade farmers and farm workers decide democratically how to invest Fair Trade revenues. And similarly,*

**5. Community development:** *Fair Trade farmers and farm workers invest Fair Trade premiums in social and business development projects like scholarship programs, quality improvement trainings, and organic certification.*

At Dhokebari, there is a democratically organized body, referred to as the "joint body," which never met during the 3 months that I spent on the plantation. When the joint body does meet, it is composed only of the male managers and supervisors and the female office staff. Again, this seems to satisfy fair trade certifiers, who have not questioned who is represented through the joint body. The lack of reference in TransFair's publicity material to unions and the questionable use of "democratically organized bodies" as proxies for unions reaffirm fair trade's bolstering of neoliberal market logic and fair trade's involvement in "roll-out neoliberalism" (Peck and Tickell 2002). Such a dismissal of unions in favor of "democratically organized bodies" resembles post-Fordist neoliberal production philosophy,

which emphasizes individual, rather than collective empowerment (Harvey 1989:121–200).

Union organizers who I met in Darjeeling contend that organizations such as the joint body are not an adequate replacement for farm workers' labor organizations. Planters comply with the Plantations Labour Act because of their fear that workers might organize and revolt. Dhokebari workers, unlike other plantation laborers across Darjeeling, are not organized into labor unions. The owner of Dhokebari boasted to me about his success in dissolving Dhokebari's formerly active labor unions. The Plantations Labour Act mandates that workers be able to organize and in doing so, puts forth unionization as a necessary precondition for a good social welfare record at any plantation. Formerly, Dhokebari residents were involved with very active pan-Darjeeling labor unions. Workers in other kinds of plantations do still have unions, a fact that is not lost on the owner of Dhokebari. The absence of unions remains troubling, for unions are effective mechanisms for ensuring that an owner complies with labor laws and that workers are empowered with knowledge about their rights under the Indian Constitution.

**6. Environmental sustainability:** *Harmful agrochemicals and GMOs are strictly prohibited in favor of environmentally sustainable farming methods that protect farmers' health and preserve valuable ecosystems for future generations.*

Himalayan tea production does not require much agrochemical input, and so the transition to environmentally sustainable methods can be easy. Many Darjeeling plantations are organic by default; they could not afford the high cost of chemical pesticides in the first place. These regulations regarding environmental sustainability are important, but the sustainability of human health needs to be addressed.

At Dhokebari, there is little access to water outside of the rainy season. In the dry season, plantation residents carry water from distant springs, often for hours a day. There is also little opportunity for subsistence farming on the plantation. The owner justifies the lack of family or community garden space by explaining that the forests are rich in wild vegetables. People are afraid of the forests because for the past 10 years, the owner has bred leopards within them. They are often reminded of the leopards' presence when their dogs or goats scream in the middle of the night and are nowhere to be found the next morning. While I was at Dhokebari, people often expressed their desire for garden space. They must buy most of their food from stands on the plantation or at the market at least an hour's walk uphill.

Food rations at Dhokebari, mandated by the Labour Act, provide 4 kg of flour and 2 kg of rice per worker every 15 days. This potentially would last a single worker over a 15-day period, but it is not adequate to meet the needs of the extended family members each worker supports. Although this is inadequate, at least the Indian labor law addresses the problem of food security, which TransFair USA's standards do not acknowledge. Fair trade certifiers seem satisfied with the idea of workers purchasing food with their newfound wealth. In congruence with neoliberal policies, fair trade chooses to leave food security issues up to the whim of the

free market. There is an implicit assumption that through “democratically elected bodies,” fair trade revenue will somehow be distributed where it is needed most. Food security has been an overlooked aspect of workers’ experiences of fair trade certification.

## Conclusion

The rapid adoption of fair trade certification in Darjeeling tea production threatens to erode the power of labor unions, leaving the question of social justice on plantations in the hands of an unaccountable non-state bureaucracy. At Dhokebari tea estate, the lack of latrines, union busting, bad schools, lowered food rations, and deteriorating medical facilities suggest that the government has begun to see fair trade certification as a proxy for regular checks on owners’ compliance with the Plantations Labour Act?

I spent time at a Rongo cinchona plantation, which is 7 hours’ drive from Darjeeling. Workers had expansive gardens, an ample water supply, active labor unions, food rations, excellent medical facilities, and beautiful wooden houses, all provided to them by plantation management. Rongo is not certified as fair trade. In India, the Plantations Labour Act is a much more detailed, comprehensive, and strict vision of social justice than TransFair USA’s model. Fair trade certification, however, opens plantations to international markets, on which their products fetch higher prices. If plantations adhere to Indian labor laws, should they be certified as fair trade and reap the financial benefits that the label entails? I ask these questions so that other scholars working on fair trade in other regions might shift their scale of analysis to explore the role of the state in protecting workers’ rights.

Daniel Jaffee criticizes TransFair’s willingness to allow plantations – any plantations – into fair trade certification (2007:253–255, see also Murray et al. 2006:186). I am reluctant to dismiss the plantation entirely from the fair trade project, because in the near term it will be difficult to change the land tenure system under which tea is produced. The results of my research suggest, however, that the state- and place-specific institutions should play a bigger role in the regulation of fair trade practices on plantations.

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