
Brewed in the Sweat of Forced Labour

A Fact Finding Report on the
Conditions of Tea Plantation Labour
in West Bengal and Assam

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National Campaign on Labour Rights (NCLR)

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“Babu bole kam kam,
Sardar bole dhari aan,
Saheb bole libo pither cham,
O Zaduram, faaki dia pothaili Assam”

*“Babu demands more work,
Sardar demands more hands,
The Saheb threatens to skin us alive,
O Zaduram, you have duped us to land up in Assam”*

*(Lines from a folk song of the tea plantation workers lamenting
over the fact of how Zaduram, an arkatti, lured them into Assam tea
plantation, where they were forced to lead a subhuman life.)*

Introduction

The tea industry in India employs more than 1.5 million workers. Every seventh worker in the organised sector industries is a tea worker. The tea plantations of Assam and West Bengal together account for the employment of more than a million worker. Out of a bumper crop of 870 million kgs. in 1998, these two states alone produced 650 million kgs. Last year, the tea exports crossed the 200 million-kg. mark.

The tea plantation workers, mostly tribals and lower castes, are the backbone of the tea industry in eastern India. They are fourth generation descendants of indentured immigrants brought by the colonial planters 150 years back from the tribal tracts of Bengal, Bihar, Orissa and Madhya Pradesh. Literatures abound depicting the inhuman living and working conditions of the tea workers during the colonial period. Living and working in isolated plantation enclaves they were as good as bonded labourers. Laws existed to penalise the workers not to protect them. The planters were the omnipotent authority. It was their raj.

On the eve of our independence, the Rege Committee (1946), after touring the plantations of eastern India, recommended a comprehensive labour code for the plantation workers. Accordingly, the Plantation Labour Act was passed by the Indian parliament in 1951. It was followed by the State Plantation Rules. Today, after fifty years, the tea workers are much more organised, they also have the right to collective bargaining. There can be no doubt that their living and working conditions have improved. However, the wages that the tea workers in Bengal and Assam are paid today are the lower than the minimum wages in the organised sector. They are paid less than the statutory wages of an unskilled worker in their own states. Real wages during the last fifty years have remained stagnant. Social indicators of the tea workers and their families indicate, that the literacy rate is very low. Diseases like malaria, tuberculosis, aneamia and dysentery is common among them. Death rate in the tea gardens of Bengal is 11.44. The infant mortality rate is as high as 42. Active population in the tea plantations above 60 is less than 1 per cent. The trade unions and social organisations, active among the tea workers, are grappling with this scenario everyday.

The Eastern Regional Consultation, National Campaign on Labour Rights which was held in Calcutta on October 27-28, 1997 made a strong recommendation that a high power trade union team should visit the tea plantations of Assam and West Bengal to inquire into labour rights violations of the tea workers. This Consultation, the first of its kind, was participated by about sixty representatives of various labour organisations working in the states of Bihar, West Bengal, Orissa and Assam. The focus of the Consultation was “Labour Rights in the context of Globalisation”.

Accordingly, it was decided that a Fact Finding Team comprising representatives of trade unions and labour support organisations will visit the tea gardens of Assam and

THE NATIONAL CAMPAIGN ON LABOUR RIGHTS (NCLR)

The evolution of the programme on National Campaign on Labour Rights (NCLR) has a history of intense, inclusive and participatory deliberations among trade unions and labour support organisations.

In the wake of the proposals on 'Social Clause in multi-lateral trade agreements' and its linkage to labour rights, a series of consultations, campaign activities and roundtable meetings were held among the labour organisations for a collective action.

During the Third National Consultation on Labour Rights in Multilateral Trade Agreements held in Delhi on March 13-14, 1997 the proposal of a National Campaign on Labour Rights (NCLR) was discussed and the Consultation decided to launch it at the earliest. It was felt that the protection of labour rights was not to be externally determined linking it to trade but was the responsibility of the state, workers and labour organisations.

The focus of the national campaign, it was decided, would be to examine the national laws, their implementation procedure and institutional mechanism with the yardstick of labour rights as envisaged in the ILO Conventions and initiate an educational process among the labour organisations to build up capacities for effective attainment of labour rights.

The participants affirmed that workers are entitled to all rights guaranteed in the Universal Declaration of Human Rights. They also affirmed that the core labour rights including the freedom of association, the right to organise and bargain collectively, prohibition of forced labour and child labour and equal remuneration of men and women should be implemented.

The Campaign has three major components, namely,

- i. Documentation of unfair labour practices with the support of trade unions,
- ii. Regional meetings in five centres, namely east, north, west, central and south of India,
- iii. Publication of campaign materials such as booklets, pamphlets, posters, etc.

The Eastern Regional Consultation, National Campaign on Labour Rights, Calcutta, therefore, marked the formal launch of the Campaign.

Bengal. In February this year, a team of eleven members was formed. This team was

further divided with one team visiting the Bengal plantations and the other going to Assam.

The members of the Team that visited the tea plantations in West Bengal between February 12-14, 1999, were A K Sarma (INTUC), Ms. Nivedita M C Monga (MARG), Ms. Sindhu Menon (Labour File), S N Thakur (AITUC) and J John (CEC).

The other Team visited the tea gardens of Assam between February 13-17, 1999. The team members were Ms. Ruma Sen (AITUC), Ms. Roma (NCL), Ashim Roy (HMKP), R D Yadav (HMS), Ashok Chowdhury (NCL) and Souparna Lahiri (CEC).

The terms of reference of the Fact Finding Team was:

1. Provisions within the Plantation Labour Act, 1951 and violations thereof.
2. Adherence to international labour standards in the context of globalised economy, particularly the right to association and collective bargaining. The international labour standards were identified as the core labour standards such as forced labour, child labour and discrimination at work.
3. Labour rights of women workers - provisions and violations thereof.
4. Child and Adolescent labour - rights and violations.
5. The nature of the labour market in tea growing areas and alternate employment opportunities and its impact on tea plantation labour and
6. The wage structure and the rationale for adhering to a system of minimum wage in the tea plantations.
7. Tea industry and its social responsibility.

The Fact Finding Teams visited the Darjeeling Hills, Dooars and Terai in North Bengal and the districts of Sonitpur, Jorhat, Dibrugarh and Tinsukia in Brahmaputra Valley.

The Fact Finding Team has submitted its report and this is being placed before the trade unions and other interested groups and individuals for further discussion.

New Delhi
August 2000

National Campaign on Labour Rights
(NCLR)

The Tea Plantation Industry: A Historical Overview

The Early Days of Tea Industry in India

The history of Indian tea spans more than 160 years. With the East India Company losing its monopoly over tea trade in 1833, tea cultivation on a commercial scale started during 1935 in the Assam province of British India. The tea plant, *Camelia Sinensis*, grew in a wild state in the north eastern parts of India and Singhpos, a tribe living in Assam, are known to have been making and drinking tea for a long time.

D H Buchanan (1966) in his book, 'The Development of Capitalistic Enterprises in India', remarked: "But the removal of company's monopoly of China tea trade in 1833 quickened their perceptions to the advantages likely to accrue to India by the establishment of a new industry and in 1834 the court sanctioned the appointment of a committee to consider and submit plans for the introduction of tea culture in India."

The importance of tea as an export product and its importance in the balance of payments made it indispensable to both the Governments of Britain and British India to establish tea plantation industry in India and render all possible help for the promotion of this industry.

Plantations, in most parts of the world, by their very character and process of development, have been among the most representative examples of colonial economies. Like most plantation crops in British colonies, tea has been an export-oriented cash crop from the beginning and the industry was developed mainly to meet the colonial England's domestic demand and for re-export by that country.

C P Bruce, the then Commissioner of Assam, started a tea garden in Sadia of Upper Assam. Experimental tea plantations were introduced in 1836 and in 1838 the first Indian consignment of 488 lb. of tea was shipped to Great Britain. The Assam Company, first joint-stock company of India to be incorporated with limited liabilities was started in 1839. It remained virtually the sole planter in the field till 1850.¹ By 1859, the Jorehaut Tea Co. and several individual enterprises started.

Similarly, the first tea gardens in the twin districts of Darjeeling and Jalpaiguri were started in 1856 and 1874 respectively.² The pioneer planter was one Mr. Brougham who owned the Odlabari Tea Company.

¹ Amalendu Guha. (1988). *Planter Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826–1947*. New Delhi: Peoples' Publishing House.

² Asim Chaudhuri. (1966). *Enclaves in a peasant society : political economy of tea in Western Dooars in Northern Bengal*. New Delhi: People's Publishing House.

Of Economy and Development: the British Indian Tea

The development of plantations necessitated two basic requirements. First, large areas of land and secondly, a large labour force. The vast expanse of wastelands and forests across Assam and the Dooars region of Jalpaiguri district provided suitable land to set up the first group of tea plantations in eastern India.

The number of estates and land under cultivation of tea began to increase only during the latter half of the nineteenth century when the prevailing restrictions on leasing out, transfer and auctioning of land were relaxed by the promulgation of Waste Land Rules, 1854, 1875 and 1888 by the Government of British India. The relaxation of land restrictions lured many big sterling and rupee companies, representing mainly British merchant capital, to invest into the plantations. About 92 per cent of the total rupee and sterling capital invested by the British in Indian tea plantations was located in eastern India and aggregate investment in tea was the highest among the big organised industries of coal, cotton, tea and jute.³

Very low price of lands for the gardens, a low requirement of initial capital and investment, cheap labour and elementary technical requirement were among the factors which favoured the development and prospects of the Indian tea industry. And, by 1880, the Indian black tea firmly established itself in the British market. Producing better quality tea with a relatively low price, Indian tea industry displaced Chinese black tea and became a leading tea producer and exporter in the world market.

The area under tea plantation in 1885 was 2,83,925 acres which increased to 5,68,554 acres in 1910 and eastern India accounted for 90 per cent on an average.⁴ In 1880, there were nearly 600 tea estates in the country.

In 1895-96, Assam and Bengal respectively accounted for 2/3rd and 1/4th of the 143.4 million lbs. of tea produced in India. The total export during the same period was 137.7 million lbs. From a mere 4 per cent in 1866, the share of British tea imports from India increased to 38 per cent in 1886 and further climbed to 59 per cent in 1903.⁵

On the eve of India's independence, the tea economy was heavily dominated by the British merchant capital with less than 15 managing houses controlling over 200 joint stock sterling and rupee companies (*Amalendu Guha, 1988*). Thirteen leading agency houses in Calcutta controlled over 75 per cent of tea production in eastern India. Out of these, 7 companies controlled more than 50 per cent and 5 companies as much as 36 per cent of the production.

During the post-independence period, British tea gardens and substantial shares in the managing agencies have been sold out to Indians. But, the structure of the

³ Bhubanes Misra. (1987). Quality, investment and international competitiveness : Indian tea industry, 1880 - 1910. *Economic & Political Weekly*, Vol. 22, Issue 6, 230-238.

⁴ *ibid*

⁵ *ibid*

plantation companies and the management of the tea plantations in eastern India have basically remained the same.

Indentured Immigrants to the Tea Plantations

Colonial histories are strikingly uniform in depicting indentured⁶ immigration as a response to severe labour shortage following the abolition of slavery. Plantations, all over the world, during their formative years, faced the problem of labour shortage. While the areas most suited for development of plantations were initially sparsely populated, plantations being a labour intensive industry, the planters had to bring in labour from elsewhere and also needed to reduce the wage bill. This dichotomy led the planters to opt for indentured immigrant labour which assured them of a low cost captive labour force. The planters, therefore, obstructed the growth of a labour market where employment is of free choice, labour availability is according to the demand and the wage would be a result of the demand for and the supply of labour.

The cotton plantations in the southern states of the USA, sugar plantations in Guyana and the Caribbean, rubber plantations in Malaysia, tobacco plantations in Indonesia and the tea plantations in India and Sri Lanka depended largely on indentured immigrant labour.

Coercion and low wages were the hallmarks of the tea plantations of Assam. Chinese were the first batch of workers in the early plantations. They were hardly able to come to terms with the hard life in the plantations and the exploitative labour relations of the European planters. Around 1843, they deserted the gardens and fled back to their homeland. A connected legend says that when the Chinese workers deserted the plantations, they cut down each and every tea plant (the tea plants were much taller in size at that time) they came across. A large number of gardens were completely destroyed and the planters were devastated. Much to their surprise, fresh shoots started coming out of those destroyed plants within a few months. The leaves, that these new tea plants yielded, produced better quality tea and since then the planters continued with the cultivation of bonsai sized tea plants with periodic pruning of tea bushes.

After 1843, till 1859, the local people, mostly the Bodo-Kacharis, the biggest tribe in Assam, remained practically the sole source of labour for this industry. Even these Bodo-Kacharis were found not suitable to fit into the traditional plantation labour system. They were, first of all, local residents, not docile and amenable to low-wage exploitative plantation structure. Moreover, the local labour frequently went on strike during this period, once in 1848 and then in 1857 and 1859. They gheraoed the Superintendent of the Assam Company demanding increased wages and realisation of three month's arrears. In 1859, the District Magistrate intervened, the leaders of the strike were apprehended, tried on the spot and punished on the plea that any stoppage of work before the expiry of their contract was illegal.⁷

⁶ Indentured worker is one who is forced to work for a period of time because of an agreement with the authority

⁷ (Amalendu Guha, 1988)

Thus, in addition to coercion and low wages, the component of administrative and political support also went in favour of the planters. And, this support was strategically very important and significant in implementing their next step - procurement of immigrant labour from the backward and tribal regions of eastern and central India. Such an indentured labour force was invariably cheap and easy to control and exploit.

After 1860, the mobilisation of labour force for the Assam Valley and Dooars tea plantations was carried under the indenture system. The entire immigrant labour force was recruited at first, through the arkattis (labour contractors and agents) and then the sardari system. Recruitment of and sustenance of a stable and continuous supply of such a labour force was only possible through the participation of the colonial state and its entire coercive apparatus.

A Law Member in course of the debate on the amendment to the Inland Emigration Act, 1882, in the Imperial Legislative Council in March 1901 said: "The labour contract authorised by the Bill is a transaction by which, to put it rather bluntly, a man is often committed to Assam before he knows what he is doing, and is thereupon held to his promise for four years, with a threat of arrest and imprisonment, if he fails to perform it. Conditions like these have no place in the ordinary law of master and servant. We have made them part of the law of British India at the instance and for the benefit of the planters of Assam."⁸

The plantation labour in Assam and West Bengal mostly comprise of tribal groups such as Santhal, Munda, Kharia, Ho, Bhumij, Oraon from the Jharkhand area of Bihar, West Bengal and Orissa; Khond, Gond, Mal Paharia from Orissa and eastern Madhya Pradesh; Oriya, Bengali and Hindi speaking lower caste groups and Nepali immigrants. There is a sprinkling of tribal and lower caste groups from Andhra Pradesh and Tamil Nadu as well.

The tea planters undertook an organised system of recruitment. The actual recruitment and transportation were left to private contractors (arkattis) from Calcutta who, working for agency houses, deported groups after groups of labourers to the plantations of Assam and Bengal. The repression let loose by the British Government during and in the aftermath of the Santhal Rebellion in 1855, acute famine and drought situations in the tribal regions made the job of the recruiters much more easy. Men, women and children were enticed and even kidnapped and traded like cattle. Contractors were paid as much as Rs.120 for every immigrant worker recruited under a penal contract.⁹

Groups of immigrants in hundreds were first shipped to Calcutta and then by trains, steamers or boats, they were transported to the plantations. During this whole journey these hapless people were treated like animals and whatever historical details are available, brings to mind the inhuman slave traffic prevalent in the Atlantic during

⁸ ibid pp 41

⁹ ibid pp43

the 17th and 18th centuries.¹⁰ The mortality rate during the journey and at arrival was so high that the Government had to appoint a commission to enquire into the problem as early as 1861. (*ibid pp37*)

During the period of two years from December 1859 to November 1861, the Assam Company brought 2,272 recruits of whom 250 or 11 per cent died on the way. Of a total of 2,569 recruits who were sent down the Brahmaputra during the period from April 1861 to February 1863, as many as 135 died and 103 absconded. Between May 1863 and June 1866, 30,000 deaths were recorded. During the thirteen years ending 1899, the mortality rate averaged 53.2 per thousand of adult indentured labour.

Migration to the tea plantations of eastern India was unique in the sense that it was mostly undertaken on the basis of a family unit where people from the same ethnic group, living in the same or neighbouring villages were settled in the tea plantations. Thus, the family system of wage labour became the hallmark of the organisation of production in the tea plantations. Family migration ensured that labour could be reproduced resulting in a continuous supply of labour at depressed wages and also easing the problem of further recruitment. There were little or no circular migration and families rapidly settled in the gardens.

During the ten year period between 1881 and 1891, on an average 27,000 people left Chotanagpur and Santhal Parganas each year for the tea plantations of Assam and Bengal.¹¹ Right up to 1938 a staggering 20 lakh tea workers were recruited by the tea industry of which 12 lakhs were employed in Assam alone.

Chotanagpur workers dominated both the Assam and Bengal plantations. In Assam, 44.7 per cent of the workers were from Chotanagpur, 27.2 per cent were from Bengal and Orissa, workers from Madhya Pradesh, Bihar and Uttar Pradesh constituted 21.6. per cent, 0.3 per cent were from Bombay. Tamil population was 0.7 per cent and only 5.5 per cent were local workers.¹² In 1921, as much as 1,26,000 men, women and children from Chotanagpur worked in the Bengal plantations and 66,000 Nepali migrants dominated the plantations in Darjeeling.¹³

In 1947, when India achieved independence, there were more than 500,000 workers engaged in the tea plantations of Assam. The community of tea garden and ex-tea garden workers constituted a quarter of the total population of the province. In 1951, there were nearly 322,000 workers employed in the tea gardens of Darjeeling, Terai and Dooars. Along with their dependants and ex-garden workers, the tea labour community in Bengal numbered close to three-quarter of a million. Together, the

¹⁰ *ibid pp 18*

¹¹ Dagmar Engels. (1993). The myth of family units: Adivasi women in coal mines and tea plantations in early twentieth century Bengal. In Peter Robb (Ed.), *Dalit Movements and the Meanings of Labour in India* (pp. 225-244). New Delhi: Oxford University Press.

¹² Amalendu Guha, pp.101

¹³ Dagmar Engels, 1996

plantations of Assam and Bengal produced around 250 million kgs. of tea during the year 1947.

Structure and Components of Plantation System

The plantation system has almost all the features of a forced labour system. The basic aspects of life are conducted within the geographical limits of the plantation and under the central authority of the resident planter. Each phase of a worker's daily activity is carried out in the company of a large batch of others, all of whom are treated alike and required to do the same task under close supervision. All phases of the day's activities are tightly scheduled, with one activity leading to the next in a prearranged time sequence. The whole sequence of activities is imposed from above as a system of explicit official rules. Finally, the various enforced activities are brought together into a single overall plan purportedly designed by the manager to fulfil the official aim and policy of the managing company.

There exists an elaborate and distinct social hierarchy which maintains the class structure of the workers and the management superimposed on primordial ethnic divisions. At one end of the spectrum is the management with masses of workers forming the other end. The Staff and sub-staff form the long line of several intermediaries between these two. The management comprises the manager, assistant managers and the factory manager. The staff is mainly the white-collar personnel and the sub-staff comprises the lower level supervisors.

During the colonial period, the white resident planters and their assistants considered themselves to be culturally 'distinct' and 'superior' to the 'primitives' and 'junglees'. Racial bias and discrimination in the employer-labour relation was an important feature of the functioning of the colonial tea plantations. In the post-colonial period, the concept of cultural superiority or inferiority based on the ethnic and caste origin, continues to be invoked and used as an important mechanism of social control over the workers. This coercive internal structure made the workers politically impotent and kept them in a state of passivity and defeatism.

Formation of such a structure was the result of the recruitment of indentured immigrant labour who were socially oppressed. This immigrant population traversed thousands of miles away from their homeland. They were culturally, ethnically and linguistically isolated from the local population. Right from the time of recruitment, they were forced to commit themselves for the planters and were bound by the 1859 Breach of Contract Act. They had no means to go back to their villages. Dumped in an alien land, they were left at the mercy of the planters. Thus, the immigrant plantation labour was turned into a captive labour force and the planters determined their wages without any outside intervention. The existence of such an exploitative plantation system had been developed with the tacit help from the state apparatus.

The tea industry's profitability depends on paying rent, land price and wages below normal market level. The planters have all along been successful in getting vast tracts of land, as special grants from the government, under their control, while paying the least amount of revenue. The background in which tea plantations were established in

Brahmaputra Valley and Dooars was marked by a system of land tenure which set off vast tracts of waste land as a distinct category from the land under traditional cultivation. Cultivable wastelands were leased out at liberal rates. The planters exploited the acquired lands to the hilt. A part of the plantation land was used for tea growing while the rest was kept fallow after allocating enough space for factory, residences and labour lines. Raw material for building houses, timber, fuel, firewood, etc. were derived from this land. Even time-expired labourers were given land as tenant cultivators to keep them tied to the plantation. According to the Tea Directory of 1966, of the total area of 2,94,523 acres of land held by 149 tea companies in Jalpaiguri district of West Bengal, 1,39,848 acres or 47.48 per cent of the total tea grant was actually under tea.¹⁴

The independent Indian state, while enacting reforms in the land tenure systems to prevent the concentration of ownership of land, granted exemption to the tea growing estates and nowhere tea-growing land was confiscated or tea estates broken up. The Assam Fixation of Ceiling on Land Holdings Act, 1956 and amended in 1970, the West Bengal Estates Acquisition of 1954 and 1957 allowed to retain all land under tea together with reasonable areas for ancillary purposes.¹⁵

In Assam, the plantation workers are deprived of whatever facilities and opportunities their brethren in West Bengal, Bihar, Orissa and Madhya Pradesh enjoy as members of scheduled tribe and scheduled caste groups. All these communities were descheduled by the Assam government in 1940s. So, these workers and their families have not been able to avail of the affirmative actions and facilities in the sphere of education and employment. They have to compete on unequal terms with the advanced section of the Assamese society.

In West Bengal, the plantation workers are accorded the status of scheduled tribes and caste, but, the facilities available to them have not percolated to these groups. The education system in the plantations have completely collapsed. The literacy rate is only 22 per cent. In the age group of 12/13, the drop out rate among the children of the tea workers is 60 to 70 per cent.¹⁶ Out of 1500 students currently studying in the North Bengal University, only one comes from the tea gardens.

The 1991 District Census Handbooks' figures detailing distribution of schools and colleges for every 10,000 population for the tea growing districts of Jalpaiguri and Darjeeling are revealing. In Darjeeling, there are 4.90 primary schools, 0.58 junior secondary schools, 1.39 secondary schools and 0.66 high schools/junior colleges for every 10,000 people. There are 3.62 primary schools, 0.94 junior secondary and 0.87 secondary schools, 0.6 high schools/junior colleges for every 10,000 people of Jalpaiguri. The children and youth of the plantations have no access to polytechnics, ITIs or vocational training centres.

¹⁴ Asim Chaudhuri, 1995, pp. 83

¹⁵ See K N Sircar, Socio-Economic Impact of Structural Changes in Tea Plantations in Northern India and eastern India, (Working Paper), ISBN 92-2-105322-9, 1985

¹⁶ Statistics provided by Prof. Manas Dasgupta, North Bengal University

Lack of proper educational facilities leading to low literacy rate among the plantation workers and their children, lack of skill development and alternative employment opportunities have created a pool of unskilled surplus labour inside the plantations. As a matter of policy, the children of workers could at best get appointed to a post under the sub-staff category but never as a staff. So, even matriculates, intermediates and graduates queue up for temporary work in the plantations. A job in the plantation is their only life line.

From Penal Laws to Labour Laws: the Road to Plantation Labour Act, 1951

The gamut of nineteenth century labour legislations related to the tea plantation labour, rested mainly, on the plank of moderating and to some extent, abetting the extremely exploitative labour relations pursued by the British planters.

The British civil servants, who believed in England's civilising mission in India, did not seem ever to have a clear conscience over the burning issue of migrant labour trade. And yet, the corpus of emigrant labour legislations, produced by this uneasy conscience, turned out practically to be nothing but abetment of the same notorious slave system.

Between the times when the Workmen's Breach of Contract Act was passed in 1859 and the Labour and Emigration Act was amended in 1915, not a single labour legislation so passed, offered any protection to the tea plantation labour. Rather, those legislations behaved and in fact, were used as penal laws to rule the penal colonies (read tea gardens) of deported convicts (read tea workers). 'There loomed all the time in the background like a spectre', as Sir Henry Cotton tells us in his autobiography, 'the larger and independent question of the protection of thousands of helpless labourers, often transmitted over more than a thousand miles by rail and river, to work on the tea gardens for inadequate wages, under penal provisions'.¹⁷

The Penal Provisions

Workmen's Breach of Contract Act proclaimed in 1859 in the wake of the strike organised by the Bodo-Kachari labour force, was the first of its kind. It thoroughly favoured the planters and made desertion, strike, stoppage of work and any disturbance created within the gardens a punishable offence and planters as employers were permitted to take necessary action. The striking Kachari labour leaders were the first victims of this Act and it ultimately came to the rescue of the planters in that given situation.

After indentured labour began to be imported to the tea plantations, the Transport of Native Labourers Act, 1863 came into force. This Act was not concerned with the well-being of immigrant labourers at all. It was passed merely for licensing arkattis, the labour contractors and registering immigrants. In short, it regularised the recruitment system that was going on since 1859. This Act did not stipulate minimum

¹⁷ Amalendu Guha (1988), pp. 40

wages, but required the wage rate to be stated only in the written contract. There was nothing to regulate the working and living conditions of the labourers once they settle inside the tea gardens.

Statutory wages were laid down by the amending Act of 1865. Though this provision was again formally abolished in 1870 by another amendment, it was reinforced under the Inland Emigration Act of 1882 and the same statutory wages, fixed at Rs.5 and Rs.4 per month for men and women workers above 12 respectively, continued in practice up to 1901 thereby, denying them any wage increase for the next 20 years!¹⁸

The planters, in absence of any regulation and proper inspection, were free to violate their own undertaking. Even the nominal minimum wages were not paid and as the commission of enquiry appointed in 1867 found out, there were instances where the wage payment was kept in arrears for as long as six months!

Though the Act of 1865 laid down that a contract must not extend beyond three years, desertion on the part of the worker was made criminally punishable under this Act and even continued laziness was a criminal offence. Absconders, deserters or runaway workers were hunted and hounded like animals. The planter was empowered in his own district to arrest without warrant any worker alleged to have absconded from his tea garden, a privilege he enjoyed right up to 1908.¹⁹

Under the Acts of 1859, sections 490 and 492 of the Indian Penal Code (1860) and the Labour Act of 1863, as amended in 1865, 1870 and 1873, runaway workers could be punished with rigorous imprisonment and heavy monetary fine by the Government alone. Yet, the planters themselves generally disciplined such workers, inflicting upon them punitive tortures of all kinds. Labour was too precious to be sent out of their tea gardens to police and jail custody.

There were, of course, some after thoughts regarding the Transport of Native Labourers Act, 1863 which legalised the infamous arkatti system of recruitment and also the Inland Emigration Act, 1882. There was an assurance from Imperial Legislative Council that labour recruitment under penal contracts would be abolished. The Secretary of State for India in his despatch of 17 July 1886 directed that the working of the Acts should be narrowly watched and that a report should be submitted not later than 1889, on the advisability of repealing of the Act. On 5 October 1891, he even suggested that preferably no contract labour system, modelled on the Act of 1882, should any longer be continued in practice.²⁰

Yet, the amending legislations that followed in 1893 and 1901 differed from each other and from that of 1889 only in the details of their utopian welfare prescriptions. These, in any case, were liable to a total evasion by the planters. The law in existence,

¹⁸ Ibid, pp. 16

¹⁹ Ibid, pp. 17

²⁰ Ibid, pp. 41

meanwhile, continued to validate the penal contracts, inadequate wages and the arkatti system.

Sir Henry Cotton, in his autobiography, has documented how the colonial administration went far in supporting the conduct of the planters and strain the law to implement the penal contracts. The tea district administrations themselves hounded out those labourers who deserted their plantation work for higher wages on the railways and handed them over to their masters. Annual reports were doctored and records of criminal courts teeming with instances of abduction of married women and children, fraud, wrongful confinement, intimidation and actual violence committed by the labour contractors were concealed.

Labour legislations never took notice of inhuman mode of labour transport that was taking place. Due to congestion, lack of adequate food and the unhygienic conditions, many died like cattle while still on their way to plantations. The overwhelming majority, survived to be sold to the planters. At the expiry of the contract period, the worker was legally free but was induced under duress to re-engage himself. Thus, the tea plantation labour, once committed to working in the gardens, had practically no hope of return to their native place.

Semblance of a Labour Law

The freezing of statutory minimum wages, recessionary trend during the closing years of 19th century, manipulation by the planters of the stipulated price of rice supplied and the rising cost of living led to spontaneous and sporadic outbursts of unrest among the tea plantation labour during 1890-1905 and continued in phases till 1921 culminating in the historic Chargola Valley exodus.

Though, not numerous, but determined resistances by the plantation labour broke out both in Dooars region and Brahmaputra and Surma Valley of Assam. Cases of 'assaults', 'rioting' and 'unlawful assembly' were reported in the Annual Immigration Reports which, prompted the British Indian Government to appoint a committee in 1906 to investigate the working of the labour laws.

As a result of the recommendations of the Assam Labour Enquiry Report of 1906, certain changes were introduced in the legal position of the plantation workers. The planter's power to arrest his workers was abolished in 1908. Certain repugnant provisions of the Assam Labour and Emigration Act, 1901 were amended and withdrawn. Further recruitment through contractors was made unlawful and tea garden sardars were made sole recruiting agents. But, the ghost of the Workmen's Breach of Contract Act, 1859 still existed, so did the penal contracts. It was only in March 1920 that the 1859 Act was modified to eliminate the penal provisions and the entire legislation was abolished in 1925 despite tough opposition from the tea interests.

While touring in Assam in 1945, the Rege Committee²¹ noticed that there was virtually no improvement in such important matters as cash wages, freedom of movement and association, education and organisation of work. The Committee, in its report, observed that the plantation labour did not come under any protective legislation. Though a large number of women were employed in the industry, there was no Maternity Benefit Act in force in any of the plantation areas.

On to Plantation Labour Act

Thus, when India became independent, there was no comprehensive labour legislation regulating the conditions of labour in the plantations. The Workmen's Compensation Act, 1923, which applies to plantation estates, did not confer any substantial benefit on plantation labour. The other labour Acts like the Payment of Wages Act, 1936, Industrial Employment (Standing Orders) Act, 1946 and Industrial Disputes Act, 1947, benefited plantation labour only to a very limited extent. In its report, the Rege Committee recommended a Plantation Labour Code covering all plantation areas.

The Plantation Labour Act (PLA) which sought to provide for the welfare of and regulate the conditions of plantation labour was passed by the parliament in October 1951 against very stiff opposition from the planters. The PLA is a major departure in the history of industrial relations in the tea plantations. Through it, the newly independent Indian State sought to protect the interests of the plantation workers. It also gave the trade unions a legal basis to intervene in the prevailing oppressive labour-management relations conditioned by the colonial rule.

Soon after the Act was passed, the planters appealed to the Government to withhold the enforcement of the Act since the tea industry, due to a period of depression, was unable to meet the additional financial commitments. The newly independent Government conceded their demand for the time being and decided to enforce the Act only from April 1, 1954.

The Plantation Inquiry Commission of 1956 had predicted that the welfare provisions in the Act would radically alter the working conditions of plantation labour. This optimism was premature. Though more than four decades have passed since the Act came into force, its provisions are yet to be fully implemented by the employers. There is not a single garden in Assam or West Bengal which has implemented fully all the provisions of the Plantation Labour Act.

From its very inception, the Indian tea plantation industry was the most representative example of the colonial economy, dictated by the extra-economic coercive ideology under the jurisdiction of the autocratic planters. The planters have always been driven by purely economic compulsions and never by social compulsions. To them, labour welfare is a waste of resources. The conditions under which the tea industry flourished during the colonial period was fully dependent on the cultural,

²¹ Government of India constituted the Labour Investigation Committee under the Chairmanship of D. V. Rege in 1943.

ethnic, economic and physical subjugation of the mass of rootless and homeless immigrant labourers. Binding penal contracts and legislations which threatened them with arrest, imprisonment and other kinds of torture, over a period, conditioned them to a kind of industrial discipline which suited the planters. This so-called industrial discipline also moulded the industrial and labour relations of the tea industry in India to such an extent that even fifty years of self-rule, progressive laws and trade unionism have not been able to break it.

The all pervasive character of this colonial legacy becomes much more sharp and blatant when we see a person like H O Barooah, a distinguished planter and former chairman of Indian Tea Association (ITA), while commenting on the impact of militant activities on the tea industry in Assam, saying: “All the militant activities have not been able to break down the system of management and discipline among workers in tea gardens. The system is working since the days of the British administration. We must give credit to the British planters who had laid the foundations of this system. The discipline percolates down to the lowest level.”²²

²² Times of India, New Delhi, 30 September 1998

Field Report from North Bengal

There are 453 tea estates in West Bengal covering 1,03,008 hectares and employing 2,82,806 workers in 1997²³, all in the northern part of the state. Of the 453 tea gardens, 81 are located in Darjeeling, 182 in Terai and 191 in Dooars. According to the official data, 86.23 per cent of the workers are resident workers, i.e., they live within the tea estates.

TABLE 1: NUMBER OF TEA ESTATES AND WORKERS IN WEST BENGAL, 1997

<i>Location</i>	<i>Tea Estates</i>	<i>Resident Workers</i>	<i>Outside Permanent Workers</i>	<i>Outside Temporary Workers</i>	<i>Total Workers</i>
Darjeeling	80	54459	4200	4100	62759
Terai	182	24228	2000	8700	34928
Dooars	191	165200	4608	15311	185119
Total	453	243887	10808	28111	282806

Source: Tea Statistics 1998-99, Tea Board of India

The data provided by the Labour Department, Government of West Bengal for the same year gives a figure of 2,58,189 daily rated and monthly rated workers employed in 275 registered tea plantations in the state. The discrepancy can be because all the tea estates might not be registered with the Labour Department.

The fact finding team visited tea gardens in Darjeeling, Terai and Dooars to obtain information about the condition of workers and the status of implementing of the Plantation Labour Act, 1951. Following tea estates were visited by the team:

1. Chandmoni Tea Estate, Terai.
2. Makaibari Tea Factory, Darjeeling Hills.
3. Singtom Tea Estate, Darjeeling Hills.
4. Kalchini Tea Estate, Dooars.
5. Rheabari Tea Estate, Dooars.

In the tea gardens, the team interacted with the workers, the trade unionists, educationists, nurses and the public. The team also met Mr. Ranen Dutta, Secretary, Darjeeling Planters' Association to get the employers' perspective.

²³ Tea Board of India. (2000). Tea Statistics 1998-99. Kolkata: Ministry of Commerce and Industry, Government of India.

TABLE 2: SOME BASIC FACTS ABOUT TEA GARDENS VISITED BY FF TEAM IN WEST BENGAL

<i>Sl. No.</i>	<i>Name</i>	<i>Gross Area (Hectares)</i>	<i>Net Area</i>	<i>Daily rated Permanent Workers</i>	<i>Monthly Rated Workers</i>	<i>Total No. of Workers</i>	<i>Production ('000)</i>	<i>Land Labour Ratio*</i>	<i>Produce Per Hectare</i>
1	Chandmoni [#]								
2	Kalchini	1152	727	1746	192	1938	9.29	0.8	1.28
3	Singtom	631.3		578	16	594	0.08		0
4	Makaibari	570.2	270	608	87	695	1.03	1	0.38
5	Rheabari	316	310	766	88	854	6.55	1.1	2.11

Source: Labour Department, Government of West Bengal, 1997

[#]Figures not available for Chandmoni tea estate from the source

*Land Labour Ratio computed by dividing total number of workers by net area multiplied by 2.4710 being the conversion factor of a Hectare into an Acre

Chandmoni Tea Estate, Siliguri

On February 11th, in an open ground in the estate premises, the team met with the workers, including large number of women workers, of Chandmoni Tea Estate. Chandmoni Anti-Eviction Joint Action Committee (CAEJAC) facilitated the meeting. The committee was formed in 1997 by a few external individuals concerned about what had been happening to Chandmoni tea estate.

The estate was set up in 1925 and registered in 1929²⁴. The ownership changed hands at least thrice and was currently owned by Mr. Dipankar Chatterjee. According to a memorandum of understanding reached between the government of West Bengal and the Chandmoni Tea company Limited, 406.64 acres of the land of the tea estate would be acquired by the state government and transferred to a new company promoted by Chandmoni Tea Company limited for development of a satellite township near Siliguri. The team was shown notices issued by the local administration reiterating that the estate had been acquired by the new company. CAEJAC showed the team a notice issued by the deputy manager of the company transferring hundred workers to Subalbhita Division of the estate.

Number of workers and wages: There are 248 permanent workers in the estate, out of which 132 are female workers and the remaining 116 are male workers.²⁵ We were told that there was no child labour but there were adolescents working in the estate. However the workers admitted that during peak plucking

²⁴ As informed by the workers and CAEJAC

²⁵ As stated by Gondra Munda, a worker

season, children work but only for eight hours and were paid Rs.10 to Rs.15 as wages.²⁶

The workers disclosed that since 1975, they were being paid equal wages. The wages are paid weekly.

Women workers: There were large numbers of women present at the meeting. Though only few women spoke out loud, almost all of them were forthcoming on the queries addressed to them. They said that women got maternity leave of three months with full wages. However there was no crèche facility for the infants. The PLA provided that a plantation having 50 women workers or 20 children below the age of 6 years must provide a crèche. Chandmoni employs 116 women workers.

Trade Unions: The Team could not meet any trade union active in the tea plantation. Workers said that there were four trade unions active in the estate. None of them were active as the workers were disillusioned when the trade unions advised them to leave the estate.

CAEJAC is the only group, though not a trade union, mobilising workers to oppose the eviction orders issued by the management. Some of the members of CAEJAC are associated with an environmental NGO. The leaders of the committee are not working in any capacity in Chandmoni. In that sense they are outsiders. However apparently they have the workers support because they are sympathising with the workers stand of not leaving the estate. The team met with the committee and asked them about the present situation at Chandmoni. Abhiranjan Bhaduri, General Secretary of the CAEJAC contended that the acquisition of Chandmoni land and construction of a township on it was violating the town plan and was adversely affecting the land use pattern. Destroying the tea plantation would be an environmental disaster with the big chunk of greenery disappearing. However, the committee members felt that the increasing trend of tea estates using their profits to buy more land for tea cultivation elsewhere is hazardous to the environment! The CAEJAC representatives also pointed out that the new tea plantation at Shubalbhitia was encroaching 5 km in to the notified Mahananda Wildlife Sanctuary.

The CAEJAC representatives said that the management intentionally allowed the tea estate to deteriorate and often declared lockouts. However last year they declared 20 per cent bonus for the workers. The claim of the management that the tea estate was no longer a profitable proposition fell hollow in the light of the disbursal of bonus to the workers. The CAEJAC representatives admitted that there had not been any move to run the estate as a workers' co-operative. The committee was planning to challenge the acquisition. The committee members averred that two more tea estates (Dagapur and Mattigarh) might also go the Chandmoni way.

²⁶ However the data received from the West Bengal Cha Mazdoor Sabha pegs the total number of workers as 626 out of which 308 are permanent workers and 318 are temporary workers. Out of the 308 permanent workers 176 are males and 132 are females. It maybe that these figures could be of the time when the estate was functioning profitably.

Present Condition of the Estate: The local trade union leaders told the fact finding team that Chandmoni was the most controversial estate in the region. The estate is in the state of neglect for many years. Most workers traced the decline of the estate to the decade between 70's and 80's when the then owner refused to invest part of the profits into improving the estate. In the off-season (September to February) the owner would declare a lock out. No work essential for maintaining the productivity of the tea plants such as pruning etc was undertaken. Workers felt strongly about this issue. "Had the management allowed them to prune the plants on time, the estate would still be in a working condition", said Lalu Oraon, one worker. No new workers were hired since 1978 and the owners declared lock outs during the off season. When we asked the workers how they managed to survive these lean times, they said many of them found work in the city as casual labourers. The lock out lasted for 18 months during which the workers were not paid their wages and ration. The workers could find alternative employment only because the tea estate is situated near the city of Siliguri. At present the only work that is going on in the estate is of clearing the weeds, deep hoeing and plucking.

Workers are also resentful after the management issued a notice transferring 100 workers to a sister concern called Subalbhita tea estate on the outskirts of the city. In the early part of 1999, 56 more workers were ordered to shift to the new estate. Workers complained that Subalbhita is a new plantation and the management has not even deemed it fit to provide basic facilities like housing and health care. If any one took ill then there is no transportation available to ferry the sick to a hospital. Workers showed the fact finding team some photographs of the new plantation. There were rows of bamboo houses and one could see that the tea saplings had just being planted. Many workers said that they were refusing to shift. The workers strongly identified with their present location, where they had been for a long time. The mood that prevailed is one of despair laced with stubbornness at the thought of being uprooted. One must not forget that the workers are descendants of tribals brought to the tea plantations over a century back. They expressed a feeling of being permanent refugees. There is also a feeling of betrayal when they narrated how nearly 80 workers shifted to the new estate. "We were told that these workers were bought by the management who tempted them with money", said Sujata Khalko, a woman worker. The workers are emphatic that they would not shift. However the women were vocal in criticising their men folk. They felt that the men are likely to change their minds should the management tempt them with money.

Drinking Water: Sec 8 of the Plantation Labour Act (PLA) states that the employer is bound to provide sufficient drinking water at places nearer to the worker's residence. Rule 10 of the West Bengal Plantation Labour Rules (WBPLR) further elaborates that drinking water is to be provided from taps connected with a public water supply system or from any other source approved by the Chief Inspector of Plantations. If the drinking water is supplied from the latter then care is to be taken that it is potable. The employers has provided few wells for drinking water but since they are not adequate in number the workers have made wells for themselves too.

There is no hand-pump and before the workers constructed the wells, they relied on fetching water from the nearby river.

Toilets: There are no toilets for the workers. Instead many of them go to the river side. This is in direct contravention of the PLA, which states that the labour lines must have separate latrines and urinals for males and females, which must be properly maintained and cleaned. The Rule 15 of WBPLR specifies that every plantation must have one latrine for every 50 acres of cultivated land and half of these latrines must be for females. The employer must also ensure that pucca drains are constructed for clearing grey water.

Electricity: The workers disclosed that not even a single house had electricity.

Hospital: Though the hospital does exist, it is merely to fulfil a formality. A doctor visits thrice in a week. A compounder is however present at all times. Few drugs are available but most of the time, workers have to purchase the drugs from outside the estate. Rule 22 of the WBPLR says that any plantation employing 1000 workers or

HOUSING UNDER WEST BENGAL PLANTATION LABOUR RULES

The Housing Advisory Committee of the Government of West Bengal under the West Bengal Plantation Labour Rules has specified the dimensions of workers houses. There shall be two rooms, one of 10 feet by 12 feet and the other of 8 feet by 10 feet. One kitchen of 4 feet by 6 feet, one veranda of 4 feet by 6 feet. Houses must have separate latrines. The houses will have walls of cement and brick with roof of corrugated iron or asbestos.

more would have to provide a hospital for its workers but if there are less than 1000 workers, the plantation has to run its own dispensary.

Housing: Most houses are kuchha though there are a few pucca ones. No new pucca houses have been constructed and the workers are given polythene sheets to cover the roof of huts made out of bamboo. From where the team was standing, we could see lines of bamboo huts. Not a single pucca house could be seen in the vicinity. Any worker who has put in six months or more of service is entitled to rent free accommodation for himself and his family. The Housing Advisory Committee of the Government of West Bengal under the West Bengal Plantation Labour Rules has specified the dimensions of workers houses. There shall be two rooms, one of 10 feet by 12 feet and the other of 8 feet by 10 feet. One kitchen of 4 feet by 6 feet, one veranda of 4 feet by 6 feet. Houses must have separate latrines. The houses will have walls of cement and brick with roof of corrugated iron or asbestos. The Plantation Labour Act also makes it mandatory for the employer to maintain the houses.

Ration: The workers gets wheat, rice, fuel wood and kerosene on a weekly basis. They admitted that they received ration regularly.

Singtom Tea Estate, Darjeeling

In Darjeeling hills the team visited Singtom Tea Estate, more than 80 years old and owned by Calcutta based Camellia Tea Group Pvt. Ltd., which also owned Steinthal tea estate. The team was taken to this estate by K.V Subba who is the president of Darjeeling, Terai and Dooars Cha Kaman Mazdoor Union, formed in 1996 and now affiliated to AITUC. The union has over 10,000 members, mostly from the Hills. T M Rai of Darjeeling Terai Dooars Chai Kaman Staff and Sub-staff Association, with a membership of 2000, was present during the discussions.

Workers: According to Darjeeling, Terai and Dooars Cha Kaman Mazdoor Union, there are 846 workers in the estate which is spread over 260 hectares. However, these figures did not tally with the figures given by the State government's labour department, which said that the tea estate with an area of 631 hectares employed only 594 workers.

Dispensary: The team visited the dispensary on the premises of the estate. It is in a shabby condition. The wooden planks in the ceiling are devoured by termites and hanging loose, there is one bed in a small room which is broken and rusty. As one enters the dispensary one is greeted by a smell of decay and neglect and the only medicine visible is one-quarter full bottle of Dettol antiseptic and red tincture solution. A rusty scissors with a soiled swab of cotton clamped in its mouth is placed upon a dirty tray. This whole arrangement is resting on a wooden shelf, which obviously has seen better days. The only room that is well ventilated, has white washed wall and in essence passed the most orthodox definition to qualify as a room is ostensibly the one that belonged to the compounder. However he was missing. The room is neat, the cotton roll visible is kept well covered and there is some kind of heater or stove with a pan, perhaps to sterilise his tools of trade. There is nothing to suggest that it is more than a first aid box rather than what it is claimed to be. The workers as well as the trade union leaders said that there were no medicines in the dispensary. Even for minor ailments, let alone for serious ones, workers have to buy the medicines from the market. All the workers we talked to testified that the company arranged for transporting any injured or sick worker to nearby Sadar hospital. Singtom does not have a hospital or a well-equipped dispensary. Even the facility of transporting an injured or sick worker is available to the worker and not to his dependants. Both, the PLA and the WBPLR are clear that irrespective of the number of workers they employ, the employers must provide free medical facilities to the worker and his/her dependants including dependant parents. It might be noted that for female workers her dependants are her children only.

Canteen: Sec.11 of the PLA clearly laid down that any plantation employing 150 or more than 150 workers must have one or more canteens from where the workers can buy tea and snacks at reasonable rates. The WBPLR states that the canteen must be run on a no-profit basis. There is one canteen in Singtom. A handicapped member

of a worker's family is running it and the only assistance coming from the management is the generous contribution of half kg of tea leaves per month.

Ration: Each worker gets a ration of 3 kg and 300 gms.

Wages: Workers gets a wage of Rs.32.30 per day for plucking 8 kg of tea leaves. If they pluck over the minimum limit then they receives an extra leaf price, which varied from Rs.1.25 per kg to 90 paise depending on the season. Usually, we were told, that the extra leaf price went down during the plucking season.

Housing: The team was taken to see the labour lines at Singtom. We climbed a rather strenuous stretch of kuchha road to reach the venue. There are clusters of houses made with bamboo and mud and with the roof covered with polythene sheets at some places or with tin at other places. We were told that all the houses with tin roof are constructed by the company, though from 1985 no new houses has been constructed. A pucca house is called a company house and is characterised by mud walls, bamboo support, tin roof and mud floor. The kuchha houses are built by workers, but they receive bamboo etc from the company. Trade Union leader A.K Rai said that there were 40-50 pucca houses and the remaining 450 to 460 houses were all kuchha. There are a total 500 houses in the labour lines. The houses are all scattered through out the estate. From the height where we are standing we can see a cluster of houses. There are very few pucca houses visible.

Drinking water: At Singtom workers have made arrangement for water on their own. Water is drawn with the help of pipes from a spring nearby. The local union leader said that there were two water tanks from where water was supplied to the labour lines but it appeared that it catered to a limited number of houses.

Toilets: There are no toilets provided by the company at the labour lines. We were told that workers depended on their own resourcefulness to take care of the need. There are two toilets near the factory constructed by the company. These toilets cater to 150 factory workers. These consist of a corrugated tin enclosure and roof. The floor is covered with weeds, loose soil and few pieces of brick and rotten wood littered here and there. There is unbearable stench of urine wafting from this enclosure.

Recreational facilities: Sec.13 of the PLA and Rule 39 of the WBPLR directs the employer to provide and maintain recreational centres for workers which will have provisions for outdoor and indoor games. If space permits the employer must build play ground for adult and child workers with necessary sports equipment for outdoor games.

At Singtom there is no facility of this kind. There is a community hall under construction within the tea estate premises. The local MP has allocated money from his development fund to construct the community hall.

Trade Unions: As has been the pattern in tea industry all workers are unionised. There are three trade unions in Singtom. Local trade union leaders told us that almost all tea estates in Darjeeling Hills had declared a lock out at one time or the other.

Lockouts are used as a strategy by the employers to bargain with the workers. If a lock out lasts for long, the workers, desperate to work and earn money, agree to work on employer' terms. In Singtom itself, the workers demanded construction of pucca houses, medical benefits for the dependants, payment of wages on time and facility of *badli*²⁷. The owner declared a lock out. He agreed to lift it only if the workers agreed to his condition of producing 1,60,000 kg of tea.

The local trade union leaders are vocal on the apathy shown by major trade unions to the plight of tea plantation workers. The government machinery also disillusiones them. Despite the fact that there are laws, trade union leaders feel that the employers escape punishment for violating it or the punishment is too little to have any deterrent effect on them. If the labour department is approached, it takes numerous notices by the department to get the employers to the take any notice. Even then many employers tend to ignore the notices. K.V Subba went to the extent of saying that going to the courts was reflective of their helplessness where there was no other option but this. Going to the Court means expense, lose of man days and after the directions are issued by the court, again approaching the court for implementing them.

Schools: There is one junior high school in the estate. However two young workers the team talked to, Rakesh Rai and Shamish Dewan said that most families preferred to send their children to schools in the town. Both these young men have studied up to higher secondary. Nearly 50 per cent of their peers have passed high school and many of them look for jobs outside. Few are in the army, a few in small government job and still few worke in the town. Both these boys are born in the estate and are now working there. One of them, Rakesh Rai, admitted that he tried looking for jobs outside the estate and did not succeed. Finally he started working in the estate as a PF clerk.

TABLE 3: LITERATE POPULATION IN THE TEA GARDENS VISITED

<i>Tea Gardens</i>	<i>Percentage of Male Literates</i>	<i>Percentage of Female Literates</i>	<i>Percentage of Total Literates</i>
Ria Bari	18.12	2.66	10.44
Kalchini	43.67	21.00	32.67
Singtom	52.76	24.98	38.80
Makaibari	50.45	24.87	37.49
Source: Census 1991			

Women workers: The Team were told that women get maternity leave of three months with full pay. The trade union leaders were unable to provide any estimate of the number of women workers. However Singtom boasts of having on its roll one female supervisor out of 7 to 8 supervisors. Normally there are 4 supervisors but their number has gone up to 7 to 8 in the peak season.

²⁷ The practice of employing a family member of a worker after he/she retires

Comments: Trade union leaders and workers endorsed the fact that there was increasing casualisation of labour force. Many of the workers we spoke to began working as casual workers. Few of them are made permanent after some years. Almost all the casual labour force are drawn from the workers families and hardly any outsider is hired as a casual worker. Employers are able to avoid providing or paying for benefits to those workers because they are casual. The Workmen's Compensation Act also defines a workman as someone who is not a casual worker.

Another issue highlighted by the trade union is the non-payment of wages, gratuity, Provident Fund (PF) and other benefits to the workers. According to a document supplied by the trade union the company has not given gratuity to workers during the period 1989 to 1992 and 1993 to 1995 to the tune of Rs.10,00,000.00 and PF during the period March 95 to October 95 to the tune of Rs.8,30,000.00. Besides, the estate has to pay outstanding salaries, wages, ration, gratuity, sickness and maternity benefits and other payments to some of the workers.

Kalchini Tea Estate, Jalpaiguri

The team visited the Kalchini Tea Estate in Jalpaiguri on 14th February. The Team visited the labour lines and met the workers and their families. According to the workers there are 1800 to 1900 permanent workers in this plantation. This, again, do not correspond with the labour department figures, according to which, the total number of workers – monthly rated as well as daily rated - is 1938. Casual workers are hired during peak season.

Houses: Kuchha roads led the Team to the labour lines. There is a cluster of bamboo and mud huts in a neat row. Nearly 15 workers and their families live in one labour line. That particular labour line ends in an open nullah and beyond that nullah are more houses where the workers live. Joining the two is a tree trunk placed diagonally which one can use to reach the other side by carefully observing a balancing rope trick.

The company has not provided houses to everyone. However it provide the workers with raw materials and labour to construct the houses. The materials provide included bamboo, wood and tin. A mistry is sent by the company to construct the houses.

Toilets: There are no toilets in the labour lines. Workers use the tea plantation area for their ablutions and few have made bathrooms by covering a small space with old clothes. The workers disclosed that there are toilets for the babulog (officers) in the plantation.

Water: The company has provided the labour lines with water supplied through pipes. That facility is provided to a limited number of houses. Majority of the workers collect water from central water points. Few have illegally drawn water pipes in their homes. The company supplies water regularly three times a day.

Wages: The minimum daily wage rate is Rs.30.60p and wages are paid fortnightly. Sunil, 19 years, got work in tea garden as a badli to his father when he was studying in

the 7th standard. He explained, “I quit school and started working as a plucker because my father could no longer work. He gets fever again and again. I work from 7.00 am to 3.30 pm and I am paid Rs.350.00 for two weeks. And I have to spend Rs. 150 - Rs.200 monthly to buy medicine for my father. There is no plucking during off-season, when things become very bad”.

Hospital: There is a hospital in the tea estate. The hospital is an old building in a reasonably good shape, though it has its share of thick layer of cobwebs hanging from every inch of the ceiling. There are two wards with 8 beds each. One ward for the males and the other for females. Besides that it has a maternity ward, TB ward and dysentery ward. There are two doctors residing near the hospital and a compounder. The Team met the compounder. According to him the most common diseases with which the workers suffer are malaria, dysentery and leprosy. There are also cases of TB. Interestingly almost all the workers the Team talked to reported that TB is the most common disease. A 19-year-old worker Vijay said that his father died of TB while his mother and elder brother suffer from the disease. The workers also said that TB was not treated in the company hospital but company provided transportation to take the patients to a nearby hospital. The compounder said that leprosy was treated in the hospital. The government provides medicines for the same. Regular camps are held for pregnant women, postnatal care and for cataract operations. There is a labour room and another operation theatre for performing minor surgery. The operation theatre is well maintained with freezers and cupboards to store the medicines and equipments. The only eye sore is the mat covering the operation table, which is splattered with dried bloodstains. There is a hospital kitchen. When the Team visited the hospital the kitchen has been locked. The exterior is very shabby with naked bricks peeping from a thin coat of paint. The toilets are very dirty, with stench of urine and moisture laden walls.

Schools: There are three primary schools and one high school in the tea estate. There are number of children hanging around when we visited the labour lines. They said that teachers come regularly. Each school comprise of one big room with all classes held simultaneously in their respective corners. The children sit on the floor. The school provides books.

Ranjit, who plucks tea leaves said that his five-year-old daughter refused to go to the school after the teacher beat her. The other children also testified that the teachers often beat the children.

Ration: Workers get 4 kg of wheat, 2 kg of rice and wood per dependent adult at regular intervals. For each child they get 2 kg of wheat and 1 kg of rice. For a male worker his dependants include his wife, children and parents. For a female worker her dependants include her children only. They get this ration once a week. Sometimes the quality is good and at other times it is not.

Crèche: There are no crèches in the plantation though there are large number of women workers.

Recreational facilities: There is no clubhouse but there are two playing grounds where the workers and/or their family members play football. Every 26 January, the company organises sports competition featuring sports such as 100m race, long jump, short jump etc. The children emphasised that the company also distributed prizes.

Trade Unions: There is more than one trade union in the plantation. Workers were asked if the unions worked to their satisfaction. There was a mixed response to this query. It appeared that in some matters like getting the management to repair the house, the unions help is sought and the work gets done. In other matters like arranging the appointment of a worker's family member in place of the worker (*badli*) or improving the quality or availability of ration, one worker said the unions often could not help.

Comments: Workers at Kalchini said that injured workers got compensation and were treated at the company's expense. One worker elaborated that by saying that if any worker's hand or fingers were severed then he was paid Rs.1000, company arranged for his treatment and when he rejoined he was given a light work for example that of a chowkidaar (watchman). One worker said that if any worker fell sick or was bitten by a crab he/she got 1 to 2 days off with full pay.

It was interesting to note that a female worker's dependants are her children. She does not get ration if her husband or her parents, dependent on her, are sick or infirm.

Rheabari Tea Estate, Jalpaiguri

On the same day the Team visited the Rheabari Tea Estate late in the evening. It is spread over 316 acres and employs around 854 daily rated and monthly rated workers. However, the West Bengal Cha Mazdoor Sabha puts the figure at 1142 with 868 permanent workers and 274 temporary workers. They also said that 60 per cent are women workers.

The Team visited labour lines and met the workers. The Team also saw the crèche, school building and water supply system. We were advised us not to visit the tea estate at that time. It was Sunday and late in the evening and they said almost all the men would be drunk and there could be violent scenes. Despite the warnings we decided to press ahead. As we enter the Tea Estate, we see a large gathering of may be 500-750 men in an open space. We were told that this is a place where the men gather to drink and play cards on the weekend. There are a few women who are present there in the capacity of liquor vendors. Beside them there are no other women in sight.

Lalit Kumar Jha, working as a Supervisor also happened to be the leader of the local trade union who took us around the area. In plucking season nearly 150 casual workers are employed. Interestingly there is another category of workers called 'permanent casual workers' who are employed every time a need for hiring any casual worker arose. Those workers are people who have developed skills by working for a long time and during peak season they are hired to work mostly in the factory. Lalit said that that was done to increase productivity. There are 50 such permanent casual workers.

Wages: The workers are paid Rs.32.30p for plucking 24kg of tea leaves as daily wages. If some worker was unable to pluck that minimum amount then no deductions from his/her wage were made. The extra leaf price was 32 paise per kg.

Hospital: The nurse, Nima Lamu who escorted the Team during visit to the estate, provided information about the hospital. There is one hospital with 1 doctor who stays in the estate, 1 trained nurse, a midwife, health assistant, compounder, dresser, medicine carrier and cook. The hospital has 20 beds with an OPD. The operation theatre doubled as a labour room. During the peak season the hospital treats 200 to 250 workers.

The most common ailments are worms, anaemia and TB is also reported. Nima felt that TB is increasing as the workers do not maintain hygiene and had close contact with the patient which only spread that further. The children usually suffer from diarrhoea, mumps and glandular fever.

The hospital provides treatment to the worker and his/her dependants. For a male worker his dependants are his widowed mother, wife and children. For a female worker her dependants are her children only.

Creche: There is one creche with 2 caretakers. There are 10 children to whom milk is being given once a day. It consists of one room and though it is a pucca structure though it's exterior looked shabby and semi-dilapidated.

School: There is one school up to class IV and there is one teacher. Very few children go to the company school. Laloo Paswan, a vivacious six-year-old said that no teaching takes place in the school. There are 300 children on the rolls of the school but majority attend a nearby missionary school. The company provides the children with transportation. It is difficult to imagine the present school building comprising of single solitary room being able to accommodate even 50 students. Workers complained that a new teacher has not being appointed in place of the one who retired. In fact one worker was insistent that the Team should help them in getting another teacher. He pleaded and indicated towards his four-year-old daughter saying that her future would be ruined if the company school does not get another teacher.

Many teenagers we met said that they never attended the company school. Many of them are visibly concerned by the fact that there is no college nearby. It is a bleak prospect after finishing school. The predominant feeling amongst the boys is that they do not want to end up working in the estate. At least not at the same job as their fathers. They are keen for college education because within their own community they have examples of boys who have secured jobs at the management level and done well for themselves after getting college education.

Housing: The company provides rent free accommodation to all workers according to the workers. The Trade union leader, Lalit said that nearly 70 per cent of the houses are pucca. Most of the houses the Team visited are kuchha, being made of bamboo and mud. The company provides kuchha houses as well. The pucca houses the Team visited are well constructed. Both type of houses are maintained and

repaired by the company. The roads are kuchha and at many places the houses have open drains running parallel to the periphery of the housing lanes.

Electricity: Electricity and electricity sub-meters are there in almost all the pucca houses but not in the kuchha ones. In fact when the Team visited Kuchha houses, the workers and their families hurriedly arranged for sufficient lamps and candles so that the team members could write.

Recreational Facilities: There is one club house but it is in a bad condition. Workers do not use it any more and it has been lying in disrepair since a long time. There are two playing grounds but in a state of neglect. The teenagers we met were critical of the state of affairs and said that the ground is often soggy and pigs are the only creatures who make use of the grounds.

Toilets: Only pucca houses have toilets. Kuchha houses do not have toilets. Workers and their families use the fields nearby for this purpose and they take bath in the open by carrying water near their homes. That explained large pools of stagnant grey water around the quarters.

Water: Water is supplied from a deep tube well. It is not supplied in to the labour lines, though few pucca homes belonging to the sub-staff have water taps. There is a central water tap from where the water is collected by the workers. The area around this water tap is dirty with large pools of stagnant water and sodden earth. The particular water tap we saw catered to 30 households. Water is supplied three times in a day at regular intervals.

Last year there has been an outbreak of gastro-enteritis in this area of North Bengal and large number of workers died. According to the nurse nearly 12 to 14 people died in Rheabari. However Nima was quick to dismiss the outbreak as a storm in the teacup and insisted that the workers who died had in fact picked up the disease from the neighbouring estate where 100 workers died.

Trade Unions: There are three trade unions active in the Tea Estate. The most powerful Trade union with largest number of membership is the West Bengal Cha Mazdoor Sabha affiliated to Hind Mazdoor Sabha. The subscription fee for a Trade Union membership is Rs.25 which is collected from the workers in instalments during peak season. The trade union leaders from one union were present when we visited the estate. Lalit, the leader of that union admitted that they are not well informed about the PLA or the WBPLR. When asked if they had ever approached the Labour Court, one leader replied that occasion never arose. The management agrees to do the needful when the Trade Union threaten to go to the Labour Court. When asked to elaborate, he enumerated two cases where with the threat of approaching the Labour Court ensured that the workmen or their families received compensation under the Workmen's Compensation Act. One case was of a worker who died two weeks after a leopard attacked him. The Trade Union took up that case after two years and was able to make sure that the deceased worker's family received a compensation of Rs.59,000. In another case a labourer died due to snake bite and his

family received a compensation of Rs.46,000. In both these cases the management had refused to entertain any claim of compensation and in both these cases the threat to approach the Labour Court worked.²⁸

When asked if the union had ever taken up the issue of implementing the welfare provisions under PLA with the management, Lalit replied that normally a charter of demands is presented to the management and negotiated. If, for example, there are 10 demands, then may be the first six are important and on that priority basis an agreement will be arrived with the management where the union agrees to put on hold four demands and accepts the management's stand of fulfilling only six demands. The four unmet demands are carried forward to the next year.

Women in the garden: Earlier, it has been mentioned about the weekend drinking sessions that the men indulge in. Nima and few trade union men said that the drinking bout often ended in the men hitting their wives and children. Domestic violence is a major problem which occurs in almost every home. Nima said that sometimes the women are beaten so severely that they couldn't move for days. Often times a woman might find herself being thrown out of the house for the night. She said that it is not uncommon for a male worker to sell the ration in the open market and buy liquor.

Meeting with Darjeeling Planters Association

The fact-finding team had agreed that it was important to meet the employers as well as the Labour Department officials to get a balanced and complete picture relating to the working conditions of tea plantation workers. The extensive travelling involved meant that the team reached late in the evening and the managers had left for the day. Almost all the owners of the tea estates were not living in the estates. It was not possible to meet them in the time span at our disposal.

The Secretary, Mr. Ranen Datta of the Darjeeling Tea Planters Association at Darjeeling said that 76 tea gardens are members of the association. He was asked about his reaction and the association's stand on the Fair Trade programme. He observed that this is a European group which believed that consumers in Europe should pay a little more on the purchase of tea, so that the extra money generated can be channelled towards the improvement of tea estates i.e. for workers welfare. Tea Estates in India are invited by this group to become members by answering certain queries and to receive money from the group. Mr. Dutta stated categorically that the association had no role to play in this. It is an agreement between individual buyers and sellers. However he was sceptical about the arrangement dismissing it as ethically

²⁸ However this could be seen as an agreement between the worker's family and the employer because the WCA is clear that in a case where the worker dies, the compensation amount must be deposited with the Labour Commissioner who will make further payment to the family. In no case can the employer pay directly to the relatives. The first case of the leopard strike was taken up after two years, therefore it is outside the purview of the WCA. Under the WCA any claim for compensation must be made within a period of two years from the date of the death of the worker. In the second case by paying the money directly to the relatives the employer has escaped the liability of paying the right amount of compensation. WCA lays down the method for calculating the compensation amount due to the relatives and it is any body's guess that it would have been decidedly more than what was given to this particular worker's family.

and intrinsically wrong to take money from outsiders. He felt that there is no accountability and transparency in this transaction and instead of charging from the customers and then sending it back, a European buyer should pick up tea from the Indian market at higher prices. Ranan Dutta was informed about an allegation that some tea estates had used that money to buy jeeps for the management staff. However Mr. Dutta said that he had information that the money had been used by tea estates to provide workers with pressure cookers, gas, for purchasing cattle and for construction of schools.

On the issue of child labour Mr. Dutta was emphatic that no children are employed in Darjeeling at least. He even went to the extent of saying that adolescents are also not employed. The reason for this according to him is that the topography of the area does not permit a child or adolescent to work. The hill slopes on which the tea was planted were very steep. Not a valid argument because the Team visited one tea estate in the Hills and had the opportunity to see many more as we travelled through the area. There were sizeable chunks of land under cultivation, which were not so steep as to make it impossible for a child to work on. If children were not employed, and indeed workers at Singtom did remark that children were not hired as there were too many adults willing to work, it was not because of the topography but clearly because there were number of schools around to which the children could go.

He was also critical of the existing labour laws, which complicated hire and fire rules for the employer. He claimed that it was extremely difficult for an employer to prune surplus labour force, which made the plantation an unprofitable venture. The trade unions also played an important role in this regard and prevented the management to undertake any remedial steps to make the plantation a viable proposition again. Incidentally he observed that women were more suited to handle the work of plucking tea leaves as their fingers were very sensitive!

We were keen to know the role of the association in ensuring or monitoring the implementation of various welfare measures for the workers under the PLA and WBPLR. Mr. Dutta was very cautious in replying and defended the 'failure' of tea gardens to fulfil those requirements. He said that most tea gardens are facing acute fund shortages as the profit margins have gone down by virtue of the fact that tea auction prices have gone down. He also juxtaposed the present condition of government hospitals and schools next to the health facilities and schools provided by the tea gardens and implied that even the government had failed to deliver those basic services to the citizens. By that logic the tea gardens stand exonerated!

Mechanism of Collective Bargaining

In West Bengal tea industry, collective bargaining is done on a tripartite basis. Workers are represented by the Co-ordination Committee of Tea Plantation Workers and Defence Committee for the Rights of Plantation Workers, comprising 32 trade unions. The employers are represented by Consultative Committee of Plantation Associations (CCPA) comprising Indian Tea Association, Indian Tea Planters' Association, Tea Association of India, Terai Indian Planters' Association and

Darjeeling Planters' Association. The Government of West Bengal acts as the third party. All wages are negotiated and valid as per tripartite agreement.

Condition of Women Workers

Women formed a large number of the workforce of migrants who were settled in West Bengal and Assam. As had been mentioned earlier in the report, majority of the workers hailed from tribal areas of central and eastern India. More than a century back women reached the tea gardens either with their families or as single woman most probably travelling with a group of fellow villagers. The single women were either widows or had been abandoned by their husbands or their husbands had left in search of livelihood elsewhere. Upon her arrival the single woman was either adjusted with their relatives who were already working in the plantations or she was settled as a 'family unit' with a single male migrant. This mode of settlement was intended to encourage reproduction. (*Dagmar Engels, 1996*) The presence of women was very important for the planters - not only as source of cheap labour (as they were always paid less than the men for the same kind of work) but also by their inclusion the 'family unit' was complete and the latter allowed the incorporation of gender ideology connected with differing social formations. While what the man earns is always seen as the key source of family income and he is regarded as a breadwinner, what the woman earns is considered as contributions to the family income and not the earnings of a single individual. This is just one of the many effects of locating women in the sphere of 'family units'. It worked to the advantage of the planters. The very concept of family-units was responsible for adoption and prevalence of the method by which the minimum wage rate was calculated and arrived at. Much before any attempt was made to arrive at any form of wage rate in a formalised manner, the concept of family based employment was important for the planters when viewed from the lens of supply of cheap labour as children and women were always paid less than adult men. Moreover, the planters paid emphasis on women's reproductive role in the early years of this century. (*Dagmar Engels, 1996*) In Dooars women were paid Rs.5 or more as 'baksheesh' if they gave birth to a child. They were also paid a small reward on the child's first birthday. The 'birthday reward' was to motivate careful nursing in order to bring the child through the most dangerous period towards the end of the first year. Tea-garden owners paid maternity benefit not for the sake of women, but for the sake of a regular labour supply.

During the field visit, it was observed that women workers are condemned to do a particular kind of work. That mostly happens to be plucking the tea leaves during peak season and weeding and hoeing during off-season. In that sense the work is divided along gender lines. Absence or inadequacy of crèche facilities adversely affects her work efficiency. Poor nutritional intake, burden of house hold chores and collecting firewood for which she usually has to go long distance explains why women have no time or energy for participating actively in trade unions or for that matter rising up in the job. In all the tea gardens we visited, there are no toilets or bathing rooms which means that women must try and make do with whatever is around them with one eye focussed on securing privacy as they go about their ablutions. Poor

hygiene affects men too but women appeared to be more susceptible to picking up infections.

Upward mobility is also hampered by the fact that many women are illiterate. If tea estates do not have primary schools or even if they do, the chances of a girl child attending the same are very slim. Even if she crosses this initial hurdle and passes out of a primary school, the long distance that she might have to travel to reach private schools may act as a deterrent. At least in two tea estates we observed that the company provides transportation to students to attend schools outside the estate. As a result girls are also able to go out and attend the school. From whatever little we saw, it was apparent that the trend is changing and families are relatively more sensitive or open to the fact that daughters too need education.

Despite the fact that there are more women workers than men and more women than men are members of trade unions, women cannot be seen anywhere in the leadership positions of the trade unions. Neither are they on the supervisory posts nor are they office bearers in the Trade Unions.

Field Report from Assam

Assam is the world's single largest tea growing region, producing more than 450 million kgs. of tea annually in 1999. Spread across nine districts, tea is grown on more than 250,000 hectares of land. According to the Government of Assam, there are a total of 8.5 lakh workers in 1,056 tea gardens.

The fact finding team visited the following tea estates, the labour lines and also talked to a cross section of tea workers and trade union activists, intellectuals, Labour Commissioner of Assam and Additional Secretary of the Assam Branch of Indian Tea Association (ABITA).

The Tea Estates

The Monabari tea estate is one of the biggest tea gardens in Asia. It is located deep inside the Sonitpur district along the north bank of Brahmaputra. Biswanath Chariali is the nearest town.

Monabari is run by Williamson Magor Ltd. and is under the managing agency of McLeod Russel (India) Ltd. According to the Assam Sangrami Cha Shramik Sangha (ASCSS), area under tea in this estate is 1102.56 hectares.

Monabari tea estate has a history of nearly hundred years. It was British-owned and notorious for its inhuman and primitive working and living conditions. During the year ending 1920, the monthly rates of wages remained basically unchanged for about a quarter of a century. There was also a decline in average earnings. Monthly cash wages were frozen by the planters in settlement of rice advances made by them. The labour force was reduced practically to the condition of servitude. On October 16, 1920, together with the workers of Katonibari, they struck work. It was followed by looting and burning of the tea garden shops and the supervisory staff was assaulted.

As per ASCSS's records there were 2618 permanent workers in Monabari tea estate including 1500 women workers. During April-October every year, another 2600-strong temporary labour force works in this garden. Around 600 children are also working.

The Bihali tea garden is situated a few kms. north of Monabari and is owned by Bishwanauth Tea Co. Ltd. However, its Guwahati office is notified as that of Williamson Magor's.

This garden was visited by the fact finding team to take stock of the situation arising out of the police firing on the workers in August 1998 in which one worker, Latra Pirza was killed. The team met the widow of the deceased worker. Situation in the garden was still tense and the workers seem to be terrorised.

Baishahabi garden is located 25 kms. away from Jorhat town. Managed by Shew Prasad Surendra Kumar & Co. Pvt. Ltd, Baishahabi is said to be one of the worst managed tea estates in Brahmaputra valley. The workers of this tea garden have been terrorised and are living under constant threat of dismissal from its manager, Ashok Trivedi.

According to Bagicha Shramik Santha (BSS), there are 870 permanent workers and temporary workers number more than 1500. Majority of the workers are women and children are in large number among the temporary work force. The fact finding team came across shocking incidents of sexual assault and harassment on the part of the garden management which has been dealt with in the report separately.

Saraipani tea estate is a native Assamese garden located in Jorhat district, a few kms. away from the Nagaland border. It is owned by Kamala Saikia and managed by M R S Tea Co. (P) Ltd.

The workers reported that this garden employs 750 permanent workers and around 1000 temporary workers. Incidence of child labour is very high in this garden and majority of them are girls.

Sycotta-Dhekiajuli tea garden is a division of the Assam Tea Corporation, a State Government undertaking. This garden is located very close to the Jorhat town near the Tocklai Tea Research Centre. Since 1993, the ATC-run gardens have come under fire for growing mis-management and loss-making.

The Sycotta division comprises of the tea factory and the plantation is under Dhekiajuli. According to Brindavan Karmakar, an ACMS leader, ATC employs 2300 workers here. Number of temporary workers is 200 and child labour does not exist, but adolescent labour is prevalent.

TABLE 4 : NATURE OF PERMANENT LABOUR FORCE IN THE TEA GARDENS OF ASSAM (1993)

<i>Habitation</i>	<i>Adult Workers</i>	<i>Adolescent Workers</i>	<i>Child Workers</i>	<i>Total Workers</i>
Resident	4,52,331	10,007	40,634	5,02,972
Non-resident	1,31,534	3,908	30,484	1,65,926
Grand Total	5,83,865	13,915	71,118	6,68,898

Source: Tea Plantation Labour in India, FES, Delhi, 1996

Tinkhong tea estate in Dibrugarh is managed by Andrew Yule and Co. Ltd., a Central Government undertaking. The workers reported that the estate employs a total of 1242 workers. The Lakhribam division of this garden which the team visited employs 197 male workers, 138 female workers and 80 child workers.

Karangani tea garden located also in Dibrugarh district is owned by Green Gold Assam Ltd. According to ASCSS records, this tea garden employs 750 permanent and 1000 temporary workers. The child and adolescent labour force in this garden is 600.

Hapjan, Hookanguri and Lonsowal tea estates, owned and managed by the Assam Frontier Tea Industries Ltd. are located within a few kms. of the Tinsukia town.

The Hookanguri tea estate has a checkered history of labour struggle. On 27 September 1920, the workers of this tea estate struck work and raided nearby markets run by the banias for cloth and rice.

According to Brij Pradhan, the General Secretary of ASCSS, these three tea estates employ a total of nearly 4,400 permanent workers, more than 50 per cent of whom are women. According to the workers, no children are employed in these gardens. Numbers of temporary workers were conflicting and ranged from 50 to 65 per cent of the permanent workers.

Betjan garden, managed by Gillanders Arbuthnot & Co. Ltd. is also situated very close to the district town of Tinsukia.

Hookanpukhri tea estate, owned and managed by Nandlall & Sons Tea Industries Pvt. Ltd. is located in the outskirts of Tinsukia. The workers reported that there are around 400 child labourers.

The fact finding team also visited the tea garden of a small tea grower in Roogabanaia village of Dirugarh district and met its owner, Satya Chutia. The area of the tea garden is 7 acres.

The development of small tea growers in Assam is a relatively new phenomenon. According to Shri Chutia total of 23,483 small tea gardens spread out mainly, in the districts of Dibrugarh, Tinsukia, Sibsagar, Jorhat and Golaghat. These small gardens produce 17.30 lakh kgs. of tea annually.

Wages and Incentives

The tea plantation areas in Assam have been divided into six zones where in, the first five are in Assam Valley and the last one denotes the Surma Valley comprising Silchar. The bilateral wage agreements of 1993 and 1996 have covered only the Assam Valley and the workers of Surma Valley have been left high and dry. The Assam government, in this respect, has pointed out that two different wage structures for the two valleys were no longer acceptable. "When there was no difference in the salary structure of the tea executives in the two valleys, it was not justifiable."

All the tea gardens visited, being in the Assam valley, follow the wage agreement signed on June 12, 1996. All the permanent and temporary workers are daily rated and are paid between Rs.31.60 and Rs.31.43 per day (according to different wage zones) as on 17 February 1999. The workers get six days' salary in a week with Sunday being an unpaid rest day. A child worker gets half of the adult worker's wage.

Rs.31.60 is the bilaterally agreed wage between Assam Cha Mazdoor Sangh (ACMS) and the tea planters. The workers are entitled to a single increment at the end of each year. There is no scale, gradation or category. Every worker, engaged in the plantation work, is accepted as an unskilled worker. There are slight variations in

case of factory workers who number a maximum of 10 per cent of the total labour force in the plantations.

During the peak season i.e. the plucking season, which is usually between April and October each year, the pluckers, majority of whom are women, are given an incentive of Rs.0.27/kg. of tea leaves plucked over and above the task (compulsory amount of leaves to be plucked in a day) fixed. In some tea gardens, like Saraipani, Karangani and Behali, the plucking is also given on contract @ 0.90 to Re1/kg for the whole day. In Baishahabi, incentive has been stopped since 1995. According to Asha Sabor, a woman worker of Monabari, during the peak season, they pluck around 30-35 kgs. of tea leaves on an average.

THUS SPEAKS ABITA...

ACMS is traditionally very close to the workers
Illiteracy in the Assam tea gardens has been almost eradicated
Wages are linked to productivity
ITA is not in favour of tripartite talks
Real wage of the tea workers is not low
Gastro-enteritis has become a political issue
Most of the tea plantations have piped drinking water
Increase in wages will lead to absenteeism
Tea industry in Assam has started deposit linked pension scheme

A large number of plantation workers in Assam are not provided with pay-slips or any proof of payment of wage and deductions. Nor are they required to sign any salary voucher or register. Only, in Monabari, we found out that every permanent worker gets a computerised pay-slip detailing wage payment, PF and other deductions.

The Equal Remuneration Act was passed in 1976, but wage discrimination between male and female worker was still prevalent in Assam plantations till 1990.

Provident fund, bonus and gratuity

Every permanent worker in the plantations is covered under the PF scheme. But, on retirement, the provident fund dues are not immediately cleared. It some times takes months for a worker to get provident fund dues. According to A K Malakar, the Labour Commissioner of Assam, the phenomenon of PF default in the tea industry is alarmingly on the rise.

Gratuity is still a far cry. Motia Sardar of Hapjan tea garden, retired in 1994. Since then his gratuity had been pending and remained elusive till he died in 1998. Shumeshwar Bora retired as a head mistry from Sycotta-Dhekiajuli tea estate. For the last nine years he has not been paid his gratuity. The workers of ATC-run gardens alleged massive PF default on the part of the Corporation and in December 1998 met the Chairman of ATC in Guwahati and demanded immediate release of PF and gratuity dues. In other gardens also, similar cases of PF and gratuity default came into notice.

Bonus is paid to all the permanent workers but percentage varies between 18 and 20.

Surprisingly, the tea companies in Assam are not providing pension facilities to its workers.. The fact finding team brought this irregularity to the notice of the Indian Tea Association (ITA) and the Labour Commissioner of Assam.

Subsidiary Benefits

Subsidised food grain: According to the Assam Branch of ITA , every permanent worker should be provided with 9.78 kgs. of food grain, including rice and flour, per week (six days), at a subsidised rate. But, amount of food grains actually provided to the workers, vary from garden to garden. In Monabari, an adult worker is entitled to 1.5 kg of food grain for self and each dependent adult and 750 gms. for children up to 12 years. In Sycotta-Dhekiajuli, a male adult is entitled to 3.26kg of food grains, a female adult gets 2.44kg. and children above 8 years are entitled to 2 kg. of food grains while children below 8 years get 1kg. once in every fortnight or 12 days. In Baishahabi, the male and female adults get the same amount of food grains as that of Sycotta-Dhekiajuli but, the children up to 12 years are entitled to 1.22kg. In Tinsukia gardens, children up to 18 years are entitled to subsidised food grains.

It is evident, that the female adult is discriminated against since a lesser amount of food grains is earmarked for her. But, what is not evident is the gross gender discrimination practiced in the distribution of subsidised food grains. It is a common practice in all the tea gardens of Assam to provide for an adult female permanent worker, subsidised food grains, only for her and her dependent children, and not her husband, even if he is unemployed.

Housing: A permanent worker in the plantations is entitled to housing facility of permanent nature, also referred to as pucca house . But, there is perhaps, no tea garden in Assam which provides housing facility to all its permanent workers. The shortfall is more than one-third of the required houses. There are instances where two close relatives have been allotted one single house to accommodate their families. In Saraipani garden, the team met two such brothers. This has, over the years, led to the existence of a large number of non-resident permanent workers in the tea gardens of Assam. These workers leave in bustees that have come up around the periphery of the tea estates and are paid house rents ranging between Rs.20 to Rs.35.

These busteas have come up on khas land where the colonial government, as its policy, tried to settle the time-expired plantation workers. The descendants of these workers now have land of their own and they can cultivate their lands. But, this is not the trend everywhere. Biswajit Chakraborty, General Secretary of Bharatiya Shramik Sabha (BSS), was of the opinion that excess tea garden land should be distributed among the plantation workers to help them settle in a land where their ancestors came nearly a century back. The BSS has conveyed this demand to the Assam government.

Of the existing houses in the tea gardens that the fact finding team visited, there are a fair number of kuccha houses with thatched walls and kuccha floors and walls. More than one third of the labour quarters in Monabari, Hapjan, Betjan and Hookanpukhri have kuccha structures. In Bihali, most of the houses are kuccha. In Baishahabi, Saraipani and Sycotta-Dhekiajuli, majority of the workers live in kuccha quarters.

The workers alleged that the last group of pucca quarters were built 15 to 20 years back and there is no maintenance at all. The roofs are leaking, doors and windows are broken and the houses were not built according to the prescribed norms. Most of the houses have two rooms and a kitchen. Attached latrine is non-existent. In Bihali tea estate, a long line of houses stood with no doors and windows. The workers are using sacks and other covering material to plug these gaps.

Medical facility: There is a complete breakdown of medical facilities in the tea plantations of Assam. In most of the gardens, you will find comparatively clean looking buildings and structures marked 'dispensary' or 'hospital' and displayed boldly as if to send a strong message that things do exist. But, a close look will betray their outside facade. Both the dispensaries and hospitals are unclean, unhygienic and in some cases emanate unbearable stench and stink. Very few gardens have regular doctors on their rolls. However, nurses and compounders are available. But, without proper equipment, facilities and necessary medicines, the available para-medics become useless except in attending to first-aid cases.

Of the 12 tea gardens visited, the Monabarie tea estate offers the best hospital facility. It has a central hospital of 150 beds attached with a TB ward. Four residential doctors including two lady doctors are available. The hospital also employs four nurses including two male nurses.

In Saraipani, there is a 24-bed hospital with two nurses and a compounder. There is a resident doctor but, according to the workers, he is not easily available. However, prescribed medicines are available from the hospital. The Sycotta-Dhekiajuli workers had to struck work in December 1998 to get an assurance from the management for improved medical facility and an ambulance for transferring emergency cases. This garden has a 12-bed hospital, but is in shambles. Medicines are not available.

According to the workers of Baishahabi, medical facilities are not available in this garden. In emergency cases and for treatment of TB, patients are sent to the Civil Hospital. The entire cost towards hospitalisation and medicines are deducted from the

salary of the workers. Most of the Tinsukia gardens have dispensaries and patients are mostly sent to the Group Hospital and workers are charged for hospitalisation. Medical facility is negligible in Karangani. Workers of the Lonsowal tea estate alleged that rejected and banned medicines are supplied to the workers by the garden dispensary.

Medical benefits are available for the permanent workers. And, here also, the female worker gets benefits for herself and her children only. Ram Nayak is a temporary worker in Monabari. His wife is a permanent worker. During loading and unloading duties near the factory, he suffered a severe leg injury which was treated only on the day of the accident. The management did not provide him with further medical attention and his wound had already developed to gangrene.

Scores of workers and their dependents die every year for lack of proper treatment. Infant mortality is still very high in the gardens. In Baishahabi, Zeka Gamang died of common dysentery in 1995, Rajani and Rashmi, two sisters, died without any treatment in 1998. In Dhekiajuli, Angad Tasha's elder brother and sister died of anaemia.

In Hapjan garden, almost every family has a TB patient and the number of anaemia patients are on the rise. In Saraipani, one family member for every four families suffer from TB and the factory workers are the most affected. Hookworm and malaria are common diseases. The worst sufferers are the women and children. They fall prey, mostly, to malnutrition and heavy workload.

Maternity benefit and crèche facilities: Maternity benefit leading to six weeks of paid leave and necessary medical facilities are available uniformly to the women workers in the tea plantations of Assam. In fact, it was one of the earliest benefits that the women workers received from the colonial planters for obvious reasons – reproduction of labour and continuance of the family wage labour in the plantations.

But, crèche facilities are not at all adequate. Guriaghars remain merely as structures and in many gardens, exist merely as tents, without experiencing the tender touch of infants. Most gardens do not appoint trained crèche attendants even. Ayahs step in, in their absence. Small amount of milk and biscuits form the usual diet of the infants.

Monabari, Saraipani, Hapjan, Betjan, Hookanguri – all have crèches but are not up to the mark. Working mothers do not send their babies to these crèches unless they do not have anybody at home to take care of them. In Dhekiajuli, a tent represents the crèche. Tinkhong, Karangani and Baishahabi have no crèches.

Educational facility: The literacy rate among the tea garden community is incredibly low and according to Devabrata Sharma of Jorhat College, on an average, hovers around 20 per cent. There is a preponderance of lower primary (LP) schools in most of the tea gardens. Very rarely, one finds a middle-level school run by the garden management. The children of the temporary workers are not entitled to enroll in the garden run schools.

TABLE 5: LITERATE POPULATION IN THE TEA GARDENS VISITED

<i>Tea Gardens</i>	<i>Percentage of Male Literates</i>	<i>Percentage of Female Literates</i>	<i>Percentage of Total Literates</i>
Monabari	30.00	14.14	22.22
Bihali	14.77	3.78	9.77
Baishahabi	39.59	17.82	29.05
Sycotta	33.09	12.14	22.48
Dhekiajuly	33.79	9.41	21.73
Charaipani	37.31	22.13	29.88
Karangani	31.80	14.40	23.54
Hookanpukhri	33.33	13.80	23.84
Hapjan	30.59	13.56	22.60
Hookanguri	12.85	3.55	8.23
Betjan	27.61	10.76	19.41
Lonsowal	21.97	10.88	16.67
Source: Census 1991			

All the gardens, visited by the fact finding team, have LP schools. There are 3 LP schools and one middle-level school in Monabari. Saraipani has 3 LP schools and employs 7 teachers. But if there are schools, there is no adequate space. Many of these schools have one room only. And, number of teachers is awfully inadequate. They do not even attend their classes regularly. In Tinkhong, a school means a single room where one single teacher takes care of four classes.

The future of those minuscule minority, who somehow manage to cross the hurdles of LP schools is bleak. Most of them have to enroll in a government-run school, located outside the tea garden. In majority of the cases, the social climate, lack of proper guidance and parental urge coupled with weak financial situation force them to abandon their education. The best option then to these children is to join the child labour force working in the gardens. There are five matriculates and one graduate in Saraipani. Fifteen matriculates, eight high school passed students and one graduate in Baishahabi are still unemployed.

But, this labour reproducing system also produces exceptions. Lakshmikant Kurmi, Angad Tasha and Shuku Mahile are three such. Lakshmikant, a matriculate from Biswanath Chariali Government School, is now a full time trade union activist working among the tea plantation workers. Angad Tasha, whose great-grandfather migrated from Bolangir district of Orissa, one hundred and twenty years back, is now a school-teacher in a government school in Jorhat. And Shuku Mahile is busy organising the women workers in the tea plantations.

Angad looks absolutely confident when he says that ‘education is the key to fight this super-exploitation and also to create alternative employment and occupation for the new generation now growing up in the tea gardens of Assam.’

Other Basic Amenities

Drinking water: In 1998, nearly 600 people died from gastro-enteritis, many of them children, in the tea estates of Assam. A detailed list to this effect was submitted to the Guwahati High Court by United Revolutionary Movement Council of Assam (URMCA) when it filed a PIL last year. This is not an isolated phenomenon. Every year gastro and cholera deaths occur in the tea gardens due to contaminated drinking water. Over the years, the tea industry in Assam, has neglected this aspect and even the death of thousands of tea workers have not stirred them to action. Today, the tea companies and their management are facing a very strong and persistent demand for prosecution arising out of criminal conduct.

From Jorhat district alone 225 gastro deaths were reported. The worst affected are the ATC-run gardens and big business managed gardens. Kakajan tea estate, owned by the Tatas, accounted for the highest number of deaths. Sixty people, including 20 children died in Kakajan garden.

The Monabari garden has, of late, arranged for supplying of potable drinking water through taps. There is one common tap for four houses. Water is supplied three times a day for a total period of three hours. Many of the taps were found in broken condition, the pipes connected to the taps were leaking. It is difficult to hazard a guess about the condition of the reservoirs – how clean and hygienic they are. Workers are still using some of the old hand-pumps and wells. Several cases of gastro-enteritis were reported from this garden, last year, but no one died. The workers told the fact finding team that in 1996 300 people died in this garden due to gastro-enteritis.

In Saraipani also drinking water is supplied through pipes but, hand-pumps and wells are in use. Pipes were found leaking at several places and pools of leaking water and overflowing drains mingle together to make the approach roads to the labour lines slushy. Last year 15 people died of gastro-enteritis and 250 were affected. Cholera induced death rate is 30 to 40 per cent.

The Baishahabi and Sycotta-Dhekiajuli gardens accounted for 34 gastro deaths, half of them children. For the workers of both these gardens, the only source of drinking water are local ponds. People wash clothes, utensils and domestic animals in the same ponds. In Dhekiajuli, it was connected to an adjacent pond where hospital wastes were dumped and linens cleaned. Recently this breach has been plugged.

In Tingkhong and Karangani, facility for potable drinking water is not good either. In the Tinsukia gardens, like Hapjan and Hookanguri, there are only hand-pumps and kuccha tubewells. In one labour line, housing 195 labour quarters, there are 35 hand-pumps. Most of them are not working. The floor of the tubewells are kuccha. There is every possibility of the wells being contaminated. At least three deaths were reported from these gardens.

This severe crisis of potable drinking water and the resulting gastro deaths were discussed with Shri R K Barthakur, the Additional Secretary of ABITA. He conveyed to the team that ABITA has recently asked its members to conduct laboratory tests of the drinking water samples and send the reports to ABITA before the onset of summer.

Conservancy and Sanitation: Drainage system, toilet and latrine facilities in the tea gardens are in a total mess. Absence of approach roads and kuccha lanes in the labour lines make the overall situation much worse. The lanes are always muddy and slushy overflowing with drain water and sewerage. The kuccha drains remain choked for months. Wherever common latrines are available, safety tanks are overflowing and the air stinks from the presence of bore-hole type toilets. The entire condition is unhygienic. The labour lines are natural breeding ground of malaria, diarrhoea, cholera, hookworms or gastro-enteritis.

Most of the workers in the tea plantations that the team visited, are used to having their morning ablutions in the nearby open field, bushes or jungles. Absence of proper latrine facilities and separate bathrooms cause a lot of inconvenience to the women. We did not find separate provisions for the women workers in any of the gardens. In the vicinity of the houses, the women themselves construct makeshift bathrooms covered by tin, asbestos or gunnybags. Separate urinals for women do not exist and they face problems while at work.

Latrines such as in Monabari, Hapjan and Hookanguri are not fit for use. There are no doors, the sewerage pipes have burst open and are overflowing out into the courtyard of houses. We saw how drinking water taps and kuccha tubewells are getting contaminated by them. Bore-hole type latrines are the worst and are not cleaned properly. There are gardens like Saraipani where latrines simply do not exist.

Other Miscellaneous Benefits

During the evenings, the labour lines in the tea plantations represent islands of darkness. In most of the plantations, the houses do not have electricity connections. Dipali Sonar of Dhekiajuli was saying that they have to spend at least Rs. 26 per month to buy kerosene to light the lanterns.

Early this year, the labour quarters in Monabari and Saraipani were provided with electricity connections. But, each worker has to pay now a staggering Rs.92 per month. In Saraipani, the workers are charged Rs. 80.

Permanent workers are entitled to uniforms, aprons, umbrellas, raincoats, shoes and sandals, mosquito nets, blankets and necessary protective gear periodically. In reality, the management provide these sundry benefits according to their whims and fancies. Though shoes and sandals are provided at least every two years, blankets, umbrellas, mosquito nets, etc. could take three to five years. Protective gear is not available and uniforms and aprons for factory workers are available only in the factory, during the working hours.

Working Conditions in Plantations

Work in a tea plantation is basically manual in nature. The tea processing factory processes the green tea leaves into finished product and employs less than 10 per cent of the workforce. The rest, the field workers, are engaged in plucking of green tea leaves and activities related to the maintenance of the plantation and its bushes. These include hoeing, weeding, pruning, drainage, spraying pesticides, etc.

Plucking is the most productive working operation and mainstay of the plantations. It continues for almost eight months in a year and is done mainly by the women workers who also form the majority of both the permanent and temporary workforce in a plantation.

A normal working day in a plantation starts at eight in the morning and ends at four in the afternoon. The workers get half an hour to one hour break in between. During the peak season this recess is further reduced and most of the gardens follow a half an hour break. Women workers, especially the lactating mothers, face a lot of inconvenience. The women workers of Monabari and Hapjan complained about this inadequate recess after a backbreaking work schedule.

The women workers have a very harsh work profile. Apart from their eight hours strenuous work out in the plantations, they have to attend to their domestic chores and rear their offspring. They often have to spend their rest days cutting and collecting firewood from the nearby jungle. Women of Dhekiakuli garden set off early in the morning to collect firewood and return around four in the afternoon.

The temporary women workers, time-expired and the widows are forced to work hard to fend for themselves and earn for the lean times. They have to work overtime during the peak season and some times even during the night. Surya Kandher, a widow of 70, started on a chukri hazira (as a girl child labourer) with a weekly pay of Rs.4.75. She retired 12 years back and apart from her temporary job in the garden, she also works as a contract worker in the road construction and with ONGC in Jorhat.

On a particular working day, the plantation workers are given specific tasks for the day. This task is conveyed by the sardar. For the pluckers, this task varies between 21kgs. to 24 kgs. For every kg. of tea leaves plucked above this task, the workers receive an incentive. But this task varies from garden to garden, according to the discretion of the management and the production of tea leaves. In some gardens like Baishahabi, an amount is deducted from the day's wage if the task is not completed. Again while calculating the total amount of leaves plucked at the end of the day, moisture content is deducted during the rainy season. But, there is no agreed calculation on the basis of which moisture content is deducted. This has been, thus, a way to cheat the workers of their legitimate earnings.

There are instances when workers are forced to start their day at four in the morning and the task is set at a higher level. Last year, in Monabari garden, the minimum amount of leaves to be plucked was set at 32 kgs. and other gardens like

Mijikajan followed. The workers of Monabari gheraoed the manager and forced him to revise the target. In Mijikajan, even women workers were forced to work from sunrise to sunset to augment production.

In all these cases, threat of dismissal and suspension from the management force the workers to submit to their dictat. Akhani Munda, working in Baishahabi garden, was late at work by five minutes. He was not allowed to join the work and a day's wage was cut. We have heard from women pluckers in Monabari how they are threatened in to submission. Some times their permanent status is terminated and rendered temporary. The temporary workers are threatened with dismissal and non-employment during the next season.

In all the tea gardens that the fact finding team visited, the women complained of strenuous activities like deep hoeing being forced upon them. Even pregnant women are not spared. Women, who join after maternity leave are not given light work and the management do not care a fig about their health condition. Subharani, a permanent worker in Baishahabi, developed complications immediately on joining work after maternity leave. She could not work for the next few months and her job was terminated.

The women workers, in general, complained about the highhandedness of their male supervisors. They are often allotted isolated and insecure work places. Supervisors even grumble when the women need break to go to toilets or feed their babies. They have demanded for the appointment of adequate number of female supervisors, a post, non-existent in the Assam gardens.

The child workers are often found to be engaged in strenuous activities performed by adult males. They are supposed to be given lighter work such as removing weeds and undergrowth and also less hours of work. According to Vijayanti (14) and Rajkamal (12), the worst victims are the girls. Both these girls complained that they have to work for 8 hours and in return they are paid half the wages and half of the subsidised foodgrain. The adolescent workers, between 14 and 18 years have the same work profile as that of the adult male workers. Moreover, they are frequently engaged in spraying highly toxic pesticides and insecticides. They are not provided with masks, gloves or other protective gear. This is a weak link in the Plantation Labour Act. It does not cover occupational health hazards and safety measures.

Sexual Abuse of Women Workers

In Assam, the women workers are frequently subjected to sexual abuse and harassment. We came across specific incidents of sexual abuse in the Baishahabi tea estate. The perpetrators here are the manager and the assistant manager. The workers of this garden alleged that Durgamani Murmu (16) committed suicide after being raped by manager Ashok Trivedi in his bungalow in 1996. And, Phulmani, another girl, is still missing. This incident was kept under wraps for quite some time. According to the mother of Durgamani, the manager threatened Durgamani's brother and filed an FIR accusing him of being responsible for her sister's death. Ultimately, the brother left the job. He is still in a state of deep shock. Gory incidents

of torture and sexual abuse were narrated by the workers. The manager chooses the girls whom he wants to work in his bungalow. If any body refuses, she is dismissed. Akhani refused to respond to the manager's advances and she was dismissed. Women, having permanent job in the estate are sacked and replaced by girls of his choice. These incidents have also been narrated to the Labour Commissioner of Assam.

Police Firing in the Tea Estate of Bihali

The events of this police firing and related incidents are still very sketchy. Terror is prevailing in this garden and workers are not willing to open their mouth. The team visited this garden and met the widow of Latra Pirza who died in the police firing of September 2, 1998.

Apparently, a group of workers were protesting against the misbehaviour of a certain medical officer and demanded his removal. The management called the police and a firing ensued in which Pirza was killed. The management did not even grant his widow a day's leave to perform the last rites. She has not received any compensation. She is now living with her three children on her pay. The house where they are living, is dilapidated and not fit for human living. Mrs. Pirza was not eager to talk much because of fear. The Assam Cha Mazdoor Sangh (ACMS) supported the management and forced the workers to cow down to the manager.

Panchayati Raj

The tea gardens of Assam are covered under the Panchayat system since 1991. But, the workers do not enjoy any benefits accruing out of this decentralisation process. They can only vote to elect their representatives. According to Amrit Chetia of Bagicha Shramik Santha, the developmental schemes available under the Panchayati Raj system are not applicable to the tea garden workers since the estates operate on grant lands. The state government has to pass a no objection order to make the schemes operative. Nothing has been done so far. Though there are elected office bearers among the workers, as we have seen in Saraipani, they are handicapped so far as the operation of these schemes are concerned. The garden managements do not pay these office bearers their wages for the days when they attend the panchayat meetings.

Emergence of JASP

In the gardens of Jorhat we found that an organisation called Jharkhandi Adivasi Sangram Parishad (JASP) is very popular among the tea plantation workers. This organisation has raised the issue of ethnic suppression of the tribal workers, the descheduling of scheduled castes and tribes in Assam and the rights of the tea workers. We met, Swapan Bora, one of its leaders.

According to Devabrata Sarma of Jorhat College, 85 per cent of the workers in the tea plantations originate from the Jharkhand region. The marginalised condition of the tea plantation workers, the abominably low wage paid to them, their induced isolation from the mainstream are all possible because of the extra-economic coercion

practiced by the planters right from the colonial period. “There exists an element of ethnic suppression”, he said.

Collective Bargaining and Freedom of Association

The mechanism of collective bargaining and freedom of association is severely restricted in the tea plantations of Assam. The ACMS, affiliated to INTUC, dominates the Assam gardens and is the only trade union recognised by the tea employers. The other trade unions such as Akhil Bharatiya Cha Mazdoor Sangha, affiliated to CITU, Assam Cha Bagicha Mazdoor Union, affiliated to AITUC, Assam Sangrami Cha Shramik Sangh, affiliated to AICCTU and Bagicha Shramik Santha are not recognised though they all have sizable following among the tea workers.

In Assam, the method of collective bargaining has always been bipartite in nature. All the negotiations and agreements are conducted between ACMS and the employers’ group representing ABITA, Tea Association of India, Assam Tea Planters’ Association, Bharatiya Cha Parishad and North Eastern Tea Association. The state government of Assam has never intervened in the past and agreed to stand by whatever these two parties agreed to. Recent press reports indicate that the AGP government is thinking otherwise. On April 4, 1998, Business Line reported: “The Assam Government has not agreed to the revised minimum wages for tea labourers in the State fixed on the basis of a bipartite agreement. The state government expressed its strong resentment and disagreement over the bilateral revision of wages in a recent high-level meeting. The state government pointed out that it would not accept the bipartite agreement as it was violative of the provisions of a Supreme Court ruling.

Thus, on policy matters, wage and other agreements, only one union, the ACMS, represents nearly 8.5 lakh workers. A large section of the workers are disenchanted with ACMS but are afraid to voice their grievances because of the alleged patronage of the tea management. The workers are also forced to pay a subscription fee of Rs.36 annually which is deducted by the garden management (check off system) without the consent of the workers.

According to Laksmikant Kurmi of ASCSS, it is very difficult for trade union activists to organise tea workers if they do not belong to ACMS. For them, freedom of movement is severely restricted. During the last parliamentary elections in 1998, Lakshmikant Kurmi was alleged to have been attacked by ACMS activists in front of the Monabari tea estate. Ramu Naik and Haren Gamang were workers in Baishahabi tea estate. They were forced to leave their work when they became activists of the Bagicha Shramik Santha. “Only ACMS members can work as well as continue with their union work”, Ramu said. Subhas Sen of AICCTU told us that there are certain gardens where they cannot enter even during the day time. There have been reports of frequent clashes between activists of other trade unions and ACMS resulting in a few deaths during the last three years. Even, women workers have not been spared.

Women workers in the Trade Union Movement

Asha Sabor, Sonamani Gaur, Sastami Soren, Bisakha Tanti and Sita Mura are some of the courageous women tea workers who are carrying on their battle in this male dominated labour movement.

Asha Sabor, a young women worker is the branch secretary of the Monabari tea estate unit of ASCSS in Assam. She is militant and is confident that their union will gain strength even in the face of ACMS onslaughts. Sonamani Gour of Betjan tea garden is a member of the State Women's Commission and Sastami Soren of Hookanpukhri tea estate in Tinsukia is a busy activist organising the women workers of the nearby tea gardens. In Assam, the trade unions other than ACMS have in recent years taken an active interest to organise women workers and develop leaders among them. Bisakha Tanti, working in Hapjan tea estate is a central committee member of ASCSS.

The assertion of women workers in Assam and their increased political activity have also faced them with severe suppression and lethal attacks. In September 1996, Sagorika Soren, a trade union leader of Namoni Assam Cha Mazdoor Sangha, affiliated to CITU was murdered in the Mornoi tea estate in Kokrajhar district. Earlier this year, two more women activists of the same union were brutally killed.

ABITA is quite content with the industrial relations scenario in Assam gardens. According to them, there is no discord or discontentment among the workers. The workers are well cared for and employers have a very satisfactory and cordial relation with the labour force. It is only the outside forces that want to foment trouble in the tea plantations. "Political issues are made out of nothing".

The firsthand experience of the living and working conditions of the tea plantation workers in Assam came as a rude shock to the members of the fact finding team. What was witnessed was beyond anyone's comprehension. At the threshold of 21st century here is a vast segment of marginalised population who are unfree and forced for generations to work in the tea plantations and remain tied to them. In a otherwise highly capitalist industry, the plantation enclaves have kept under inhuman, feudal practices. The tea industry has shown complete apathy towards the human dignity and basic rights of their workers.

Saga of Wages: Omissions and Commissions

Tea is an organised industry and employs more than 1.5 million workers. But, the tea workers are paid wages on scales different from the other industries in the organised sector. The family system of employment, conceptualised and practiced by the colonial planters, have been used by the tea industry in Assam and West Bengal to depress the wage rates in the tea plantations, in total contravention of the prescribed norms for determining the wage of a worker.

The 15th Indian Labour Conference (ILC), held in 1957, decided on a need-based minimum wage which took into account three units (1 unit for the male worker, 0.8 unit for the female spouse and 0.6 unit each for two dependant children) of consumption while determining the wage of a worker. The employers' organisations in the tea industry protested against this formula by arguing that employment in the tea plantations is family based (i.e., every family has at least two workers) and hence, only 1.5 units of consumption should be considered for determining the minimum wages of tea workers.

The Central Wage Board for the Tea Plantation Industry (1966) found this argument amusing and commented: "The family system of employment cannot be considered as unique to the tea plantation industry and even if it had been so it is a matter of consideration whether it is justified for employers to claim benefit of it by way of low wages for male wage earners." The planters, however, have stuck to their argument and their concept of wage determination. The Wage Board did not recommend changes in the basis of determining minimum wages. As a result, the mechanism of wage determination in the tea plantations violates the recommendations of the 15th ILC and the directives of the Supreme Court given in the Raptakos Brett Vs Workmen case of 1991.

The Story Unfolds

The wages in the tea plantation also varies across the tea growing states with Assam and West Bengal plantations accounting for the lowest wage. In 1999, the minimum wage for tea plantation workers in Kerala was Rs.66.17 per day, in Tamil Nadu it was Rs.74.62, in Karnataka Rs.58.80, in Himachal Pradesh Rs.51, for West Bengal Rs. 34.80 and in Assam Rs.37.60. The child workers receive half of the adult wage. In Assam, Cachar valley workers received much less, Rs.29.35. (*Table 6*) As per the statistics supplied by the Simla Labour Bureau, in October 1998, the wages of an unskilled worker in Assam and West Bengal were Rs.40.04 and Rs.38.55 respectively. The wages of an agricultural worker engaged in ploughing was Rs.61.99 in Assam and Rs.59.90 in West Bengal. Towards the end of 1998, the lowest paid worker in the

cotton-textiles mills in West Bengal was paid an equivalent of Rs.100 per day. Tea garden workers receive wages lower than the notified minimum wages for agricultural workers.

TABLE 6: RATES OF DAILY WAGES OF TEA PLANTATION WORKERS AS ON DECEMBER 1999

<i>Area</i>	<i>Wage Rates in Rs. Adult</i>	<i>Wage Rates in Rs. Non-adult</i>	<i>w.e.f</i>
Assam Valley	37.80	18.80	01.11.99
Cachar	29.35	14.75	01.08.99
Dooars	34.80	17.52	01.04.1999
Terai	34.80	17.52	01.04.99
Darjeeling	34.80	17.52	01.04.99
North Dinajpur	34.80	17.40	01.04.99
Kerala	66.17	51.21	
Tamil Nadu	74.62	52.44	
Karnataka	58.80	51.80	
Himachal Pradesh	51.00		

Source: Tea Statistics 1998-99, Tea Board of India

But, the tea employers' organisations have a different story to tell. The Assam Branch of the Indian Tea Association (ABITA) has computed the net wage of a tea worker and is claiming that a tea plantation worker is actually being paid Rs.56.13 per day in 1997. Apart from the cash wage of Rs.31.53 the rest is paid either in kind in the form of subsidised food grains, dry tea, firewood, blankets, etc. and recreation or as benefits and allowances such as paid national and festival holidays, sickness benefit, earn leave, education, maternity benefits and bonus. Inclusion of paid national and festival holidays, sickness benefit, earn leave, maternity benefits and bonus is completely illegal.

TABLE 7: NET WAGE PAID TO A TEA WORKER PER DAY IN RUPEES (AS FORMULATED BY ABITA)

<i>Salary heads</i>	<i>Amount</i>
Basic	29.10
Pay for plucking	1.00
Subsidiary Benefits	
Food Grain*	10.94
Dry Tea	1.44
Firewood	2.50
Housing	2.91

Government may, by notification in the Official Gazette, authorise the provision of such supplies at concessional rates.

The West Bengal and Assam Plantation Labour Rules have made it mandatory for the tea companies to supply food grains at concessional rates to the workers but nowhere the State Rules have authorised that the supply of food grains at concessional rates form part of the minimum wages. The Supreme Court in *Manganese Ore (India Ltd.) v. Chandi Lal Saha*, 1991 Supp (2) SCC 465; 1992 SCC (L&S) 202, has said that unless authorised by a notification u/s 11(3), the supply of essential commodities at concessional rates cannot form part of minimum wages.

The wage agreement in West Bengal is tripartite and the minimum wages schedule till 1996 says, that for the tea plantation workers the rates are guided by agreements. In Assam, the wage agreements are always bipartite, but the wages agreed to are sometimes notified by the government, as 'Orders By The Governor'. Such an order dated the 1st July, 1995 says that 'these rates, which shall be payable in cash, are inclusive of Dearness Allowance but exclusive of supply of foodstuff at concessional rates and other fringe benefits...'

The Assam Government, in a press statement²⁹, clearly said that the tea management 'is bound to provide the workers with subsidised food grains, dry tea, firewood, fuel, housing and other free articles such as umbrella, chappal, blanket, raincoat, etc.' and regretted the tendency of the tea management to take into account these basic statutory amenities to the workers at the time of fixing their minimum wages.

The Assam Government has also constituted a 12-member Minimum Wages Advisory Board with the Labour Minister as the Chairman and the Labour Commissioner as the Member-Secretary for advising the State Government on the revision of minimum rates of wages of tea plantation workers. The term of the Board started from May 22, 1998. According to the Labour Commissioner, A K Malakar, this Advisory Board has already recommended a minimum wage of Rs.49 for the tea workers and the report has been forwarded to the state government for its consideration. It is, however, not very clear, how this figure was arrived at.

It is also interesting to note that the workers employed in the cinchona plantations of Bengal are currently paid a daily wage of Rs.55. The cinchona plantation workers are entitled to VDA and higher DA with a rise in CPI numbers.

The planters have linked the supply of subsidised food grains to the number of days worked. A tea plantation worker is entitled to his full quota of subsidised food grain only when he/she works for a full week (6 days). And the cost of the food grain after providing subsidy is deducted from the weekly salary.

According to the chart for the standard rate of ration existing in the tea plantations of West Bengal, if a worker works for six days then he is entitled to 3.26 kg of food

²⁹ Business Line, 9 April 1998

grains for himself, 2.44 kg for each adult dependant and 1.22 kg for each child. He is charged at Rs.2.78 for this supply of food grains. In Assam, a worker is charged Rs. 1.64. In case, the worker is absent for six days and still want to avail of his quota of ration, he is charged Rs.61.36. That means the planters can not only control the wages, they can also control the amount provided to the workers and supply of the food grains.

Wages and Dearness Allowance³⁰

The wage determination of a tea plantation worker is not linked to the Consumer Price Index (CPI) except in Kerala, Tamil Nadu and Karnataka. There is no provision for DA or VDA though, this has been a long standing demand of the trade unions. In their Charter of Demands dated 27 July 1993, the Co-ordination Committee of Tea Plantation Workers (CCTPW) demanded that '50% Dearness Allowance is to be added ... and a variable dearness allowance at a rate mentioned here below is also to be added to determine the pay packet of all the workmen ... Any increase in the AICPI (Base 1949 = 100) as it was in December 1992 is to be neutralised by giving 1% VDA per point rise of AICPI'.

The wage of a worker in West Bengal has increased from 1 rupee 1 anna and 6 paise in 1948 to Rs.32.30 in March 1999. During the period between 1948 and 1975, the average annual increase in daily cash wages in Bengal was very marginal. Since 1977, the daily wage has increased at a faster rate. However, according to Prof. Manas Dasgupta, Head of the Department of Economics, North Bengal University, the real wages of the plantation workers have remained stagnant. The annual increments offered by the tea companies have been paltry when compared to the corresponding rise in CPI and living standards.

Arrears

A couple of documents given to the fact finding team by Darjeeling-Terai-Dooars Chia Kaman Mazdoor Union show that workers of Singtam tea estate in Darjeeling have been deprived of a total arrear of Rs.25,79,958.83 and outstanding bills to the amount of Rs.20,22,351.59 have not been cleared and paid to the workers!

There are documented proofs of more such dubious deals. Pay-slips and vouchers are a rarity for the tea plantation workers of Assam and West Bengal. So, most of the workers have no records pertaining to how much they are paid each week, month and year. The computerised pay slips, issued by the Monabari tea estate management in Assam, show that workers are paid cash amounts in figures rounded off to multiples of five. On 4.12.98, 29.01.99 and 12.02.99, a worker in Monabari garden received Rs. 165, Rs.135 and Rs.165 respectively as net salary for the preceding weeks. The Actual net salaries for the same period are Rs.166.63, Rs.137.10 and Rs.165.06 respectively. It may so happen that due to a dearth of lower denomination notes and coins the salary figures are rounded off to the lower figures but workers are absolutely in the dark about these arrears and are not sure whether they are paid those arrears at all.

³⁰ The Dearness Allowance (DA) is a cost of living adjustment allowance paid to workers India. It is linked to Consumer Price Index and is a component of Minimum Wages under Minimum Wages Act, 1948

The trade unions have no idea also. There are around 6,70,000 permanent and 2,70,000 temporary workers in Assam. On an average, if the salary arrears amount to Re.1 per worker, we are facing a situation where more than Rs.9,00,000 per month is unaccounted for.

Wage Discrimination

The Equal Remuneration Act was passed in 1976 provides for payment of equal remuneration to men and women workers for the same work or work of a similar nature and for the prevention of discrimination on grounds of sex. For the tea plantations this Act came into force on 15.10.1975. The planters lodged a strong protest with the plea that women workers perform lighter work than their male counterparts. Eventually, they had to accept the legislation but, in effect, increased the task of the women workers. As a result, women plantation workers are engaged in more strenuous kind of plantation activities.

Even after the Act came into force, women workers, in both West Bengal and Assam, continued to receive discriminative wages. The wage discrimination was still there till 1982 in the West Bengal plantations vide the wage agreement of 1979. The women workers in Assam continued to receive lower wages than the male adults till 1990. One cannot also ignore the fact that the tea companies which have gardens in both the states, fulfilled the provisions of the Act in one state and violated the Act in the other.

Lately, a case of discriminatory wage payment has cropped up in the plantations of West Bengal. The wage agreement, signed on 7 November 1997, in its terms of settlement says: "It is agreed that no child under the age of 14 will be engaged in any operation of the tea gardens. Workmen above the age of 14 and below the age of 15 years will be paid increase in wages at 50% of the rates mentioned in (a) above". According to the Plantation Labour Act 1951 as amended in 1986, "adolescent" means a person who has completed his fourteenth year but has not completed his eighteenth year. "Child" means a person who has not completed his fourteenth year. While it has been a practice in the tea gardens to pay the adolescent workers at normal adult wage, this agreement, however, enables the employers to pay adolescents of 14 and 15 years at half the adult wage. It is surprising that such glaring violation has been permitted by an agreement where the trade unions, the labour department of West Bengal and the Labour Minister himself were parties to it. This agreement will also encourage the garden management to employ children below fourteen but pass them off as adolescents of 14-15 years.

Myth of Multiple Wage Earners

The tea industry insists that the family based wage employment in the plantations enables at least two members of a family to get employment. That means a tea worker's family is ensured of a permanent income from two workers. While visiting the tea plantations, we observed that there are a substantial number of families who are assured of a monthly income from only one of its members working as a permanent worker.

As of December 1999, a permanent tea worker in Assam Valley earns Rs. 37.60 per day. (*Table 6*) Then his annual income will be Rs. $(37.60 \times 26) \times 12 =$ Rs. 11,731.20. At the daily wage rate of Rs.34.80, a worker in the tea plantations of West Bengal will have an annual income of Rs.10,857.60. Based on the figures supplied by Estimates Group (1993) of Planning Commission, Government of India, we could infer that the families of those tea plantation workers who have only one permanent earning member and whose annual income is either Rs.11,731.20 or 10,857.60 are very close to be called living below the poverty line.

The Lure of Homestead

One of the central features of the plantation system is its residential character. In order to settle the immigrant workers into plantation work, the planters provided accommodation for their labour within the plantation estates. The workers are provided housing facilities as long as they work in a particular plantation. On dismissal, resignation or retirement from work the workers and their families could be theoretically evicted from their houses. But, in practice, the descendants are absorbed in tea garden work and allowed continued usage of the accommodation. This ensures uninterrupted, continuous supply of labour. In other words, what the immigrant tea plantation workers were, and their descendants are provided with, is 'tied' housing.

During the British Colonial period, the provision of this 'tied' housing was reinforced with the allocation of small plots of land where workers could cultivate vegetables and keep cattle to supplement their low wages.

These immigrant workers who were uprooted from their ancestral homeland and started working in an alien land, have not yet settled in essence. Even after 150 years of living in a particular region, neither do they own any land nor can they build a house of their own. Their life and work cycle is centred around this 'tied' housing. The fear of homelessness and an unstable life forces the whole family including the children to serve their master as best as they can. To keep this house under occupation, particularly, in the event of their parents becoming incapacitated or time-expired workers, the children will and must work. They graduate to adolescence and then to adulthood and can claim their housing benefit by then.

That is why one is confronted with a situation where the plantation workers are born in an estate and die in that estate. They are by birth tied to the tea leaves. And, the legacy continues.

Demand for Landownership

Some of the trade unions are seriously thinking of ways and means to settle this population, stabilise this huge workforce and break the shackles that tie them to the plantations. The Darjeeling-Dooars-Terai Chia Kaman Mazdoor Union in West Bengal and the Bharatiya Shramik Sabha in Assam are demanding that the tea workers be given permanent pattas of land to let them settle and not submit to the extra-economic and coercive techniques of the tea industry.

A fair number of the garden workers and their families are already in possession of some land. These have been allocated either free or at nominal rent. The Rege Committee noted in 1944, that about 1,65,000 acres of land were held by garden workers in Assam. For the Dooars, the Committee reported that 87.8 per cent of the worker families of 93 gardens possessed land, the average holding per family being

0.78 acres. In the Darjeeling gardens 97.4 per cent of the families held land, the average holdings per family being 0.64 acres.

There is also a precedence of settling ex-tea garden or time-expired workers on government khas land around the periphery of the tea estates both in Assam and Bengal. Though, such settlers represent a minuscule proportion of this immigrant population, it was mainly to stimulate emigration and provide impetus to colonisation of sparsely populated fertile tracts that such settlement was encouraged.

Housing: the Trump Card

The times have changed. While the population of the plantation labour community has increased manifold over the years, their employment opportunity has shrunk. Number of permanent tea workers has in fact declined at times or remained stagnant creating a pool of unemployed. Consequently, the temporary workers who are employed only during the peak season, has increased to nearly 400,000³¹ during the recent years. In such a situation of surplus labour market, the tea companies are not amenable to provide housing facilities as a required incentive. The planters, in Assam and Bengal have stopped investing on building new houses as per requirement. A huge backlog has thus been created deliberately, putting immense pressure on the existing housing facilities resulting in further marginalisation of the tea workers and their families.

As per the provisions of the Plantation Labour Act, 1951 and the Assam Plantations Labour Rules, 1956, all the permanent workers should have been provided with housing facility of a permanent nature by 1970. But, there has been a persistent shortfall and between 1984 and 1992, this shortfall went beyond 81,000 houses³² in the Assam plantations. As a result, a large number of both permanent and temporary workers, were displaced and are now living mostly in rented quarters at the periphery of the tea estates. In Assam a large number of permanent as well as temporary workers are not resident of the tea estates they work in. In 1993, there were 165,926 permanent labour and around 138,000 temporary labour residing outside the tea gardens.³³

This shortfall in housing has, on the one hand, made the permanent workforce residing inside the gardens, to cling dearly to whatever accommodation they have got without any complaint or grievances, compelled the permanent workforce, staying outside, to continue to work in anticipation, on the other. The workers of Monabari and Baishahabi recalled to the fact finding team specific instances where permanent workers were told to leave their accommodation when complaints were made to the management for repairing of their houses and also explained why they are so afraid of any punishment leading to dismissal, suspension or rendering them temporary.

³¹ Estimate computed from Tea Plantation Labour in India, FES, New Delhi, 1996 and Sharit K Bhowmik, Tea Plantation Wage Agreement, EPW, October 8, 1994

³² Virginius Xaxa, Living Conditions of Tea Estate Labourers in Assam, in Tea Plantation Labour In India, pp. 25, FES, New Delhi, 1996

³³ Ibid, pp. 20-22

The issue of shelter and housing is so sacrosanct to the planters that they have managed to see that state rules are promulgated banning the building of unauthorised structures within the tea estates and even additions and alterations to allotted houses is not permissible. Such acts are punishable by law. And the estate management promptly dismisses or suspends such offenders. The fact finding team has come across at least one such case in the tea estate of Dhekiajuli in Assam. It is the tea industry that ultimately gains and through a completely different set of situations still manage to secure the loyalty of the plantation workers.

Industrial discipline, in planters' parlance, is easily enforceable on this hapless humanity. The tea plantation workers, tied to the estates, could be easily subjugated, controlled and regimented to serve the interests of the tea companies. Sukhlal Murmu did not exaggerate when he said that 'dismissal is the greatest threat to our life'. The tea plantation labour in Assam has been conditioned to submit meekly to the whims and fancies of the planters.

Casualisation of Tea Labour

Suko Tasha is now an old woman. She started working on a chukri hazira (as a child labour) in Boroï tea estate of Assam at a weekly payment of Rs. 2.50. For the next fifty years she worked in the plantations. But, she was never elevated to a permanent worker. Presently, inactive, she lives with her family in the Monabari tea garden. Baby's husband was a permanent worker in Saraipani. When he died, Baby requested the management to make her son a permanent worker. Her request went begging. After seven years, now his son is working as a permanent worker but, not before Baby spent their last penny, a princely sum of Rs.5,000 to bribe the concerned clerk.

In Rheabari, Kalchini and Singtom, there are permanent workers, who had spent their active years of life as temporary labour in the plantations. On an average, they have worked for seventeen to eighteen years as casual workers.

Casualisation is a curse to the tea plantation workers. Their working hours are same as the permanent workers. Their nature of job is similar to that of the permanent workers. Yet, apart from the daily wage that they earn, they are not entitled to any benefit enjoyed by the permanent workers. The temporary workers are not entitled to subsidised food grains, medical facilities, housing facilities, firewood, dry tea, protective clothing etc. The women workers are not entitled to maternity benefits. The children of temporary workers cannot study in garden schools.

In other words, the tea industry does not have to implement the PLA provisions for nearly 50 per cent of its workforce. But, this workforce of casual workers contribute equally to the growth of the tea plantation industry.

Extent of Casualisation

In 1941, the number of temporary workers in the plantations of Dooars, Darjeeling and Terai taken together was only 6,757 (out of a total of 211,086 workers)³⁴ where as it is now estimated to be more than 125,000 after five decades. In Assam, between 1958 and 1968, the number of permanent workers was reduced by a staggering 25.61 per cent.³⁵ Within a short span of seven years, between 1984 and 1991, the temporary labour force in Assam increased from 170,495 to 268,450.³⁶

Available official statistics do not reflect the actual extent of casualisation. The official figures for the tea plantations in West Bengal reflect only the number of

³⁴ Sharit Kumar Bhowmik, in Sarath Davala Ed. Employment and Unionisation in Indian Industry, FES, New Delhi, 1992

³⁵ K N Sircar (1985)

³⁶ Virginius Xaxa, in Tea Plantation Labour in India, FES, New Delhi, 1996, pp. 22

temporary workers residing outside the tea gardens while that of Assam is likely to be an underestimation. Our visit to the tea plantations proved that data on casual labour is most elusive and difficult to get. In most cases, the management do not keep proper records or are not willing to provide exact figures. Information from other sources such as trade unions, workers and labour departments or employers vary. Talking to the workers of those tea gardens that the fact finding teams visited, it seems that the number of temporary workers vary between 50 per cent of the permanent workers to 100 per cent.

In Assam, the rate of casualisation among the tea workers is much more than West Bengal. This may be due to the ineffective intervention of the Assam Cha Mazdoor Sangh (ACMS), the only trade union recognised by the tea companies in Assam. It holds virtually a monopoly in the Assam gardens and the question of increasing casualisation of tea labour has not received much attention from its leaders. In big gardens like Monabari, the extent of casualisation is almost 50 per cent. In Saraipani and Baishahabi, the number of temporary workers surpass that of the permanent workers. In other gardens – Tinkhong, Karangani, Betjan, Hapjan, Hookanguri, etc., their strength varies from 50 per cent to more than 75 per cent of the permanent workers. Only in Sycotta-Dhekiajuli tea estate, run by Assam Tea Corporation, the presence of casual labour was the lowest, less than 10 per cent of the permanent labourers.

In West Bengal, according to the data provided by the trade unions, we have at one end the Kalchini tea estate where the temporary workers constitute a little more than 16 per cent of the permanent workers to Chandmoni in Terai where the number of temporary workers is more than the permanent workers.

Trade Unions' Response

The continuous decline of permanent labour force between 1955 and 1969 and increased casualisation alarmed the trade unions working in the tea plantations, especially in West Bengal. The trade unions have undertaken a two-pronged strategy of demanding additional employment and decasualisation simultaneously. Since 1969, when the tea workers in West Bengal struck work for sixteen days, the unions have demanded that the tea plantations should maintain a minimum land labour ratio of 1:2 and absorb temporary workers as permanent from time to time.

With respect to the tea gardens that the fact finding team visited, both in Assam and Bengal none of them have a land labour ratio of 1:2. The Government of West Bengal's labour department statistics (1997) indicate that Rheabari has the highest ratio of 1:1.1 and it is 1:0.8 in Kalchini. For Assam, we had to depend on the workers and the trade unions to get micro-level statistics. Our survey indicates that the Hapjan and Sycotta-Dhekiajuli estates have a land labour ratio of 1:1.1 and 1:1.07. Baishahabi has the lowest land labour ratio and even a big estate like Monabari has a land labour ratio of 1:0.9. Incidentally, the trade unions in Assam are demanding a land labour ratio of 1:5.

In 1969, the tea plantations in Assam and Bengal did absorb a certain number of casual workers. In 1984, the Bengal plantations absorbed 10,000 workers and since then no additional employment has taken place. In Assam, additional employment is given purely on an ad hoc basis and only the ACMS is taken into confidence by the employers. According to Prof. Manas Dasgupta, the rate of additional employment in recent years has been a maximum of 2 per cent of the permanent workforce.

The Impact on Women Workers

The increasing casualisation in the tea industry and the decline in permanent labour force have affected the women workers most. On the one hand, their employment as permanent workers is shrinking, their number among the temporary labour force is increasing on the other. Today, women are in the overwhelming majority among the temporary workers in both Assam and West Bengal. According to Prof. Dasgupta, women's participation in the plantation labour force is coming down and a large number of women casual workers are deprived of their statutory benefits, maternity and sickness benefits being the most important among them. In Assam, the child and adolescent workers also constitute a fairly large section of the temporary labour.

The Violations

The law provides that a person can be employed as a casual labourer for a maximum period of six months, after which his or her employment has to be confirmed. As in other industries, the tea industry employers are also able to circumvent this law by breaking the casual labourer's service by a day at the least, before completion of six months. Sometimes, they simply change the workers' names for official purposes. Workers are not even aware of these kind of manipulations. Necessity of work makes them succumb to the manipulations of the tea management.

After the 1940s, when the problems of labour shortage were overcome by the tea industry, unemployment within the burgeoning garden population started creating new problem. The captive tea population and a controlled labour market forced the unemployed to look towards the plantations for gainful employment. The employers are in an advantageous position. They could keep wages low by employing family members as casual labour. They indicate that a demand for higher wages will mean reducing the number of temporary workers leading to a decrease in the family income. So a vicious cycle of unemployment - low wage - casualisation - low standard of living continues in which are trapped hundreds of plantation families. And, the tea industry continues to employ perhaps, the largest number of casual workers in the organised sector today.

Labour Law and Social Responsibility

Labour law is basically a social policy formulated for the welfare of the labouring people. The aim of the labour laws is to legitimise the concept of social responsibility of the entrepreneurs and regulate the working and living conditions of the working people.

From its very inception, the tea plantation industry in India has largely undermined its workers and under-valued their work. State of extreme deprivation and exploitation had been perpetuated during the hundred years of colonial period. There has always been a large disparity between the owner and the worker, the profits and the wages. Thus, the enactment of the Plantation Labour Act, 1951 envisaging a comprehensive labour law for the welfare of the plantation workers was a great leap forward on the part of the independent Indian Government.

But, for the labour laws, regulating the tea industry in India, it has been a bumpy ride all through. The planters had strong objection when the Plantation Labour Act was passed. They have refused to implement the recommendations of the 15th Labour Conference regarding the determination of minimum wages. The Equal Remuneration Act requiring women workers to be paid at par with male workers was not implemented with immediate effect. Provisions for housing, the one facility, which is very important for the tea workers, have been blatantly violated. There exists a huge backlog since 1970, the year, by which the planters were supposed to provide housing facilities to all the workers. There is not a single garden either in Assam or in West Bengal which has implemented all the provisions of the Plantation Labour Act.

If the planters have been generally reluctant to respect the labour laws, the government implementation machinery has not been responsible either. Workers claim that they have not seen any labour inspector for years. For West Bengal, there is a chief inspector of plantations and additional labour commissioner in charge of implementation of Plantation Labour Act posted at Calcutta. Labour inspectors under additional labour commissioners are posted at Darjeeling, Siliguri, Jalpaiguri, Malbazar and Alipurduar. A labour inspector is required to visit 8-10 gardens in a month. Even that is not done properly. Labour department officials say that very rarely do the workers or trade unions file complaints against the garden management. Actions taken and prosecutions launched so far are mostly on the basis of complaints filed by the inspectors. This also reflects the disillusionment of the workers with the government machinery. K V Subba, the leader of the Darjeeling-Dooars-Terai Chia Kaman Mazdoor Union explained why approaching the labour inspectors or filing complaints in the labour court is considered to be the last option. The tea

management seldom implements the recommendations of the labour department. Attending to cases in the labour courts means expense, waste of time and getting trapped in a vicious circle.

In Assam, there are additional labour commissioners for each tea district and each labour inspector has been given the charge of 26 gardens. According to the Labour Commissioner of Assam, the government labour department lacks adequate machinery, logistics and manpower to discharge their responsibilities. Isolated geographical terrain and inaccessible roads add to their woes. Lakshmikant Kurmi, secretary of Assam Sangrami Cha Shramik Sangh (ASCSS) told us that the garden management are not at all bothered about the labour inspectors. Instead, these inspectors are very often driven out of the tea gardens.

We have in our possession a copy of the report prepared by Shri B C Barua, labour inspector posted at Biswanath Chariali, in Sonitpur district of Assam, on his inspection of the labour lines of Borgang Tea Estate. This report reveals the pathetic condition in which the workers are living in this estate. It provides details of housing facilities, conditions of houses, state of drinking water facilities, approach roads, latrines, urinals, electrification, etc. The report dated January 2, 1998 says that 'all labour quarters of the line no. 4 (the old line) are old. For a long period the quarters are not repaired.... I noticed at least 6 quarters without having windows and verandas ... quarters have no latrines and lavatories...The management has not paid any keen interest to repair these quarters for a long time'. The report further states that the management didn't protect and maintain the wells so that they are free from the 'possibility of pollution by chemical or bacterial and extraneous impurities'. Shri Barua mentioned in this report that 'many permanent workers have no housing facilities and service card'.

An order was issued to the management requesting to construct and complete at least five double quarters of latest model within 6 months from the date of issue of the order. Neither this order was acknowledged by the estate management nor it was complied with and things are still pending. The garden managements have a complete disregard of the labour department machinery and they violate with impunity the rule of the land. Tea gardens, are off course, 'their private colonies'.

It is interesting to note here that at a meeting of the Industrial Committee on Plantations held on 20.10.95, Samir Roy, the general secretary of West Bengal Cha Mazdoor Sabha suggested to the government that 'a registered trade union should be allowed to file a complaint directly with the magistrate in case of violation of PLA since inspectors (1) cannot inspect plantations regularly and (2) are intimidated by the powerful tea lobby'.

The tea managements virtually go scot free even after repeated violations of the Plantation Labour Act because the provisions for prosecution and penalties are not deterrent in nature. The maximum penalty that could be imposed for any offence is only Rs.500. A second prosecution could invite a penalty of Rs.1000. So, the tea companies are in a position to pay these meagre penalties and not mend their ways. It

is economically profitable to them to pay a penalty of Rs.1000 rather than spending at least Rs.25,000 for constructing a labour quarter. Over the years, the trade unions have been demanding more stringent punitive measures. The Darjeeling-Terai-Dooars Chia Kaman Mazdoor Union has demanded 'one year imprisonment and penalty upto Rs.1,00,000 against tea garden management for violation of Plantation Labour Act'.

Legacy of the Raj

Some of the provisions of the PLA reflects the legacy of the colonial period and the practices of the colonial planters. The PLA has helped to perpetuate the family wage-labour system in the plantations by allowing children and adolescents to be considered as workers. This family wage-labour system has been the very basis of super-exploitation in the tea plantation industry and the survival and sustenance of the industrial relations and discipline imposed by the colonial planters. Thus employment of children is legally permitted in the tea plantation industry.

Where women constitute more than 60 per cent of the tea workers, the PLA has not provided adequate attention and protection to them. The Plantation Labour Act is totally silent on the issue of occupational hazards and safety measures in an industry which employs a large number of tender-age workers.

Child Labour

The issue of child workers has been further compounded by the amendment of 1986 in the wake of the Child Labour (Prohibition and Regulation) Act. Before the above amendment was made, Section 2 (a) and(c) of the Plantation Labour Act said: "adolescent" means a person who has completed his fifteenth year but has not completed his eighteenth year and "child" means a person who has not completed his fifteenth year; Section 24 of the PLA pertaining to the prohibition of employment of young children read: no child who has not completed his twelfth year shall be required or allowed to work in any plantation; and, in Section 26, regarding non-adult workers to carry tokens, the opening words were 'no child who has completed his twelfth year'

Now, Section 24 of the Child Labour (Prohibition and Regulation) Act (CLPRA), 1986, pertaining to the amendment of Plantation Labour Act of 1951 says:

In the Plantation Labour Act, 1951,--

in Section 2, in clauses (a) and (c), for the word "fifteenth", the word "fourteenth" shall be substituted;

Section 24 shall be omitted;

In Section 26, in the opening portion, the words "who has completed his twelfth year" shall be omitted.

So, by this amendment, according to the PLA, “child” means a person who has not completed his fourteenth year. Thus the maximum age of a child and minimum age for an adolescent has been lowered from 15 to 14.

Section 24 of the erstwhile PL Act which did not allow children below 12 years to work in the plantation now stands omitted. However, the plantation industry has not been included in Part A or Part B of the schedule of the CLPRA which lists the occupations and processes, where child labour is prohibited. Previously, while the PLA allowed child labour between 12-15 years, it explicitly prohibited child labour below 12 years. Ideally, if Section 24 is deleted then tea plantation work should be regarded as hazardous and prohibitive and included in the schedule under the CLPRA.

Occupational Hazards and Safety

The PLA has totally ignored the issue of occupational hazards and safety measures. Over the years, the tea plantation industry has been using agro-chemicals in the form of pesticides, weedicides and insecticides. Use of such hazardous chemicals has increased and doses have become higher as pests have become stronger and acquired immunity to low doses. Indiscriminate and unsafe use of pesticides and insecticides, the lack of appropriate disposal of their containers has led to pollution of groundwater besides exposing workers fatally.

The spraying of pesticides is usually done by untrained casual daily wage workers, mostly children and adolescents, who are illiterate and cannot read the warnings on the containers. They often use bare hands to mix these chemicals. Equipment is not maintained properly. The spraying operations take place every 7th to 10th day throughout the year. The compulsory and precautionary 8-10 day gap between spraying and plucking is not allowed by the tea estate managers. This has also resulted in a high degree of toxicity in the soil, water and presence of pesticides in the processed tea. According to a report published in the Economic Times (January 4, 1999), the European Tea Committee in its recent findings claimed a high incidence of pesticides in Indian tea exported to overseas market.

The tea gardens are indiscriminately using chemicals like Aldrin 20E, Carbofuran 30, Endosulfan 35 EC, Malathion 50 EC, Tetradifon 8 EC, Calixin 80 EC, etc. most of which are listed as hazardous and toxic and some of them are banned. But workers who are spraying these chemicals are not equipped and provided with protective and safety gears like masks, gloves, goggles, rubber boots, polythene aprons. They are not even aware of the consequences and no compulsory medical check-ups are conducted for them.

The Plantation Labour (Amendment) Bill which was introduced in the Rajya Sabha in 1992 provided for abolition of child labour in the plantations and included a new section on occupational hazards and safety measures. Section 18 of the proposed amendment dealt with safety of workers in connection with the use, handling and storage of insecticides, chemicals and toxic substances. It also provided for training of workers involved in handling of agro-chemicals and maintenance of accurate medical health record of those who are exposed to these chemicals. Unfortunately, this

amendment was not introduced in the Lok Sabha and since then, nothing has been heard of.

The ILO Committee on Work on Plantations in its 9th session in 1989, noted that 'changes in technology and production processes in the plantation sector, particularly in regard to the use of pesticides and other chemicals, call for new safety and health measures. The Committee was also concerned at the possibility of the use in some countries of chemical substances banned elsewhere. The Committee called upon the Governing Body of the International Labour Office to call on member states:

- a. to establish adequate systems of compensation for victims of occupational accidents and disease in the plantation sector;
- b. to ratify and implement the Occupational Safety and Health Convention, 1981 (No.155), and Recommendation, 1981 (No.164), and the Protection of workers' Health recommendation, 1953 (No. 97) as well as the Occupational Health Services Convention, 1985 (No.171);
- c. to carefully screen chemicals that are to be imported for use on plantation with a view to taking appropriate action to protect the safety and health of workers and their families.

Women Workers

The permanent women workers are discriminated against in disbursing of benefits. A women worker's dependent parents are not entitled to any benefit. The spouse of a female worker is not entitled to medical benefits. The female casual workers are the most exploited as the PLA does not provide for any benefits for the casual workers. Other than daily wages they do not enjoy any other benefits. Women workers, often working for years as temporary workers, are deprived of sickness and maternity benefits.

The PLA has not specified also the nature of work of the women workers in the plantations. As they constitute the bulk of the plantation workers, they are prone to heavy workloads and type of work which is detrimental to their health and well being. This lacuna in the PLA actually helped the planters to arbitrarily decide the nature of work and workload after the Equal Remuneration Act was passed in 1976.

Mere formulation and adoption of a labour law is not enough. The government machinery has to have a definite will to enforce it and at the same time the concerned industry should be matured enough to discharge its social responsibilities. The tea industry in India is 150 years old. It has steadily prospered and made huge profits but, is reluctant to improve the condition of workers, employment, wage, basic amenities, etc. The industry should be matured enough to know that modern industrial relations rely on humane worker-management relationship and practices. Medieval and feudal management practices, based on a coercive ideology, to extract super profits, will only harm the long term prospect of the Indian tea industry.

Findings

General Observations

1. The Tea Plantation industry in India survives on the sweat and toil of forced labour³⁷. Workers live in geographically isolated areas, the so-called plantation enclaves. They live and work exclusively for their respective plantations; without a free choice in terms of work and the place of living. They are attached to the respective tea estates from their birth to their death. From father to son and mother to daughter, the family labour continues through generations. In effect they are captives to the tea garden owners and normally, neither do they have freedom nor do they enforce the right to change the management to which they are attached.
2. Government of India is answerable to the people of the country and the international community for allowing forced labour in such magnitude and intensity in the tea plantations. It is violative of the Constitutional provisions under Article 23 and various international Covenants and Conventions of which India is a signatory, including the Forced Labour Convention No: 29 of ILO.
3. An overwhelming majority of around 8.5 lakh workers in Assam and 3 lakhs workers in the Terai and Dooars region of West Bengal are tribals who are descendants of immigrant indentured labour recruited by the colonial planters from the tribal regions of Bihar, West Bengal, Orissa and Madhya Pradesh. The workers in Darjeeling hills are predominantly descendants of Nepali immigrants.
4. During about 150 years of the existence of tea plantations in North Bengal and Assam, the industry has grown and is now capable of competing in the international market of its own. However, the industry has maintained unchanged the structure and industrial relations practices during the colonial period. The industry maintains a strict regimentation in the division of work almost along ethnic lines in which the mass of unskilled, uneducated workers can never aspire to be in the staff or managerial grade.
5. Tea Plantation industrialists, however, have failed miserably in their social responsibilities. Tea plantation areas are conspicuous by the underdevelopment in general infrastructure, road maintenance, agriculture, allied industries and a commodity market. Question can be raised whether the industrialists have

³⁷ The Indian Constitution (Article 23) prohibits traffic in human beings, beggar and forced labour. The Bonded Labour System (Abolition) Act, 1976 prohibits bonded labour. In 1954, India ratified the ILO Convention No. 29 (The forced labour convention) and No 105 (The abolition of forced labour convention).

invested the surplus from the profitable industry in the region or had been stashed away to far away urban centres. Nonetheless, this situation has given rise to regional imbalance and apparent ethnic tensions.

6. All provisions of Plantation Labour Act, 1951, whether it be on housing, education, sanitary amenities, canteens, crèches, medical facilities, drinking water, recreational facilities – are violated with impunity by the tea garden managements.
7. The tea managements exercise absolute control over the workers by assuming control over the factors of wages, homestead, health and education of the workers.

Wages

8. In spite of the fact that ‘wage’ constitutes the most important component in all negotiations between trade unions and the managements of Tea plantations in West Bengal and Assam, confusion abounds on the basis - between minimum wage and a negotiated wage - of the determination of the wages. A situation exists where the workers receive abysmally low wages, even as late as in 1999 the tea garden workers in West Bengal was receiving daily wages of Rs.37.60 and those in Assam Rs.34.80.
9. The tea industry in West Bengal and Assam come under the schedule of the Minimum Wages Act. To the best of the understanding of the fact finding team neither the West Bengal government nor the Assam government has constituted Minimum Wages Board under the Act. Both the governments have not determined and fixed minimum wages of the tea plantations.
10. In the absence of a notification on the scheduled Minimum Wage to be followed in the tea plantations in Assam, besides the cash wage, the components of the net wage include subsidised food grains, dry tea, fire wood, housing, medial expenses, blankets, national and festival holidays, sickness benefits, earned leave, maternity benefits, education, gratuity and bonus. A similar formula is also followed in West Bengal. This highly objectionable, illegal and unethical practice is being followed by the tea plantations, without being challenged by anyone including the trade unions in tea plantations.
11. In Assam there exists a practice whereby the State government of Assam notifies as minimum wage, the wages agreed bilaterally between CCPA and Assam Cha Mazdoor Sabha (ACMS). This is improper and illegal under the provisions of the Minimum Wages Act, because only a statutorily constituted Minimum Wages Committee has the authority to fix minimum wages. The arbitrariness and fraudulence of this practice is evident from the recommendations of the recently constituted Minimum Wages Advisory Board proposing Rs 49.00, much higher than the negotiated wage, as recommended minimum wage.

12. The Central and State government have not followed the recommendations for the determination of wages of the Central Wage Board for Tea Plantation Industry, 1966.
13. Almost in all plantations the workers are not given proper pay slips.
14. In no plantation in West Bengal and Assam workers receive wages for weekly holidays.
15. The daily wages for those who pluck the leaves are fixed on a minimum weight of leaves. In West Bengal there were cases in which if the stipulated quantity was not met they had to make up for the short-fall by taking leaves from their colleagues or by compensating it the next day by plucking more.

Housing

16. In all the tea plantations we visited, workers were third or fourth generation descendants of immigrants of colonial period. However, they were kept under a sense of tremendous insecurity by denying them the right to homestead of the place where they have been living all these years. Most cruel was the threat of eviction if they had taken up any job outside. This insecurity was compounded by the fact that seldom do we find alternate employment opportunities elsewhere in the neighbourhood of the plantations. Homestead becomes a stick and a carrot to keep the workers in servitude for generations and generations.
17. There is a great short fall in houses for workers in all plantations we have visited. In Assam, workers are forced to live in slum like situations in the vicinity of the tea plantations and in West Bengal workers themselves had to construct kutcha houses without adequate facilities. In both the States, the managements had stopped constructing pucca houses.
18. None of the governmental schemes and benefits intended for poverty alleviation and income generation is now available for tea garden workers, making a mockery of the citizenship rights of the workers.

Casualisation

19. In all the tea plantations we visited there is a trend of reduction in the permanent workers and substituting them with casual workers. Casual workers are employed mostly during the peak seasons and they remain casual years after years. Casual workers are denied all statutory benefits of a tea garden worker as stipulated in the Plantation Labour Act. Casualisation is a method tea plantation managements use to control the workforce within the tea plantations by creating a pool of surplus labour and to reduce costs of production.
20. There is no comprehensive data on the socio-economic, working and living conditions of the tea garden workers, which helps the management in fudging the figures of their employees and denying them legal rights.

Health

21. Making a mockery of all statutory health benefits provided for in the Plantation Labour Act, the plantation workers live in extremely deprived health situation. Nowhere could we see healthy, able bodied and energetic individuals. Malnutrition and infant mortality abounds. Tuberculosis has been reported from all plantations in epidemic proportions. Besides this was the rampant relevance of malaria, hookworm, anaemia, gastro-enteritis and even cholera. Malnourished and sickly mothers and children gave a pathetic sight.
22. The company health system has totally collapsed. Hospitals are for namesake with extremely inadequate number of personnel and absence of equipment and medicines. Workers in most cases had to contend with a red mixture supplied by the compounder. In almost all cases the hospitals are in dilapidated and unhygienic condition.
23. Sanitary conditions are deplorable. Latrines, urinals and sewage and drainage systems were absent everywhere. Choked drains, leaking water pipes, burst safety tanks are common sights.
24. Most of the gardens did not have pipe water. Mostly, the source of water was hand pumps and shallow wells. There are gardens where ponds are the only source of drinking water. Consequently water borne diseases are rampant in the tea gardens.
25. In the absence of proper health facilities in tea plantations, the workers in situations of emergency seek external medical help, the cost of which will not be met by the management.
26. Toxic and banned pesticides are used in the tea plantations. The workers who spray these pesticides are not equipped with protective gear and other safety measures. The plantation labour Act is silent on the issue of occupational health hazards and safety measures.

Child Labour

27. Around 10 -12 per cent of the workers in the tea plantations are child workers.
28. Child labour has been observed in the tea plantations we visited, though the exact number was difficult to ascertain. The number of child workers is especially high in the Assam gardens. In West Bengal, though the 1997 agreement prohibits the tea industry to employ child workers, it is difficult to say that child labour has been eradicated because of the presence of adolescent workers between the age of 14 and 15 who are still paid half the wage of adult labour.

Education

29. The tea industry has failed to impart proper educational facilities to the children of the tea workers. For generations, tea workers have largely remained

illiterate and other than inadequate numbers of LP schools the tea planters have done nothing. Where there are schools adequate rooms are not there. Number of teachers is inadequate and teachers are irregular. There is no impetus for the children to pursue their studies above the primary level. The minuscule number among them who have passed matriculation or are graduates have no avenues for further employment. They generally start as temporary workers in the garden.

30. In all plantations we visited we could observe a high rate of dropouts after the primary level; probably because children above 12 years of age was allowed in plantations, according to the Plantation Labour Act. The plantations are found to be thwarting the skill development of the children so as to assure cheap labour force.
31. We have also observed that the tea gardens workers do not enjoy the benefits of reservations in education and employment available to scheduled castes and scheduled tribes.

Women Workers

32. Women workers who constitute the majority of tea workers live and work in extremely exploitative conditions. Women's reproductive role has great significance in the plantations considering the significance of the family unit in the work determination in plantations.
33. In most of the families we visited there were more than 4 children. This put at great risk the health of the women, who are also workers in the plantations. Such a demand on women workers may be due to the systematic demand for regular labour supply, abject poverty and ignorance regarding family planning methods.
34. Women workers, even pregnant and lactating mothers are given work of heavy nature and there were cases where they were given work of heavy nature like deep hoeing.
35. In the disbursement of subsidised food grains and medical facilities, the women workers are discriminated against. They do not get facilities for their spouse and for single women, their parents are not considered as dependants.
36. Women workers always will have to remain at the unskilled level and never get promotions.
37. They are also subjected to sexual abuse and harassment
38. In all tea plantations we visited the women workers had no separate toilet or bathroom facility.

Trade Unions and Collective Bargaining

39. We have observed that in the plantations we visited there was 100 per cent unionisation. However, the quality of participation of the workers in trade union activities and collective bargaining seem to be low.
40. In Assam, we have observed workers did not enjoy freedom in the exercise of their right to join trade unions of their choice. ACMS is the only union which has got the right to negotiate, which is not decided on the basis of secret ballot.
41. We have also observed a trend in which trade unions are now being built around ethnic identities.
42. Though men and women are members of trade union, the women workers are seldom seen in the leadership.

Recommendations

Wages

- (1) The governments of West Bengal and Assam should constitute Minimum Wage Board for the tea plantation workers under the Minimum Wages Act.
- (2) Minimum wages should be determined and fixed for tea plantations as per the norms and principles laid down in 15th ILC and Supreme Court directives.
- (3) The practice of state government of Assam to give legal sanctions to the wages agreed bilaterally between CCPA and ACMS as statutory minimum wage is improper and illegal. This is substantiated by the fact that the recommendation of the recently constituted Minimum Wage Advisory Board was Rs.49.00, much higher than the negotiated wage of Rs.37.60. This practice should be discontinued immediately.
- (4) The practice of the tea plantations controlling the distributions of food grains, to workers should be dispensed with and the food grains should be distributed by workers' controlled institutions, and the food subsidy or food should not be linked to the workers' attendance and should be on a flat basis.
- (5) All workers, should be given proper pay slips.
- (6) Workers should be paid wages for weekly off day.

Housing

7. All landless workers should be allotted permanent homestead land in their existing places of living as per government order and workers should have free access to their places of living.
8. A Tea Workers' Housing Development Fund should be constituted from a cess collected at the rate of 12p per kg of processed tea with the objective of providing interest free housing loan for building and upgrading houses.
9. All government programmes and benefits including Panchayati benefits should be extended without hindrances to tea garden workers in their places of residences.
10. As an immediate step, all regular workers should be provided with pucca houses with proper sanitation toilets.

Casualisation

11. All the social benefits enjoyed by the permanent workers should be extended to casual workers.

12. An effective and permanent system should be worked out for the regular absorption of casual/temporary workers.
13. Detailed socio-economic survey of tea plantations should be carried out.

Health

14. Given the fact that the company health system has totally collapsed due to apathy and indifference of tea garden managements, the preventive and curative health requirements of workers should be managed by a specialised agency created by the government, and funded partly through a cess from the tea gardens at the rate of 12 paise per kg of processed tea.
15. A health check-up of all tea garden workers should be carried out on a war footing.
16. All housing colonies of workers should be provided with potable piped water.
17. Colonies should have underground drainage and sewage system.
18. There should be adequate number of toilets and urinals in the workplace, separately for men and women.
19. Governments should launch, immediately, malaria eradication and TB control programmes.

Education

20. Tea companies and government should be jointly responsible for providing universal primary quality education to all children in tea gardens.
21. Governments should invoke legally enforceable prohibition of child labour below 14 years, in tea plantations.
22. Governments should start ITI and vocational training centres at sub-divisional levels in the Tea Plantation districts of West Bengal and Assam for the skill development and technical education and thereby providing alternative employment opportunities for the children of tea workers.
23. The tea garden population in Assam, belonging to those tribes and communities who have been accorded scheduled status elsewhere in India, should also be accorded the same status in Assam. All affirmative action available for scheduled caste/scheduled tribe communities elsewhere in education and employment should be available for tea garden workers as well.

Women Workers

24. Encourage skill development and promotion of women workers to sub-staff category.
25. 50 per cent supervisory posts should be reserved for women workers.
26. There should be stringent punishment against sexual harassment at work place.

27. Work norms should be relaxed for pregnant and lactating women workers.

Pension

28. Non-contributory pension scheme should be instituted for all tea garden workers.

Collective Bargaining

29. Impediments erected in Assam over the exercise workers' right to join trade unions of their free choice should be eliminated.
30. Recognition of union on the basis of secret ballot should be awarded both at the industry and tea garden levels.
31. Enforcement machinery should be strengthened as per ILO norms for proper implementation of labour laws.
32. Yearly report of the implementation of Plantation Labour Act, 1951 should be tabled before the respective State assemblies along with action taken report.
33. We propose the formation of a tripartite committee to review the Plantation Labour Act, 1951, in order to foster democratic industrial relationship, humane working condition, eliminate gender discrimination and incorporate sound environmental practices and occupational health and safety.

General

34. Respective governments should take necessary steps to ensure that the industrialists respect their social responsibilities, invest the surplus generated back in the region in infrastructural and educational development and in the development of allied and other industries.
35. Special Task Force should be constituted by the respective State governments for the immediate and speedy implementation of provisions of Plantation Labour Act, 1951.
36. On a long term basis, we propose the constitution of a National Commission on Plantation labour which should look into the question of a national wage policy for plantation labour and working and living conditions of workers.

Appendix

TABLE 8: WAGES OF ADULT AND NON-ADULT WORKERS IN THE TEA PLANTATIONS OF WEST BENGAL

<i>Year and period</i>	<i>Increment for Adult Workers</i>	<i>Adult Wages</i>	<i>Non-adult Wages</i>
Till 31.5.90		13.80	6.90
1.6.90 to 31.5.91	2.70	16.50	8.25
1.6.91 to 31.5.92	1.40	17.90	8.95
1.6.92 to 31.5.93	1.40	19.30	9.65
1.6.93 to 31.3.94	Nil	19.30	9.65
1.4.94 to 31.3.95	2.50	21.80	11.90
1.4.95 to 31.3.96	2.50	24.30	12.15
1.4.96 to 31.3.97	2.00	26.30	13.15
1.4.97 to 31.3.98	3.00	29.30	14.65*
1.4.98 to 31.3.99	3.00	32.30	16.15*
1.4.99 ---	2.50	34.80	17.40*

Source: West Bengal Cha Mazdoor Sabha and various agreements between 1990 and 1997

*Wage for adolescents aged 14 and 15 years

TABLE 9: WAGES OF ADULT AND NON-ADULT WORKERS IN THE TEA PLANTATIONS OF ASSAM VALLEY

<i>Wages</i>	<i>Increment for Adult Workers</i>	<i>Adult Wages</i>	<i>Non-adult Wages</i>
1.4.90 to 31.3.91	1.15	16.45	8.23
1.4.91 to 31.3.92	1.15	17.60	8.81
1.4.92 to 31.3.94	2.50	20.10	10.06
1.4.94 to 31.3.95	1.75	21.85	10.94
1.4.95 to 31.3.96	1.75	23.60	11.82
1.4.96 to 31.10.97	3.00	26.60	13.32
1.11.97 to 31.10.98	2.50	29.10	14.57
1.11.98 to 31.10.99	2.50	31.60	15.82
1.11.99 -		37.60	18.80

<i>Wages</i>	<i>Increment for Adult Workers</i>	<i>Adult Wages</i>	<i>Non-adult Wages</i>
Source: Memorandum of Settlements dated 10 January 1993 and 12 June 1996, Dibrugarh			

TABLE 10: MAXIMUM DAILY WAGES OF A TEA WORKER IN BENGAL PLANTATIONS BETWEEN 1948 AND 1986

<i>Year</i>	<i>Daily Wage in Rs. As. Ps./Rs.</i>	<i>Year</i>	<i>Daily Wage in Rs. As. Ps./Rs.</i>
1948	1 – 1 – 6	1973	3.15
1951	1 – 3 – 0	1974	3.40
1953 February	1 – 5 – 6	1975	3.85
1953 June	1 – 6 – 6	1976	4.30
1953 October	1 – 8 – 6	1977	5.30
1955	1 – 12 – 0	1978	6.30
1959	1.84	1979	7.20
1962	1.92	1980	8.10
1964	1.98	1981	9.00
1966	2.13	1982	9.00
1968	2.25	1983	9.75
1969	2.45	1984	10.50
1970	2.54	1985	11.25
1971	2.77	1986	12.10
1972	3.00		
Source: Asim Chaudhuri (1995) and K N Sircar (1989)			