

**Socio-Economic Conditions of the Tea Garden Workers: A  
Study of Darjeeling and Tinsukia Districts**

A Thesis Submitted

To

**Sikkim University**



In Partial Fulfilment of the Requirement for the  
**Degree of Doctor of Philosophy**

By

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Supervisor

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August, 2022

**Date: 08/08/2022**

## **DECLARATION**

I, **Rajshree Rai**, hereby declare that the subject matter of this thesis is the record of the work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me, or to the best of my knowledge to anybody else, and that the thesis has not been submitted by me for any research degree in any other university/institution.

This is being submitted in partial fulfilment of Doctor of Philosophy in the Department of Political Science, School of Social Sciences.

  
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## CERTIFICATE

This is to certify that the thesis entitled, "**Socio-Economic Conditions of the Tea Garden Workers: A Study of Darjeeling and Tinsukia Districts**" submitted to Sikkim University in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Political Science is the result of bonafide research work carried out by **Rajshree Rai** under my guidance and supervision. No part of the thesis has been submitted for any other degree, diploma, associateship and fellowship.

All the assistance and help received during the course of the investigation have been duly acknowledged by her.

**We recommend that this thesis be placed before the examiners for evaluation.**

  
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*Dedicated to*

*Muma, Late Mama Bajey and Aama-Baba*

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Date:

Rajshree Rai

## Contents

	<b>Page No.</b>
<i>Declaration</i>	i
<i>Certificate</i>	
<i>Plagiarism Check Report</i>	
<i>Acknowledgements</i>	iv-v
<i>Abbreviations</i>	vi-vii
<i>List of Tables</i>	viii-ix
<i>List of Figures</i>	x
<i>List of Maps</i>	x
<i>Preface</i>	xiii-xv
<b>Chapter 1 Introduction</b>	<b>1-17</b>
1.1 Socio-economic conditions	1
1.1.1 Legal and constitutional provisions	2
1.2 Statement of the Problem	4
1.3 Review of Literature	5
1.4 Scope	14
1.5 Objectives	15
1.6 Research Questions	15
1.7 Methodology	15
1.8 Chaptarisation	16
<b>Chapter 2 History of the Tea Industry and Migration of the Tea Garden Workers in India</b>	<b>18-52</b>
2.1 Historical Background of the Tea industry in India	18
2.2 Evolution of tea industry in Assam	22
2.2.1 Discovery of the tea plants in Assam	22
2.2.2 Evolution of Tea industry in West Bengal	25
2.3 Tea Plantations in other parts of India	29
2.4 The history of the migration of the Tea Garden workers	31
2.5 Recruitment and employment	33
2.6 Push and Pull factors of migration	34
2.7 Methods of Recruitment	38
2.8 System of wage payment and wage fixation	31
2.8.1 Wage fixation board	45
2.9 Labour welfare	47
2.9.1 Legal and Administrative arrangements	49
2.10 Plantation Labour Unions in Darjeeling before the independence	50
2.11 Plantation Labour Union in Assam before the independence	51



<b>Chapter 3</b>	<b>Plantation Labour Act of 1951 and Tea Act of 1953</b>	<b>53-70</b>
3.1	Introduction	53
3.2	Tea Associations, Agreements and Acts: Colonial Origin and Relevance	55
3.3	Tea Act of 1953	58
3.4	Plantation Labour Act 1951	60
3.5	Tea Board of India	65
	3.5.1 Tea Board of India: Organisation and Functions	66
<b>Chapter 4</b>	<b>Socio-economic condition of the tea garden workers of Darjeeling District in West Bengal</b>	<b>71-108</b>
4.1	Introduction	71
4.2	Demography and general information	72
4.3	Methodology	73
4.4	Socio-economic indicators	76
	4.4.1 Religion	79
	4.4.2 Number of family members, workers, and dependents	81
	4.4.3 Residence, Housing facilities and living conditions	85
	4.4.4 Drinking water facility	88
	4.4.5 Availability of Toilets	89
	4.4.6 Electricity Facility/access and use of electric items	92
	4.4.7 Fuel supply	93
	4.4.8 Public Distribution Scheme (PDS) coverage	94
	4.4.9 Literacy and Education	94
	4.4.10 School attendance	96
	4.4.11 Minimum Wage and working hours	96
	4.4.12 Skilled types	97
	4.4.13 Allowances, Bonus and Pension	98
	4.4.14 Puja benefits and Holidays	100
	4.4.15 Medical and recreation facilities	100
	4.4.16 Health Check-up Point	100
	4.4.17 Treatment cost	102
	4.4.18 Recreation facilities	103
	4.4.19 Monsoon and winter facilities	103
	4.4.20 Crèche facilities	104
	4.4.21 Awareness of the legal rights	104
4.5	Conclusion	107

**Chapter 5 Socio-economic conditions of the Tea Garden Workers of Tinsukia District in Assam 109-155**

5.1	Introduction: Tea tribe and worker	109
5.2	Methodology	112
5.3	Socio-economic indicators	114
5.3.1	Demographic and General Information	114
5.3.2	Religion	119
5.3.3	Housing facilities and living conditions	123
5.3.4	Drinking water facilities	127
5.3.5	Availability of Toilets	128
5.3.6	Electricity Facility/access and use of electric items	131
5.3.7	Fuel supply	133
5.3.8	PDS coverage	135
5.3.9	Literacy and Education	136
5.3.10	School attendance	138
5.3.11	Educational expenses	138
5.3.12	Wage, Income and Expenditure	140
5.3.13	Experience and Nature of Job	140
5.3.14	Minimum Wage and Working Hours	141
5.3.15	Working days	142
5.3.16	Family members engaged in tea garden activity	142
5.3.17	Expenditure	142
5.3.18	Skill types	143
5.3.18	Allowances, Bonus and Pension	144
5.3.19	Medical and recreation facilities	146
5.3.20	Treatment cost	147
5.3.21	Health Insurance Card Benefits	148
5.3.22	Children get EPI facilities/vaccination	148
5.3.23	Maternity benefit	148
5.3.24	Recreation facilities	148
5.3.25	Digital payment towards PF benefits	149
5.3.26	Monsoon and winter facilities	149
5.3.27	Crèche facilities	150
5.3.28	Awareness of the economic, political and legal rights	150
5.4	Conclusion	154

**Chapter 6 Findings, Suggestions, and Conclusion 156-176**

**References 177-188**

Appendix I	Questionnaire Schedule	i-vi
Appendix II	Plantation Labour Act, 1951	vii-xxvi
Appendix III	Some glimpse of the Field Survey	xxvii-xxxix

## **Abbreviations**

AASAA:	All Adivasi Student Association of Assam
ABCMS:	Akhil Bharatiya Cha Mazdoor Sangha
AATTSAA:	All Assam Tea Tribes Students Association of Assam
ACMS:	Assam Cha Mazdur Sangha
ACA:	Adivasi Council of Assam
ATPA:	Assam Tea Planters Association
AITUC:	All India Trade Union Congress
BCP:	Bharatiya Cha Parisad
BMS:	Bhartiya Mazdoor Sangh
BPL:	Below Poverty Line
CITU:	Centre of Indian Trade Union
CPI:	Communities Party of India
CPR:	Community Property Resources
CSP:	Congress Socialist Party
DDCKSS:	Darjeeling District Chai Kaman Shramik Sangha
EPFA:	Employees Provident Fund Act
FCI:	Food Corporation of India
GNLF:	Gorkha National Liberation Front
ICSE:	Indian Certificate of Secondary Education
ICESCR:	International Covenant on Economic Social and Cultural Rights
ILO:	International Labor Organisation
INTUC:	Indian National Trade Union Congress
ISC:	Indian School Certificate
MOBC:	Minority and Other Backward Class
NETA:	North Eastern Tea Association
NCL:	National Commission on Labour
NTUC:	National Trade Union Congress
NTUF:	National Trade Unions Federation
NUPW:	National Union of Plantation Workers

OBC:	Other Backward Classes
PDS:	Public Distribution System
PF:	Provident Fund
PLA:	Plantation Labour Act
PLU:	Plantation Labour Unions
RGI:	Registrar General of India
SOA:	Standing Orders Act
TAI:	Tea Association of India
TBI:	Tea Board of India
TSI:	Tea Statistics of India
TRA:	Tea Research Association
ITA:	Indian Tea Association
UTUC:	United Trade Union Congress

## List of Tables

Table no.	Title	Page no.
2.1	Distribution of the tea gardens in the Darjeeling hills in 1940	27
2.2	Number of tea gardens, area under cultivation, out turn, and Employment: 1866-1905	28
2.3	Total workers in tea plantations in India	30
2.4	Ordinary labour- minimum wage rate per day in 1952	42
2.5	Ordinary labour minimum wage rate in 1967	44
2.6	All-India Wage Board recommended Labour Wages in 1966	46
2.7	Labour unions in Assam	52
3.1	Area, Production and Exports of Tea during the Great Depression 1929 -34	56
4.1	Demographic Distribution of Sample Population	75
4.2	Socio economic indicators	76
4.3	Gender and Caste Category of the Sample Households	77
4.4	Religious Category of the Sample Households	80
4.5	Age-wise Distribution of Household Members	82
4.6	Type of Houses of Sample Households	87
4.7	Type of Toilet availability to Households	90
4.8	Electric Items used by the Households	92
4.9	Fuel Supply provided by the Garden Authority	93
4.10	Items Received by Households and Covered under the PDS	94
4.11	School facility available to the children of the tea garden workers	95
4.12	Payment for Regular Work and Overtime	97
4.13	Type of Skill of the workers	98
4.14	Allowances paid by Tea Garden Authority	99
4.15	Health Check-up Point Facility	101
4.16	Health Treatment Cover by(in %)	102
4.17	Recreation facilities	103
4.18	Monsoon facilities	104

4.19	Awareness about Economic rights	105
4.20	Awareness about Political rights	106
5.1	Demographic distribution of sample population	113
5.2	Socio-economic Indicators	114
5.3	Demographic and general information (Gender & Caste Category)	115
5.4	Religion Distribution	119
5.5	Number of family members	121
5.6	Types of Houses	124
5.7	Residence allowance provided by Tea Garden authority	126
5.8	Availability of Toilets	129
5.9	Assistance for setting up sanitary latrine	131
5.10	Electric items	132
5.11	Garden authority supply fuel	133
5.12	Covered under the PDS	135
5.13	Educational Facilities	136
5.14	School attendance	138
5.15	Educational expenses	139
5.16	Payment of wages	141
5.17	Family members engaged in tea garden activity	142
5.18	Type of skill	153
5.19	Allowances, Bonus and Pension	145
5.20	Health Check-up Point	146
5.21	Health Treatment Covered	147
5.22	Electronic and PF Benefits	149
5.23	Monsoon facilities	150
5.24	Awareness about the Economic Rights	151
5.25	Awareness about the political rights	153

### List of Figures

<b>Figure No.</b>	<b>Title</b>	<b>Page No.</b>
4.1	Distribution of male and female in the family of the respondents	78
4.2	Distribution of caste category of the respondents	79
4.3	Distribution of dependent male and female in the family of the respondents	84
4.4	Distribution of type of houses of respondents	88
4.5	Distribution of total types of toilets used by the respondents	91
4.6	Awareness of Plantation Labour Act	106
5.1	Distribution of male and female in the family of the respondents	116
5.2	Distribution of caste category of the respondents	117
5.3	Distribution of type of houses of respondents	125
5.4	Residence allowance provided by the tea gardens authority	127
5.5	Distribution of type of toilets of respondents	130
5.6	Distribution of fuel supply type used by the respondents	134
5.7	Distribution of education expenses provider per tea garden	140
5.8	Distribution of respondents' skills	144
5.9	Tea garden workers awareness of economic rights	152
5.10	Tea garden workers awareness of political rights	153

### List of Maps

<b>Map No.</b>	<b>Title</b>	<b>Page No.</b>
1	Tinsukia District Map	xi
2	Darjeeling District Map	xii

Map 1  
Tinsukia District Map





**Map 2**  
**Darjeeling District Map**



Source: Accessed from <https://www.mapsofindia.com/> on 10/07/2021

## Preface

Socio-economic status means interaction of social and economic elements including social position, livelihood, health, cultural and religious rights. Socio-economic conditions explore how the societies are affected by the changing nature of economic activities and vice versa. It helps to analyse the regression, stagnation and society's progress associated with national, regional and local economy.

Assam and West Bengal are the largest producers of Tea in the world and contribute approximately 2/3rd of the total tea production in India. Cultivation of tea occupied a noticeable place in Tinsukia and Darjeeling districts of these states respectively. The workers in different tea gardens are regular workers and wages are paid on a daily basis which is considered as low. Due to the low wages, the tea garden workers are not able to afford all their demands and needs of life and have been facing different types of issues like illiteracy, hunger, poverty, and other issues. Sometimes various tea gardens have been closed for several reasons and the workers could not be able to earn daily wages. The tea industry of Darjeeling district had passed through a stagnation period and the tea industries were experiencing several types of labour conflicts. The same situation prevails in Tinsukia district as well.

This study is an attempt to discuss the socio-economic conditions of the Tea Garden workers in the backdrop of the implementation of Plantation Labour Act of 1951, which was enacted to protect the interests of these tea garden workers exclusively, in the initial years of India's independence. The study also made an attempt to understand the conditions and situation faced by the Tea plantation workers who work in their different multi-ethnic conflicting space. The study investigated the socio-economic conditions of the workers of the selected tea gardens of Darjeeling district in West Bengal and Tinsukia district of Assam. The indicators of the socio-economic conditions such as social status, economic conditions, health facilities, political, economic rights, freedoms, livelihood conditions, income levels and skill acquisition and development programmes are looked into for the study. It also investigated the functioning of the trade unions in the selected tea gardens, participation of the labours, awareness levels of the workers regarding the political and economic rights, perceptions of trade unions regarding the implementation of the provisions of the

Plantation Labour Act, 1951 and their role in addressing the issues of labours. The study also discussed state responses, government policies vis-à-vis the demands of the Unions and other related issues.

This study has been conducted with the objective like (1) to study the socio-economic conditions of the tea garden workers in Darjeeling and Tinsukia districts, (2) To study the legal provisions for the protection of the Tea Garden workers in these districts, (3) To study the role of the Trade unions in the implementation of the Plantation Labour Act, 1951.

The study is based on the data and information collected from the primary sources through open ended questionnaire, unstructured interview schedule, personal interviews non- participation observation, direct contact method with the workers, trade union activists, managers of tea gardens, officials of the government departments. The secondary data obtained from the statistical handbooks, annual reports, of Tea Board of India, related reports and publications by the Governments of Assam, West Bengal, and Government of India. Other reports like Census of India, Planning Boards, National Sample Survey, Gazettes, reports from the labour departments, magazines, journal articles, study reports by the academic and non-academic communities and books were also consulted.

From the total of 122 Tea Gardens in Tinsukia district in Assam and 116 tea gardens in Darjeeling district of West Bengal, 10 tea gardens were selected for the study using the simple random technique and lottery method. Further 10 households were selected from these selected tea gardens based on convenient sampling, as each of these tea gardens have varied number of households. Information was collected from these households using open ended questionnaire, which contained questions related to socio-economic conditions. From each of the tea gardens 3 trade union leaders and 2 management staff were interviewed, making it 30 trade union leaders and 20 management staff. In-depth interviews were conducted with the members and leaders of trade unions and managers as well as management staff. Further observation method was used to examine the conditions of the functioning of the school, health, hygiene, sanitation, maintenance, space facilities, workers' participation, and other conditions.

This thesis has been divided into six chapters dealing with various aspects of the current research. The introductory chapter conceptualises the nature of the study, statement of the problem, literature review, scope, objectives, research questions and methodology of the study. Chapter two lays down the historical background of the tea plantations in India. It explains the evolution of various Acts related to plantations. The chapter accommodates a portion on the evolution of tea industries in both West Bengal and Assam in general and selected districts. In the process it looked into the history of migration of the workers in India in general and in particular in these selected districts, their legal, constitutional status and so on. Chapter three throws light on the Tea Plantation Act of 1951, which is a very important Act in India enacted exclusively for the plantation sector workers dominated by the Tea Plantation. Main provisions of the Plantation Labour Act and Tea Act of India have been discussed in the chapter. The chapter highlighted the process of implementation of these Acts, enforcement mechanisms, performance and agencies involved. It exclusively looked into the role of the Tea Board, Government ministries and Trade Unions, their role and significance.

Chapter four discussed the implementation of Plantation related Acts in the selected tea gardens in Darjeeling district of West Bengal. It also discussed the socio-economic conditions workers in the selected tea gardens in this district. The Chapter is completely on the data and information collected from the field trip. Analysis of the data is also part of the chapter. Same is with Chapter five, which has been dedicated to study the socio-economic conditions of tea garden workers in Tinsukia district of Assam. The chapter also discussed the data collected through the field trip in selected tea gardens of the district. Chapter six, discussed the major findings of study along with the recommendations and suggestions.

## **Chapter 1**

### **Introduction**

#### **1.1 Socio-economic conditions**

According to the Oxford Advanced Learner's Dictionary (2007), Socio-economic status means interaction of social and economic elements including social position, livelihood, health, rights, cultural and religious freedom. The term is often used to deal with stratification in a society without the need for the assumption that these are distinct social classes (Bhusan, 1989). Socio-economic status explains how economic activity is affected and is shaped by social processes. In general, it analyses how societies progress, stagnate, or regress because of their local, regional, national or the global economy. It focuses on the relationship between social behaviour and economic conditions. Santrock (2004:583) defines Socio-economic status as “the grouping of people with similar occupational, educational, and economic characteristics”. He also adds that an important qualification is the ‘ability to control resources and participate in society’s rewards. Woolfolk (2007) says “the relative standing in the society is based on income, power, background and prestige”. Socio-economic status is conceptualized as the social standing or class of an individual or group. It is often measured as a combination of education, income, and power. Socio-economic status denotes the position of an individual in a community with respect to the amount of cultural possession, effective income, material possession, prestige, and social participation. Oladipo and Adekunle (2010) state that socio-economic status “denotes the position of an individual in a community with respect to the amount of cultural possession, effective income, material possession, prestige and social participation”. Mueller and Parcel (1981) define socio-economic status as the “relative positions of a family or individual on a hierarchical social structure, based on their access to, or control over, wealth, prestige and power”. They remarked that, “in economies, it is measured in income, education, occupation, livelihood while socially in terms of societal rank, prestige and position”. The social scope includes authority, occupational prestige, educational levels and standing in the community while the economic scope includes employment, income, home ownership and financial assets. Wall, et. al. (2005:153) points out that “socio-economic status has a significant impact on an individual’s level of participation and also levels of education and income were

significantly related to community commitment". Similar dimensions have been proposed by other scholars like Pantazis (2006) and Saunders (2007). The conditions by which economic status can be achieved/ measured are called socio-economic conditions.

### **1.1.1 Legal and constitutional provisions**

The International Covenant on Economic Social and Cultural Rights (ICESCR) of the United Nations is an international instrument bestowing workers with economic, social, and cultural rights to be provided by the member countries/signatories to the workers in their respective state's legal and constitutional framework. These provisions will enable the workers to freely pursue their economic, social, and cultural development (Shyamsundhar, 2004). The Constitution of India (GOI, 1991) also provides for citizenship rights in its Part II. Citizenship rights are regarded as fundamental, because they are most essential for the attainment of socio-economic status by the individual, of his full intellectual, moral, and spiritual status. The guarantee of the minimum rights at the workplace would enable people to claim and realise a fair share of the income. The guarantee of these rights would ensure a process of translating economic growth into social equality. The development thus becomes synonymous with the agenda of integrated development (Mishra, 2001).

According to the Directive Principles of State Policy of the Indian Constitution (GOI, 1991), the state is required to secure for the citizens, both men and women the right to an adequate means of livelihood, equal pay for equal work for both men and women, protection against abuse and exploitation of workers, economic necessity, protection of their health and strength, to secure for children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and protect children and a youth against exploitation and moral and material abandonment. The state is also required to secure equal justice and free legal aid, to make effective provisions for right to work to education and to public assistance in case of undeserved want, to ensure just and human conditions of work and maternity relief, to secure work, a living wage, and a decent standard of life to participation of workers in the management of industries. According to Thorat (2008) denial of civil rights (freedom of expression, rule of law, right to justice), political rights (right and means

to participation in the exercise of political power), and socio-economic rights (right to property, employment, and education) are key dimensions of an impoverished life. Besides, Mishra (2001), states that the right to move freely from one part of the territory of a country to another or one part of the globe to another is a basic right which should not be denied to workers.

In India, laws have been enacted fixing the hours and minimum wages of labourers and to improve their living conditions. Various security schemes have been framed. Besides, there are various labour laws, like Trade Union Act 1926, The Minimum Wages Act 1948, Employees State Insurance Act 1948, Industrial Disputes Act 1948, Industrial Disputes Decision Act 1955, Payment of Bonus Act 1955, Personal Injuries (Compensation Insurance) Act 1963, Maternity, Benefits Act 1967, Contract Labour (Regulation and Abolition) Act 1970, Bonded Labour System (Abolition) Act 1976, Equal Remuneration Act 1976, Interstate Migrant Workmen (Regulation of Employment) Conditions of Service Act 1979, The Child Labour (Prohibition and Regulation) Act 1986 and so on. However, these labour laws and policies are applicable for workers in the organised sector only. The unorganized sector workers constitute 92 percent of the total workforce in the country. As against this an estimated 8 percent of the labour force in India falls in the formal or organised sector as the workers of the Tea industry falls under organised sector. They are governed by the laws mentioned above and exclusively by Plantation Labour Act 1951. The tea industry occupies a significant position in the history of the development of the Indian economy in terms of its contribution in export, income, and employment.

Under the Tea statistics presented by the Tea Board in 2013, India has around 563.98 thousand hectares of area under tea production. Tea production takes place in Assam (304.40 thousand hectares), West Bengal (140.44 thousand hectares), Tamil Nadu (69.62 thousand hectares) and Kerala (35.01 thousand hectares). According to the estimates, the tea industry is India's second largest employer. It employs over 3.5 million people across some 1,686 Gardens and 157,504 small holdings.

Tea is grown in 16 states of India, of which Assam, West Bengal, Tamil Nadu, and Kerala account for about 95 per cent of the total tea production. The industry in India

includes small and big growers and government plantations (Mishra, 2001). Small tea growers are economically and socially vulnerable as they are mostly marginal farmers, dalits or from tribal communities. Many of them do not possess rights over the land they cultivate. Though the quantity of tea produced by small tea growers has increased over time, the profit accruing to them is very marginal. The reasons for this are several. important among them are, low price-realisation owing to poor quality and inefficient and incompetent production structures in the garden, inability of small tea growers to access international markets directly.

On the socio-economic front, the role of the tea plantation in sustaining the communities has been declining in recent years for various reasons. One of them is the growth in population in and around the plantations. This growth has resulted in the increase of unemployment in the tea plantation area (Moitra, 1991). This situation has led people to search for other means of livelihood supporting including depletion of other natural resources such as forest vegetation and land is being used for cultivation; thereby accentuating damages to the environment (Basu, 1979; Bhadra, 1992) and deterioration of socio- economic conditions of the people in these areas (Karotempral and Roy, 1999).

By providing employment to numerous households, tea plantations have played a pivotal role in the lives of the people of Darjeeling and Assam districts. Various studies found that the Indian tea producers are not getting fair prices in the market for their tea and this passes to the workers as wage cuts and further effects the tea and the social security measures available in the tea gardens (Borah, 2013).

## **1.2 Statement of the Problem**

This backdrop suggested that there is a need to understand the socio-economic conditions of the tea garden workers. The tea sector is said to be undergoing a crisis since the early 1990s. This crisis in the tea industry is manifested through stagnation in production, decline in export and closure of tea gardens (Misra, Upadhyay & Sarma, 2012). In 2001 alone, around 36 plantations were closed or abandoned directly affecting thousands of workers and the economy of the states. It also resulted in the drastic expansion of the small tea-growers. However, the tea industry in India



overcame sluggishness in production and has been increasing production since 2002. Many tea gardens have been reopened, and few more are in the process of reopening. However, it is important to find out why in the same region, some plantations are closing down, and some are still functioning normally.

As per the Tea Board (2012) around 12% of the tribal population of India lives in the Northeast region. This tribal population does not include the Tea Garden workers. They are included among what is called the Tea Tribes. Their exclusion from the tribal population is a sign of subordination and exploitation both socially and economically.

For several reasons, it is difficult for these workers to move out of the garden and find alternative sources of livelihood. Inter alia tea garden workers are facing a crisis of livelihood. Informalisation or casualisation of employment is also increasing in the tea industry as it is facing stiff competition. With the objective of lowering the cost of production, owners are increasingly resorting to casualisation of employment (Ananthanarayanan, 2008). Because of the low income and chronic poverty, human trafficking is other issue that is raising among the tea garden areas as there was a report by UNICEF published in 2014. Available statistics from the government departments and NGOs suggest that in the period between January 2011 to July 2013, around 3000 children and women were rescued from trafficking from tea garden areas in Assam. There was a report which had identified certain districts of West Bengal 'endemic' to human trafficking (Ghosh, 2009:55). Therefore, it is important to know the socio-economic conditions of tea garden workers in the selected tea gardens, the legislative provision of the protection of their rights, the implementation of Plantation Labour Act, 1951 and other related laws, as well as the role played by the trade unions in the selected districts for the study. This study is an attempt in that direction.

### **1.3 Review of Literature**

The socio-economic condition of tea workers has been studied both at state and national levels. Some of the studies which are reviewed here are:

Guha (1977)'s book, *Planters Raj to Swaraj*, talks about the British rule in India that provided the initial stimuli for growth of community consciousness among the Assamese by encouraging immigration of workers into Assam from neighbouring

undivided Bengal and Bihar regions. He writes that the plantation workers were basically bonded labour and their livelihood depended largely on wage-earning of tireless manual labour. Though the treatment of labour from the colonial period to the modern times have changed and benefits subsidized rations, provident fund, bonus, and other amenities have been increased, their income and economic conditions are much lower than their counterparts in other sectors like public works and railways.

Beckford (1984)'s book, *Persistent Poverty: Underdevelopment in Plantation Economies of the Third World*, pursued a neo-Marxist framework in analysing various plantation economies and societies the world over. The author has argued that the plantations in the colonies were not agents of development as claimed by modernisation theorists, but rather tributaries of imperialist-expansion. He pointed out that these plantations were the places of exploitation, subjugation, human rights violations and only reflects the affects of colonialism.

Kurian (1981) in her article, "The Position of Women Workers in Tea Plantation in Sri Lanka", discusses how the plantation sector emerged and developed in the 19th century under British rule by importing labour from the famine prone areas of Tamil Nadu. This led to the migration of large numbers of lower and sub-caste Tamil labourers to Sri Lanka. They recruited labour through middlemen, and this came to be known as the Kanganis system. The Kanganis came from the higher castes and had western education. They not only supervised the workers but controlled the Garden markets where they sold food products at prices of their choice. The Kanganis in due course of time became influential, wealthy, and powerful in the Gardens.

Jain (1988) in her book, *Sexual Equality, Workers in Assam Plantation System*, covers labour and gender relations, economy, family, marriage and world view and their sociological import. Author highlights the emergence of tea plantations in Assam and the method of recruitment that prevailed during the colonial period. She points out that labour from lower castes and tribal people were recruited from Bihar, Orissa, Andhra Pradesh, and West Bengal at very low wages through garden sardars. These sardars are like Kanganis in Southern India.

Hussain (1993) in his book, *Assam movement: Class, Ideology, and Identity*, discusses the anti-foreigners' agitation in Assam which began in 1979 and came to an end in 1985 with the signing of the Assam Accord. He says that the Anti-foreigners' Agitation in Assam was more an instigation of Assamese elites than an anti-foreigner and identity crisis movement. Though the movement pointed out the continuous flow of illegal migrants especially in the tea plantation, as the cause of the identity crisis of the Assamese people, the reality was not so. The migrants also had a distinct contribution in building up the economy of the state and flourishing a composite culture in the state and culminating into critical issues of identity and citizenship in the state. But the ideologues of the movement i.e. the Assamese elites, have distorted the reality to suit their self-interests. Very successfully, they mixed their class interests with the interest of the Assamese nationality. But the book focuses only on the identity crisis faced by the Assamese in their own state because of the inflow of migration from other states.

Bose (2011) in his work, "Social Security and Development Planning" opines that job characteristics such as safety and welfare measures, incentives, promotional opportunity, task clarity and significance, transport facilities and skills utilisation, commitment and relationship with supervisors and co-workers have a significant effect on job satisfaction. Several studies have been made on various aspects of the tea industry. These are mainly on the financial and geographical aspects of the tea industry. Bose highlights that very little effort has been made to find out the problems and prospects of small tea growers located in the North Bengal of West Bengal.

Griffiths (1967)'s book, *The History of the Indian Tea Industry*, focused on the evolution and growth of tea industry in India. While describing the evolution and passage of the growth of the tea industry in India, the study also describes the origin of the labour system, recruitment systems and the state of planters' oppression on which the workers had to undergo during the pre-independence period. This study separately discussed the relationship between the productivity of labourers with the absenteeism and labour turnover rate in the tea plantations.

Bhowmik (1981)'s book, *Ethnicity and Isolation: Marginalization of Tea Plantation Workers, Race/Ethnicity: Multidisciplinary Global Contexts*, made a study on "Class Formation in the Plantation System" which attempted to investigate different aspects of class formation among tribal workers engaged in the Dooars tea Gardens of West Bengal. This study reflected how class consciousness emerged among garden workers. The study focused only on the Dooars tea garden and about the workers' class consciousness.

The book by Phukan (1984) titled, *The Ex-Tea Garden Labour Plantation in Assam*, attempted to recall how labourers from different parts of the country entered the various tea plantations of Assam and how their number grew with the passage of time during the 19th century which constituted a sizeable segment of the rural population of Assam. It explains the historical circumstances under which the immigrant tea garden workers left their regular employment.

Sharma (2000)'s work, *The Himalayan Tea Plantation Workers*, had discussed the labour issue and the political relation with workers. He further incorporates the issues of wages in Darjeeling district tea gardens without mentioning any particular tea garden. The book called for increase in the wages of the workers and also highlighted the attitude and aptitudes of the workers toward the tea industry and its survival in future. Though the book is very informative for researchers in the field, it focuses only on trade unions and their political affiliations and does not discuss much about ways for increasing the socio-economic condition of the workers.

Banerjee, et. al, (2008) book, *Global Tea Trade: Dimensions and Dynamics*, deals with the history of Darjeeling tea and about the role of the British in the evolution of the industry. The book analyses the problems of the industry and development of industry for future prospects. The book did not incorporate the wage issues and the improvement measures taken by the tea industry for workers and how the trade union can participate for the workers right. It only focuses on the various facets of tea.

Khawas (2006) has also conducted a study on the Socio-economic Conditions of Tea Garden Labourers in Darjeeling hills. His work highlighted the negligence and highhandedness of tea management towards the social and Tea Development of

garden laborers. He also highlighted the conditions of tea garden laborers in Darjeeling Hills in the context of the widespread crisis in the tea industry sector in the country and its consequent impact on the laborers. He further argues that most of the tea gardens still operate in the colonial master-slave mode and the only goal of the planters and owners is to control the market and squeeze the primary producer (laborers) as much as possible.

Chakravorty (1997)'s book, *Socio-economic development of plantation workers in North-East India*, discussed the areas of participation of the workers in socio-economic development processes, where the author focused on education as an instrument in inculcating in among the workers the sense of awareness and responsibility, the spirit of belongingness to industry and discipline, as a result of which the workers become more duty conscious and cautious in attending their duties punctually and regularly.

Khound (1994)'s paper, "Income Expenditure and Saving of the Tea Garden Labourers of Assam", discussed the literacy rate and work participation rate among the male and female populations in Jorhat district. She found that these rates are higher in Jorhat district compared to the rest of the country.

Taknet (2002) provides a perspective of the history of the tea industry in India in marketing aspects and talks about the role tea plays in our lives and that of our country, and the wide-ranging developmental initiatives that have for decades been undertaken by the Indian tea industry. This book has discussed the emergence of the tea industry in India but did not focus much on problems of workers in the tea industry.

Singh et al., (2006) in their study, 'Socio-economic and Political problems of Tea Garden workers' opines that the tea industry may be a blessing for the economy of the state and the country as well, but in terms of human problems it's certainly not. Successive governments both at the centre and the state have continued treating the tea industry as something of a 'cross between a milk cow and a flogging horse'. Tea Gardens are looked upon by social activists and others as *a kamadhendu* (milking cows) which gives milk whenever needed.

Besky (2014) in her book, *The Distinction Darjeeling*, emphasized on fair Trade, where institutional setup adopts a universal definition of ‘fairness’ based on the perceived moral relations between consumers and producers, which ensures better economic compensation for the farm products. When farmers receive higher monetary yields for their products, fair-trade advocates claim, the system of global agricultural production becomes “fair”. So she situates the fair trade on Darjeeling tea plantation, the implementation of fair trade hinges on 1) minimum price and 2) premiums. The Fair-trade Labeling Organisation (FLO), the international governing body for fair trade certification, sets the minimum price, ideally higher than the going market value, for a product, and the fair-trade premium is an extra bit of money set by FLO for a given product (which differs from across region and grades of the product). The premium is paid on top of the minimum price. This additional premium is to be paid separately to the cooperative or plantation, so that the producer community can democratically decide how best to distribute it. But on Indian tea plantation, the producers include not just workers but also plantation owner. The vast differential between the two groups, fair trade in practice allows owner and not the workers to access new markets. Where Fair Trade is heralds the proponents call “direct trade” as key stone to success. According to Fair Trade USA, means “the importers purchase from Fair Trade producer groups directly as possible to eliminate unnecessary middlemen and empowering farmers to develop the business capacity necessary to compete in the global market place. In Darjeeling fair trade advocates the decline of the tea industry as an economic problem with an economic solution (price minimums and premiums). Where instead of questioning wage and land property rights, fair trade’s corrective to plantation production is to provide money to the owner and the selected representative of the workers, who might invest in development projects or provide loans to entrepreneurs plantation workers who might want to invest in livestock or stores. She favors the inclusion of Darjeeling plantations in the fair trade market has not only bought any closer to justice but also undermined non-market mechanism for ensuring workers’ well-being.

Though this fair-trade marketing is a great idea from the workers perspective but the reality is harsh, the workers as they won’t be the beneficiaries who actually deserve it. Amidst if it was like the coffee plantation, these direct trade relationships enable

producers and buyers to circumvent intermediaries and a higher price- the minimum price as because producer do not need to pay the intermediaries to shepherd green coffee to market.

Biswas S. and Roka S. (2007) in their book, *Darjeeling Truth and Beyond*, mentioned about the history of the Tea gardens in Darjeeling, more insightful stories of the past have been mentioned. Where they spoke how the “Himalayan mountains life cycle are measured with four Ts’- Tea, Timber, Toy Train and Tourism”. The book talked about the fundamental rights of the people during post-independence period, where it says that though it was ‘8th year since independence, and 5th year of the India Constitution, in which every citizen had the right to vote, right to speech and the right to live etc. but the government did not interfere in regard to tea plantation, where “they were still treated as slaves and beaten to death” even after the colonial regime. Where there were the first protest rallies on 25th June, 1953 by the labourers in Margaret Hope Tea Garden in which Six were killed and several injured, this shows that right from the beginning of the post-independence period there was hassle, chaos and suppression of the workers in the Tea Gardens.

Mitra (2010) in his book, *Globalization and Industrial Relations in Tea Plantations*, says that the Trade Union activities should sincerely pursue that a worker gets what is due to him while simultaneously ensuring industrial peace all the time. This can only be ensured by preventing competitive trade unionism and by preventing unnecessary multiplicity of trade unions. He argues that the Tea industry is one of the major components of the plantation economy. The profitability of plantation economy in general and tea industry has been largely affected due to the introduction of the new economic policy. Tea industry has been put under severe competition due to different reasons in the era of globalization. Challenges have been thrown up to the large tea Gardens. Due to their low profitability, many tea Gardens were and are not able to mitigate their responsibility towards their workers as stipulated by the Plantation Labour Act of 1951, because of which industrial relations in tea plantations have been adversely affected.

Dozey (2011) in his book, *A concise history of Darjeeling District since 1835*, has mentioned about Darjeeling, provide a brief history of the past, regarding the demography and physical aspects, people of this region (entire district including the plains and the terai belt), the caste system, the marriage rituals and over all it gives many interesting facts which were discussed in the book. Chapter five of the book emphasised on the Tea Industry new stories of the past are revealed in the early history, and has given a keynote on 'Tea Culture' the history of the Cultivation which expanded to wider aspects. He has beautifully narrated the insightful story of the past where in "Life in Early Seventies" where it highlights about the legal rights of the labourers of the tea plantation and how they were denial of the basic birthrights.

Sarma (2013) in his study, 'A study on the Socio-economic Condition of Labourers in the Tea gardens of the Jorhat Districts, Assam', states that the labourers are the ingredient part of the tea industry of Assam. Assam's tea industry is dependent on about two million labourers almost all of whom are the descendants of those who were brought to Assam as slaves first by the East India Company and later by the British rulers and entrepreneurs from 1830's to 1920'. Thus, tea tribes form the backbone of the Assamese tea industry. Therefore, his study highlights the socioeconomic condition of this section. He discussed the socio-economic conditions of the workers not in general but specifically in connection with Lopohia Tea Garden of Jorhat district.

Kifle (2012) in his paper, 'The rapid assessment study on child labour in selected coffee and tea plantation in Ethiopia', explained about the child labour issues in selected area around the neighbourhood of Jimma town. His paper highlights on the conditions, causes and consequences of child labour. Most of the children working in the farm are either the children of the farm workers or the children of the farmers residing near the plantations. The poorer the family the more its children were prone to child labour activities.

Koehler (2015) in his study, "Darjeeling a history of the World's Greatest Tea", tells that the Trade Union activities should sincerely pursue that a worker gets what is due to him while simultaneously ensuring industrial peace all the time. This can only be



ensured by preventing competitive trade unionism and by preventing competitive trade unionism and by preventing unnecessary multiplicity of trade unions. He argues that the Tea industry is one of the major components of plantation economy. The profitability of plantation economy in general and tea industry in particular has been largely affected due to the introduction of the new economic policy. Tea industry has been put under severe competition due to different reasons in the era of globalization. Challenges have been thrown up to the large tea estates. Due to their low profitability, many tea estates were and are not in a position to mitigate their responsibility towards their workers as stipulated by the Plantation Labour Act of 1951, as a result of which industrial relations in tea plantations have been adversely affected.

Dacholia et. al., (2006) in their study report, “Public System Management Project Report Study of Labourer condition in Tea Gardens of New Jalpaiguri”, states that the tea labourers lived in poor conditions. They face an unfair situation as the Plantation labour Act 1951 which classifies the tea industry as an industrial operation, though ninety-five percent of the labour force, mostly unskilled, is employed in primarily agricultural operations. This entails the fixing of the minimum wage for the tea workers unequal to, and in fact at much lower level, than the agricultural workers. This study suggests that the people’s participation and empowerment in decision making among the tea labourers would be useful to some extent in addressing the socio-economic issues of the labourers and that way the better implementation of the Plantation Labour Act could be supervised.

Saxena (1964) in his book titled, *Industrial relation in five industrial units of Meerut District* has brought to the forefront the fact that the problem of industrial and tea garden labour relations should not be tackled merely on the economic front. These are sociological problems depending on their solution of mutual trust and confidence among the workers and the employers.

From the above review of literature, it can be understood that though many studies have been conducted on different aspects of problems of tea growers in Assam and West Bengal and even in foreign countries, a study specifically for tea growers of Assam and West Bengal in general and in Darjeeling and Tinsukia districts in

particular are missing in the literature. Moreover, no research has been conducted on any aspects of problems identified for this study. Hence, the present study examines empirically the vital issues affecting the relationship between labour and management in the selected tea Gardens of Tinsukia district of Assam and Darjeeling district of West Bengal and suggests measures to make them more effective contributors for the productivity and prosperity of tea gardens of Assam and West Bengal.

### **Scope**

There are a total of 122 Tea Gardens in Tinsukia district in Assam and 116 tea gardens in Darjeeling district of West Bengal (Tea board of India, 2019). According to the Plantation Labour Act (1951), promulgated by the Government of India, a 'plantation worker' is defined as the person who has been employed by the management to do any work, which is skilled, unskilled, manual, or technical. The tea industry is providing employment to thousands of people as unskilled/skilled workers, clerks, and managers, besides providing ancillary employment opportunities in chest tea, plywood, tea packaging and other businesses or trades linked with the tea industry (Choudhari, 1978; Lama and Sarkar, 1986).

The study investigated the socio-economic conditions of the workers of the selected tea gardens of Darjeeling district in West Bengal and Tinsukia district of Assam. The indicators of the socio-economic conditions such as social status, economic conditions, health facilities, political, economic rights, freedoms, livelihood conditions, income levels and skill acquisition and development programmes are looked into for the study. It also investigated the functioning of the trade unions in the selected tea gardens, participation of the labours, awareness levels of the workers regarding the political and economic rights, perceptions of trade unions regarding the implementation of the provisions of the Plantation Labour Act, 1951 and their role in addressing the issues of labours. The study also discussed state responses, government policies vis-à-vis the demands of the Unions and other related issues.

### **1.5 Objectives**

1. To study the socio-economic conditions of the tea garden workers in the study area.
2. To study about the legal provisions for the protection of the Tea Garden workers in the study area.
3. To study the role of the Trade unions in the implementation of the Plantation Act.

### **1.6 Research Questions**

1. What are the socio-economic conditions of Tea Garden workers in the study area?
2. What are the legal provisions for the protection of the Tea Garden workers in the study area?
3. What is the role played by the Trade Unions for the protection of the interests of the tea garden workers in the study area?

### **1.7 Methodology**

The study is based on the data and information collected from the primary sources through open ended questionnaire, unstructured interview schedule, personal interviews non- participation observation, direct contact method with the workers, trade union activists, managers of tea gardens, officials of the government departments. The secondary data obtained from the statistical handbooks, annual reports, of Tea Board of India, related reports and publications by the Governments of Assam, West Bengal, and Government of India. Other reports like Census of India, Planning Boards, National Sample Survey, Gazettes, reports from the labour departments, magazines, journal articles, study reports by the academic and non-academic communities and books were also consulted.

From the total of 122 Tea Gardens in Tinsukia district in Assam and 116 tea gardens in Darjeeling district of West Bengal, 10 tea gardens were selected for the study using the simple random technique and lottery method. Further 10 households were selected

from these selected tea gardens based on convenient sampling, as each of these tea gardens have varied number of households. Information was collected from these households using open ended questionnaire, which contained questions related to socio-economic conditions. From each of the tea gardens 3 trade union leaders and 2 management staff were interviewed, making it 30 trade union leaders and 20 management staff. In-depth interviews were conducted with the members and leaders of trade unions and managers as well as management staff. Further observation method was used to examine the conditions of the functioning of the school, health, hygiene, sanitation, maintenance, space facilities, workers' participation, and other conditions.

## **1.8 Chaptarisation**

### **Chapter 1: Introduction: Conceptual Framework**

The chapter provided the background of the study, statement of the problem, literature review, scope, the objectives, methodology followed for the study.

### **Chapter 2: History of Tea Industry and Migration of Tea Garden workers in India**

The chapter discussed the historical background of the tea plantation in India. It also explained the evolution of various Acts related to plantations. The chapter accommodated a portion on the evolution of tea industries in both West Bengal and Assam in general and selected districts in particular. In the process it investigated the history of migration of the workers in these selected states, their legal, constitutional status and so on.

### **Chapter 3: Plantation Labour Act 1951 and Tea Act of 1953**

This chapter discussed the main provisions of the Plantation Labour Act, 1951 and Tea Act of India, 1953. The chapter highlighted the implementation of these Acts, enforcement mechanisms, performance, agencies involved. It exclusively investigated the role of the Tea Board, Government ministries and Trade Unions, their role and significance.

#### **Chapter 4: Socio-economic Conditions of the Tea Garden Workers of Darjeeling district in West Bengal**

The chapter discussed the implementation of Plantation related Acts. It also discussed the workers socio-economic condition in the District and Darjeeling District. The Chapter is completely on the data and information collected from the field trip. Analysis of the data is also part of the chapter.

#### **Chapter 5: Socio-economic Conditions of the Tea Garden Workers of Tinsukia district in Assam**

The chapter discussed the implementation of Plantation related Acts. It discussed the tea garden workers socio-economic condition in the district. The chapter also discussed the data and information collected from the field trip. Analysis of the data is also part of the chapter.

#### **Chapter 6: Major Findings, Recommendations, and Conclusion**

The chapter discussed the major findings of study along with the recommendations and suggestions.

## Chapter 2

### History of the Tea Industry and Migration of the Tea Garden Workers in India

#### 2.1 Historical Background of the Tea industry in India

In India the history of the tea plantation goes back to the period of the East India Company, who at that time was the sole proprietor of tea production in the country. The Company had the monopoly of the tea trade with China (Whittaker, 1949:22). A story regarding the discovery of tea in China back in 273 B.C., narrates that Emperor Shen Nung found that a few leaves which fell into the boiling water gave a delightful flavour, which he named the resultant brew as 'Tay' or 'Cha'. Tea is a word derived from the Chinese Fukien dialect (Sinha, 1999: 11).

The English knowledge of tea could be related to the work of John Ovington (1658-1731). He was appointed chaplain to an East India Company ship on a voyage to India. In Surat, Ovington found that Surat which was a trading point for silk and other textiles also involved in inter-regional trade with Siam (Thailand), China and Japan. During his stay in Surat, Ovington came across 'Tea' and found that Chinese, take abundance of this drink before meal and very conducive for healthy life (Ellis, Coulton et.al, 2015: 32). In 1699 he consolidated his knowledge as the tea expert in London by publishing small octavo pamphlets entitled 'An Essay upon the Nature and Qualities of Tea' (Ovington, 1699: 21). The purpose of this essay was to enhance the information known about tea from China and there was an increase in demand for the product in Britain especially among the scholars, merchants and courtiers. In the subsequent year, the tea industry was established by the British just to cater to the needs of the Western market and over the years, the industry managed to pick up a domestic market but exports were still important.

Though the introduction of tea cultivation in India was initiated through seeds obtained from China (Koehler, 2015: 32), some scholars argue that the Indian population seems to have known tea from time immemorial as a vegetable food, later, a kind of soup (ibid). In 1793, few Chinese plants were brought from Canton to Calcutta by the representatives of East India Company (Gait, 2013: 56), in which some of them were sent by the then Governor- General, Warren Hastings to

Lieutenant Colonel Robert Kyd, who planted the seeds in his private botanical garden at Sibpur near Calcutta (Thomas, 2006: 44). Later in early 1815 Colonel Latter, a British officer, had reported that certain of the hill tribes in Northeast Assam made a drink from wild tea grown in the hills (ibid). In 1823 Robert Bruce took a trading expedition to Sibsagar and found wild tea, seeds were collected by his brother, C. A. Bruce, which were in the following year planted in the Commissioner's Garden at Gauhati and in Bruce's own garden at Sadiya (Gait, 2013: 34). In 1825 the Society of Arts offered a gold medal or fifty guineas "to the person who shall grow and prepare 20 pounds of good quality tea" (Subramaniam, 1995:7-9).

In 1833, Governor General Lord William Bentinck, set up a committee to study the way to develop tea culture in India. The committee found that Upper Assam is a suitable place for tea cultivation (Allen, 1927: 21). Measures were taken to bring tea seeds from China as it had an upper hand in the plantation process of tea (Antrobus, 1957: 66). The degraded wild tea seeds which were available in Assam were discarded (ibid). The clearing of forest for tea plantation took a rapid pace (Allen, 1927: 27). By the end of 1838 the first shipment of manufactured Indian tea was ready. In 1839 Upper Assam was brought under British control and the Government transferred its main tea growing interests in the following year to the Assam Company, a private monopoly (Barpujari, 1980: 47). The company appointed C.A. Bruce as its first Superintendent. He took measures such as, publication of a pamphlet incorporating a map of discoveries of wild tea, setting up of new plantation of China variety tea at Jaipur, Weenjay and Chauba, setting up three more gardens one each at Deohali, Chota Tingiri and Hutumpukuri, formation of the Bengal Tea Company at Calcutta with the objective of purchasing East India Company's plantations in India for the purpose of developing them, formation of company in the same year in London with the same objectives and amalgamation of the two companies into Assam Tea Company (ibid).

The tea cultivation by the end of 1850 grew to an area of 1,000 acres and a crop of 2,50,000 pounds (Watson, 1936: 22). Since then the tea industry had grown phenomenally as the growth of the Indian tea market had supplanted the tea market of China (ibid).

Tea gardens in India were mainly opened by the British but brought many Indian entrepreneurs into the tea industry (Barpujari, 1980: 30). Out of the 1,046 gardens in Assam in 1934, about 336 gardens were owned by Indians. In Assam and North Bengal, Indian tea planters had their own Tea Associations which worked in collaboration with the Indian Tea Association, Calcutta. Indian and British tea planters worked together to develop the tea industry in India (ibid). These friendly relations helped for negotiations for better policies by the government, and the introduction of the Regulation of Exports Scheme (ibid).

The growth of tea plantations also increased demand for the labour force. The tea plantation process has always been a labour-intensive process, where the demand for workers is higher than any other commercial industries. The workers required for tea industries were basically the tribes who at that point of time were referred as jungle (Kaushal, 1991:234) and their living place as a jungle place.

From the beginning of tea cultivation in India, providing a labour force to the tea plantations was a major challenge to the East India Company. C.A. Bruce, in his report of February 1837 mentioned about the need of deploying labourers from other parts of India to Assam for tea plantations (Baruah, 2008: 22). The need for clearing the forest was the first necessity as the tea plantation required a huge area for cultivation. The labours required to cut such a big forest were basically poured in from distant lands of India (Duara & Mallick, 2012:56). The local tribes were less interested in working with the company, and it was very hard to bring them under their control. Greaves once said that, “historically the plantations were the product of colonialism and the development of plantations needs two basic requirements, large areas of cultivable land and a large labour force, but the area where plantations developed were by and large initially sparsely populated and as such there was problem of acute labour shortage. Thus, it was observed that the plantation came to be associated, not only with a resident labour force, but more often “with one of alien origin” (Xaxa, 1985:22).

The new sets of population gave rise to a new spatial dimension to the region, with new people pouring from distant land with new culture, traditions, religion, food



habits, language, there was a complete assimilation of new blend of society living in a common space with harmony bringing a change in the demographic as well as social dimension. The company provided them with certain beneficiaries along with free rented housing, which were termed as labour lines. It must be noted that the plantation is not just the economic unit but a component of the socio-economic formation of the society, and the production relations change when the socio-economic formation of the society changes (Kar, 1998: 40).

The early days of the tea industry had to come across many problems, with regard to the health issues. The labourers that had been brought from different parts of the country had to suffer from many diseases, among which malaria was a common of all (Xaxa, 1985:22). The company ran into difficulties as diseases took a heavy toll on its managers and their labour forces. The main challenge for the industry was to maintain the labour forces, with little medicinal equipment (Chatterjee & Gupta, 1981:86).

The total labour engaged in the tea industry by 1933 was recorded about 864,503, of whom 807,863 were permanently employed and 56,640 were temporarily employed. The wages of the labourers were fixed at around Rs 10 to Rs 5 among men, women and children, provided with facilities like free rented houses and medical facilities. The labourers were given private land for other purposes like grazing which added an extra income to their earnings. The extent of the concession of garden land for private cultivation can be judged from the fact that in 1933 about 134, 370 acres of land were held by garden workers as tenants of the garden proprietor (Whittaker, 1949:67).

Financially the company was also very hard to survive. The cost of clearing the forest was extremely high, at a point of time the company was on the verge of bankruptcy. Nevertheless, a number of British firms and individuals came forward to guarantee funds which led to the establishment of the Indian Branch of the Ross Institute, which served many other industries in India (ibid).

The tea plantation process which eventually grew from an experimental form to the commercial production process brought about enormous benefits to the erstwhile lone earner East India Company, as the demand rose, it resulted in huge economic benefits to the company (Coulton, 2015:24).

## **2.2 Evolution of tea industry in Assam**

Assam and West Bengal are the leading states in India with respect to the tea industry. Assam covers approximately 51 percent of the total tea plantation land and produces 55 percent of the country's total production of tea. There are nearly 845 tea gardens in the state and that covers approximately 2,32,079 hectares of land and an annual yield of 4,32,430 tonnes (Ravisagar, 2002: 33).

Historically, after the acquisition of the Diwani rights of Bengal in 1765 the East India Company came into direct connection with the medieval kingdoms of Manipur, Jaintia, Cachar and Assam, as well as the tribal communities of the adjoining hills (Behal, 1985:56). These sparsely populated territories did not have enough economic worth or surplus revenue yielding potential to attract the attention of the British annexationists. The East India Company left those areas undisturbed, until the Burmese invasion (1817-24) of Manipur, Assam and the Cachar plains which brought an end to the policy of indifference. Then in November 1823, David Scott, the Magistrate of Rangpur and Civil Commissioner for the district of Goalpara and Garo Hills (formed in 1822), was also appointed Agent to the Governor-General on the Northeast frontier of Bengal (Guha, 1972:11). The Burmese were finally forced to surrender their claim over Assam under the Treaty of Yandabo signed in 1826 (Lahiri, 1954: 33). After this treaty of 1826 for which brought Assam region under British rule. Its trade had grown, and its exports of mustard seeds, potatoes (introduced in the Khasi hills by David Scott), silk and other local produce had increased greatly, both in the quantity and value. Coal also had been discovered and worked in various parts, especially in the neighborhood of Makum in the Lakimpur district and mineral oil had been found at Digboi in the same district, where wells had been sunk for its extraction (Gait, 2013:47). But by far the most important factor in the growing prosperity and commercial importance of the provision had been the expansion of the Tea industry.

### **2.2.1 Discovery of the tea plants in Assam**

The origin of tea plantations in India can be traced as far back to 1774. At that time when China tea seeds began to arrive in India, Warren Hastings, the then Governor General of India, made a selection of them and sent to George Bogle, British emissary in Bhutan (Behal, 1985:22). The taste of tea in India was known as early as in 1815 a

British officer (Colonel Latter) had reported that certain hill tribes in Northeast Assam made a drink from wild tea growing in the hills. In 1823 Major Robert Bruce took a trading expedition to Sibsagar and found wild tea, he was in the service of the Ahom Raja Chandra Kanta Singh (Antrobus, 1957:40). Major Bruce supposedly saw tea plants growing wildly in some hills near Rangpur (present Sibsagar), then the capital of Assam. Major Robert Bruce went to upper Assam in search of trade with the permission of the East India Company. He made an agreement with a Singpho Chief, Beesa Gaum, to supply him some tea plants and more seeds during his next visit in the following year. Bruce died in 1824 before he could collect the tea plants. Major Bruce's younger brother, Charles Alexander Bruce was later appointed as the Superintendent of the Government tea forest, and established a factory for the treatment of leaf plucked from the wild trees in the jungle (Misra, 1980:46). C. A. Bruce in the following year also planted these seeds in the Commissioner's Garden at Gauhati (Guwahati) and in Bruce's own garden at Sadiya (reference). At that time it was supposed that Assam tea was a degenerate variety of the Chinese plant, and there were tales that they were brought from China and then the plantation started (Antrobus, 1957: 23). Some plants were submitted to David Scott and were forwarded to the Superintendent of the Botanical Gardens, Calcutta for examination. They were pronounced to be the same family, but not the same species from which the Chinese manufacture their tea (Gait, 2013).

This probably led some people to claim that the home of this shrub is the province of Assam from where it spread to China in the 3rd century A.D., and to Europe by the Dutch and to England around 1645 (Selogman,1957:61). It may be relevantly noted here that the hills and forest of Assam (in places like Sadiya, Dibrugarh, Lakhimpur, Sibsagar, Jorhat, Golaghat, Tezpur, Mongoldoi) has wild tea plants. The Singphos used to call it as *fanpe*, and the English called it tea. It is said that in Assam the use of tea liquor was as a medicine for cold and fever and was in practice for a long time. The tea plantation on a large scale was mainly introduced in 1788 by Sir Joseph Banks (English Naturalist). He recommended Bihar, Rangpur district of Assam and Cooch-Bihar as the localities in which cultivation is most likely to be successful (Philips, 1968). During those times, China was the sole tea manufacturing country in the world and the need of exporting tea from other countries and finding new areas for its

commercial cultivation arose when the East India Company's trade monopoly with it ended in 1833.

In 1832, Captain Jenkins was deputed to report on the resources of Assam by the East India Company, and the existence of the tea plant was pressed upon his notice by C. A. Bruce (Misra, 1980 p-11). The tea commerce was still doubted by the Calcutta botanists, but its existence proved that the latter will thrive in India and the Government decided to take steps to introduce it (Allen, 1927). The first tea good enough to send Calcutta was made in 1836. A company termed Bengal Tea Company was formed in Calcutta in 1839 and the same year a joint stock company was also formed in London with similar objective, i.e. to purchase the East India Company's plantation and establishments in Assam for the purpose of carrying out the cultivation there (Misra, 1980). The two companies almost immediately amalgamated as Assam Company. Tripura was the first state of Northeast after Assam to introduce tea plantation industry. The recommendation of a young scientist named A.C Bhattacharjee helped to cultivate tea in Tripura (Chatterjee & Gupta, 1981). The basic difference between Assam and Tripura plantation was that in case of former state, mostly the tea gardens were under the British planters while in Tripura, all tea gardens were of the Indian origin. The Bruce brothers were given the credit for the discovery of tea in Robinson's Descriptive Account of Assam, which was published in 1841 (Chatterjee & Gupta, 1981 p-13). In a report submitted in 1835 by Wallich from Botanical Gardens of the Tea Committee, stated that it was Bruce and his late brother Major Robert Bruce who originally brought the Assam tea to public notice. This was mostly plucked by the Singphos and the other villagers, and brought at irregular intervals to the factory (Barpujari, 1980:11).

The first importation of tea from the British territories in Assam, consisting of eight chests, containing about 350 pounds, was put up by the East India Company in public sale rooms, Mincing Lane, in January, 1839 (Griffiths, 1967:8). Among the eight chests, three of them were Assam souchong, and five of Assam pekoe. The first of souchong was sold for 21 pounds. The Assam pekoe teas generated much competition. The first lot Assam pekoe teas were sold after much competition for 24 s per pound, the others Assam pekoes fetched respective prices 25 s, 27 s 6 d, 28 s, and

an extraordinary 34 s per pound. A further produce of the East India Company was sold in auction on 17 March, 1840 at prices between 8 s and 11 s per pound (ibid).

The first London sale of Assam Company's tea took place on 26 January, 1842 and it comprised the entire crop of Assam Company for 1840 amounting to 10,201 lb, of which 146 chests contained black tea and 25 chests green tea (ibid). The first auction sale of tea in India took place in March, 1841 in Calcutta. The tea belonged to East India Company consisted of 35 chests manufactured by Singpho chiefs and 95 chests produced in the Government tea plantations in Assam in 1840 (Baruah, 2008:15).

The highly favourable first auction sale of Assam tea established the value of the indigenous Assam tea plant and also determined the course of the tea cultivation throughout the world (Ellis et al., 2015). The Governors of the East India Company decided to invite private enterprise to undertake tea cultivation in Assam. When it was established, tea could be grown in Assam and it would fetch a high price, as a result a number of enterprising businessmen approached the Government in London and Calcutta for transfer of Government plantations to them and to start the plantation themselves. The Assam Company with its headquarters in Nazira is the oldest commercial tea company of Assam, which is still functioning. The second company was formed in 1859 as the Jorhat Tea Company and even today, its central office is at Jorhat (Enquirer, 2002). In 1904, a laboratory was shifted to Tocklai (Jorhat) and was renamed as Tocklai Experimental Station. In 1964, the experimental station became Tea Research Association (TRA) (Dutta, 1992:22).

### **2.2.2 Evolution of Tea industry in West Bengal**

The state has two districts in which the bulk of the tea plantations are located. These two districts are Jalpaiguri and Darjeeling districts, bordering each other in the northern part of the state. These two districts collectively contribute to about 20 percent of the tea produced in the country (Tea Board, 2002: 11-12) and employ some 2,40,000 permanent workers, in which about fifty percent are women (ibid: 145-46). Other plantation workers and their family members number five times the total permanent workers. Jalpaiguri is the larger of the two districts, with 165,000 workers (Sharma, 2002). Its tea-growing area is known as Dooars. The Darjeeling district has

two tea-growing areas, Darjeeling hills (where the famous Darjeeling tea is grown) and Terai, in the foothills of Darjeeling hills. Darjeeling hills have some 50,000 workers while Terai has about fifty percent of that number. So, there are a total of three tea-growing areas in the two districts as Dooars, Darjeeling hills and Terai. It is the largest organised industry in the state. The total employment of the industry is much larger if one takes into account the warehousing (Prasanneswari, 1984:45).

The growing of tea in Bengal began in 1826, when Major Bruce brought from Assam some plants and seeds. The establishment of tea industry in Darjeeling was mainly due to the enterprise of Campbell who was transferred from Kathmandu to Darjeeling (Dash: 1947, Hunter: 1876). In 1834, the Governor General of India, Lord William Bentick supported the proposal of Campbell to introduce tea in India "as a plan for the introduction of tea culture in India" and in 1834 he appointed a committee to find out the possibilities of introducing tea industry in Northeast India including the Darjeeling hills (Dash, 1947:23). The committee gave a favorable report (Malley, 1985:56). The Government of India, assuming the prospects of the tea industry in India, had formed plantations in Upper Assam as well in the districts of Kumaon and Garhwal on experimental basis (Dash, 1947:23) this along with the imitative of Campbell, a tea plantation was started at Allobari in the Darjeeling hills. Later British planters established tea gardens like Ging, Ambotia, Tukdah, Phoobsering, Badamtam, Tukvar, Makaibari, Pandam and Stienthal and the gardens went on increasingly (Malley,1985:56) in the Darjeeling hills. By the end of 1856 it witnessed a huge development of the tea industry in the Darjeeling hills on an extensive scale, thereby placing the industry on a solid footing of commercial enterprise (Dash, 1947:24). Most of the tea Gardens were situated in two subdivisions i.e Darjeeling and Kurseong and even in Tarai and Doars region. The Kalimpong subdivision (now a district) was almost closed to the tea because the greater part was devoted to forest reserve and agricultural operations by farmers (ibid). By 1905, the tea industry became the staple industry of Darjeeling hills, and about one third of the entire population depended on the tea Gardens. Tea growing and tea manufacturing employed, according to the census of 1901 was 64,000 workers (Dash, 1947:25).

**Table 2.1**

**Distribution of the tea gardens in the Darjeeling hills in 1940**

<b>Thana</b>	<b>No. of tea Gardens</b>
Darjeeling	19
Jorebungla	16
Sukhiapokhari	09
Pulbazar	02
Rangali Rangliot	09
Kurseong	25
Mirik	02
Siliguri	27
Kharibari	11
Phansidewa	13
Kalimpong	00
Gorubathan	06
Total	142

Source: Dash, A.J (1947). *Bengal District Gazetteers Darjeeling*. Calcutta: Government printing press, p. 114.

In the Kalimpong subdivision (which was taken from Bhutan in 1866), land was withheld from development under the tea, as the Government's policy was to reserve that area for forestry and ordinary or other cultivation purposes (Dash,1947). After the successful venture in the hills, the planters started exploring the Terai belt of Darjeeling district and the first tea garden was started at New Chumpta in 1865.

Table 2.2 below shows how tea gardens increased along with that the area of cultivation and the employment of labourers during a period of about 40 years, from 1866 to 1905 in the Darjeeling hills.

**Table 2.2****Number of tea gardens, area under cultivation, out turn, and Employment:  
1866-1905**

<b>Year</b>	<b>No. of gardens</b>	<b>Area under cultivation(acres)</b>	<b>Out-turn of tea in Labs</b>	<b>No. of labourers employed</b>
1866	39	10,392	433,715	NA
1867	40	9,214	518,640	NA
1868	44	10067	851549	6859
1869	55	10,769	1,278,869	7,445
1870	56	11,046	1,689,186	8,347
1872	74	14,503	2938.626	12,361
1873	87	15,695	2,956,710	14,019
1874	113	18,888	3,927,911	19,424
1885	175	38,499	9,090,298	NA
1895	175	48,692	11,714,551	NA
1905	186	50,618	12,447,471	NA

Source: For 1866-1874, Hunter, W.W (1876). *A Statistical Account of Bengal*. New Delhi: Concept Publishing Press, p.165; for 1885, 1895 and 1905, O'Malley, LSS (1985). *Bengal District Gazetteers Darjeeling*. New Delhi: Logos Press (reprinted), p.74.

The China variety is common in Darjeeling hills and was considered as the only suitable kind for the production of quality tea (Koehler, 2015:44). As tea plants of China vary when grown at an altitude between 3000 to 5000 feet above sea levels in a hilly region, where there is winter pause or drop in the yield rate, followed by significant spring growth, produce leaves which have a distinctive flavour. Darjeeling and Ceylon (Sri Lanka) regions had satisfied these “Winter-pause and spring-growth” conditions (Sarkar and Lama, 1986: 34). Sarena Hardy observes that,

“the differences in flavour and appearance are caused not so much by the three varieties of tea (China, Assam, and Cambodia) as by climate, soil, altitude and methods of manufacture”. Her observations for the quality of Darjeeling tea are pertinent: “of the teas grown in the north-east of India...Darjeeling’s are most significant...Darjeeling tea has a distinctive, delightful flavour. Its location may be the cause – it grew high along the Himalayas at a height up to 6,500 feet. Pure Darjeeling is



the most expensive tea of India. It is so good it can be drunk on its own, without blending: what the trade calls it a 'self-drinker'. Its flavour is often described as being like Muscat grapes, or black- currant, and its liquor is full-bodied, rich and red. Once tasted, the best Darjeeling is never to be forgotten". (Ibid:22).

At the very beginning of the tea industry, the factories were not adequately equipped, proper machinery was not evolved (Koehler, 2015:33). Slowly scientific methods were adopted not only in the field but also in the manufacturing process. Darjeeling hills still adopts the original methods of tea manufacture known as the "Orthodox" tea manufacture (ibid) against the C.T.C. the type which is adopted in the plain regions. C.T.C stands for Curling, Tearing and Crushing. Less withering is given and crushing and tearing give dark, liquoring quality of tea.

Tea garden in Darjeeling across the Darjeeling hills is featured by a group of permanent labourers that constitute about 20-35 percent of the total population. They consider the garden as their permanent home as the employment has traditionally been passed on from one generation to another. Their entire lives are spent in the gardens. They are completely dependent on the tea plantation for their livelihood and have no other means of existence. Apart from the direct employment a larger segment of the population earns their livelihood from peripheral sectors of the industry such as supplies, transport, repairs, establishment etc (Besky, 2013: 54).

### **2.3 Tea Plantations in other parts of India**

The industry had its beginning in South India in 1834, seeds obtained from China were sent to the Nilgiri hills, but it was not until around 1853 that the production of tea was taken up commercially. By the end of 1866, there were about 39 gardens with 10,000 acres under cultivation, which increased to nearly 79 square miles (Sen and George, 1992).

The tea plantation industry had played a crucial role in the Indian economy. India plays a significant role in the world tea trade being the world's largest producer, consumer, and exporter. Thus, the tea industry is one of the chief foreign-exchange of India (Subramaniam, 1995:22) According to the latest data from the Tea Board of India, 2015 there are total 7,26,220 permanent workers and 405695 temporary

workers in the tea Plantation of India. All together there are about 11,31,942 number of workers in the tea plantations. Table 2.3 below shows that the total number of workers in tea plantations in India. In West Bengal and in Assam they still follow the kinship chain system as the permanent job circulates within the family members within the house.

**Table 2.3**  
**Total workers in tea plantations in India**

S. No	State	Permanent	Temporary	Total
1	Assam	400325	284302	684654
2	Bengal	241144	96172	337316
3	Tripura	7953	5304	13257
4	Arunachal Pradesh	141	487	628
5	Sikkim	397	0	397
6	Meghalaya	19	125	144
7	Bihar	20	40	60
8	Himachal Pradesh	55	508	563
9	Mizoram	15	50	65
10	Uttrakhand	668	948	1616
11	Tamil Nadu	39311	10099	49410
12	Kerala	33534	7239	40773
13	Karnataka	2638	421	3059
	All India	726220	405695	1131942

Source: Tea Board of India (2011). *Techno- Economic Survey of Darjeeling Tea Industry*. Kolkata.

The tea occupies an important position in the national and world economy. The Tea Industry has provided a large number of employment either directly or indirectly to the people and has earned the large foreign exchange reserves (Banerjee, 2008:42). This industry is one of the largest employers in the country, particularly of women and the under privileged in less developed areas and it has also played a developmental role wherever it has grown in India, from Northeast to Nilgiri hills (ibid) The cultivation, maintenance, harvesting and processing of tea was labour intensive and provides a regular employment to millions of workers directly and indirectly. The tea industry also has a history of providing food security to its workers

because as the Gardens are located in remote areas, food has always been subsidized to protect workers against price increases (ibid).

#### **2.4 History of the migration of the Tea Garden workers**

The term migration refers to the movement of people, as individuals or groups, from one place to the other. People migrate in search of food, to survive, conquer frontiers, and colonise new territories, escape from war zones or political turmoil and for various opportunities (Davis 1974:44). There are several factors, which push people to migrate. These reasons may be economic, social or political. Migration results in multi-dimensional changes in the population composition ethnic, ethno-lingual, religious, demographic, cultural and economic (Chandna & Bhutani, 199:52).

Sociologists have long been interested in theorizing about different types of societies, from Ferdinand Tönnies's dichotomy of "community" and "society" to Émile Durkheim's "mechanical solidarity" and "organic solidarity" (Liang, 2006:89). The former being the more traditional society, is characterized by more intimate relations among members, that is, people in the group know each other well. Decisions in these communities were often made by village or clan leaders rather than collectively (ibid).

In his treatise on "Perpetual Peace", philosopher Immanuel Kant (1795:78) argued that all 'world citizens' should have the right to free movement, a right which he grounded in humankind's common ownership of the earth (Bohman, 1997:90). From August Comte to Emile Durkheim to Karl Marx, all these thinkers have been interested in the movement of people. Durkheim for example, was concerned with the break-up of rural solidarity and the consequent migration of the cities.

In contrast to sociologists like Comte and Durkheim, who described migration in peaceful, evolutionary terms, Karl Marx's theories have come to see migration as a more violent process. Displacing the individuals from the soil for industrial purposes came to be seen as brutal practices. For example, Marx wrote, "in the sphere of agriculture, modern industry has a more revolutionary effect than elsewhere, for this reason, it annihilates peasant, the bulwark of the old society, and replaces him by the wage-labourer" (Marx, 1847:101). The wage labourers in England that Marx was referring to then were migrants from rural areas. There is a reciprocal relationship

between migration and development. Migration is driven by economic development. Economic development in urban areas generates the demand for labour, but in rural areas it makes many peasants redundant. As a result, a large number of peasants move to cities to work in the manufacturing sectors. Massey (2006) argues that the process of capital accumulation, enclosure and market creation weaken individuals' social and economic ties to rural communities, making large-scale migration possible.

### **Main features**

As the term plantation was originally used to designate a plot of land to set the plants. If we look into the metaphorical sense it was applied for the settlement of the people, and particularly if we see

“North America in the 17<sup>th</sup> century the rapid expansion of the economic interests of certain European powers in the tropical regions of Asia, Africa and America marked a turning point in the use of the term which has since come to denote large scale agricultural units and the development of certain agricultural resources of the tropical countries in accordance with the methods of western Industry” (ILO, 1950:2).

The development of this large-scale agricultural under-taking implied five conditions (ibid)

- a) The acquisition of a fairly extensive area in those regions suitable for the cultivation of the particular crops.
- b) The application of considerable amounts of foreign capital
- c) The employment of large number of labourers
- d) Foreign supervision and management in the majority of the cases
- e) Crop supervision

The tea plantation developed during a certain phase basically to serve the needs of the metropolitan countries. They not only serve to meet the capital investment but also the demand for certain plantation crops in those countries (ibid).

A tea garden requires a hot, moist climate, with temperature 55° F and the annual rainfall of 80-130 centimetres, absence of drought, frequent heavy dews, and morning

fogs are the suitable conditions. Though the tea growing regions are mostly situated in the monsoon belt, Assam, West Bengal and the foothills of the Himalayas in the North and the moist slopes of Western Ghats in the South, they are different in climate and soil conditions (National Commission on Labour, 1948:9). Different regions show a variation and the effect of which are naturally reflected in wide differences in productivity as well as cultural practices (ibid, 8).

## **2.5 Recruitment and employment**

The Tea Districts Emigration Labour Act (XXII of 1932) was enacted in October 1933 based on the recommendations of the Royal Commission on Labour in India and suggested that the new Controller under the Act should direct his attention to the recruitment of the labour in tea gardens (Report of the Tea Districts Emigration Labour Act XXII of 1932: 12).

Recruitment was carried out in the provinces like i) Bengal ii) Bihar and Orissa, iii) Bombay, iv) central Provinces v) Madras and vi) United provinces. Each of these provinces controlled emigration area which was declared under section 21 of the Tea District Emigration Labour Act (ibid: 13). In the subsequent years licenses were issued to 72 Local Forwarding Agents for recruitment in controlled emigration areas at the depots. During the recruitment in these areas, the Tea District Labour Association maintained accessible areas of the British rest houses for the use of the Sardars engaged in recruiting in Vizagapatnam agency tract covering forest agencies three each in Raipur, Ganjam and Vizagapatnam districts, the Santhal Parganas and in Jashpur State (ibid p-14). As a result, 47,688 labourers were recruited from Assam, around 37000 workers from Bihar and Orissa, and 26,166 from Ranchi district and surrounding States and 6,454 from Sambalpur District and surrounding States (ibid :15).

Section 7 of the Act mentions about the general right of the repatriation after three years in Assam where every emigrant labourer on the expiry of the three years from the date of his entry into Assam, shall have the right of repatriation as against the employer employing at such expiry (ibid). Whereas in section 8 i) any emigrant labourer who, before the expiry of three years from his entry into Assam, was dismissed by his employers, otherwise than for will full and serious misconduct, shall

have the right of repatriation against such employer. ii) Where any emigrant labourer is dismissed by his employer before the expiry of three years from his entry into Assam and his employer refuses or fails to repatriate him, the labourer may apply to the Controller for suitable justice. After the enquiry, the Controller may think fit and after giving the employer an opportunity to be heard, may declare that the labourer has the right of repatriation against such employer (ibid:17).

There were several cases where, former garden emigrant workers wishing to return to gardens which required no recruits for the year would get themselves recruited under false name for some other gardens at a fair distance from the garden of their desires. Unmarried persons or persons with husband or wife already in Assam would pretend to be man and wife in order to get recruited to gardens, which recruited only families (ibid: 15). There were cases where two men who were dressed up as married couples were detected by the Koraput Local Forwarding Agency and were sent back home. Two men who had been repatriated from Assam as undesirable, got themselves recruited in another garden with false names, were prosecuted at Ranchi by the Tea District Labour Association under section 419 IPC, convicted and fined Rs.15 each (ibid: 26).

In number of cases strict action was taken by the Court for illegal and fraudulent recruitment in various provinces. At the same time, it indicates that even in those days people were in need of job and employment, and some were going to such an level to get into an organised sector for job as apart from secured job they were getting other benefits like, housing, education, health, sanitation, food rations, too. The migrant workers were provided with emigration certificates by the Tea Districts Labour Association to all emigrants in order to keep the track (ibid). On the hand the scarcity of labour was the reason for the migration of labourers from other regions and backward, tribal communities from Central and Eastern parts of the country India were recruited by the planters for the tea gardens in the region.

## **2.6 Push and Pull factors of migration**

The history of migration of tea garden workers shows that there were both the 'push' and 'pull' factors of migration. The 'pull' factor was because of existing poverty levels which was used by the agents of the planters who wanted larger intensive

labour force for the tea plantation. Push factors' like famine, earthquake, flood, draught, epidemics and social and economic oppression of the lower castes at the hands of upper castes and the zamindars led to the emigration of several tribal communities and lower castes. There were certain movements which also acted as 'push factors' like the tribals of Chotanagpur region had to suffer much in the periodic unrest, the Sardari Larai, Birsa Movement and Tana Bhagat Movement in Chotanagpur division and the Kharwar Movement in Santhal Pargana had caused great turmoil in the tribal belts of Bihar and led to destruction of crops which caused misery to the local people (Chakravorty, 1997:20). As a result to escape from social and economic oppression they had to agree to work in the tea plantations of Assam. The peasant movements in Bihar and Bengal also acted as Push factors which was the reason for the acceleration of the workers on a large scale for emigration.

In Assam after the development of the Tea industry in the first phase of cultivation, planters used the services of skilled Chinese labourers. These labourers demanded the increment of their wages, which were higher than the local Assamese workers wages and the cost of mobilising these Chinese workers was also high. Therefore, the British government employed local Assamese workers and the labourers from the tribal communities across the country in the tea Gardens (Misra, 2007:8). However, because of the increase in the number of tea gardens it was a problem to work with available scarce labour force. In addition to this, the local Assamese labourers also revolted against the British government because of the wage rates. There were other factors like the Burmese war in 1835, spread of Cholera, in epidemic form in 1839, 1847 and 1852 also created problems (Report of the Tea Districts Emigration Labour Act XXII of 1932). The shortage of labourers the planters had to find workers elsewhere and they recruited them mostly from present day Jharkhand, Bihar, Uttar Pradesh as indentured labour in slave like conditions (Bharali, 2003:11).

Thus the workers in the tea gardens who were migrated from different parts of the country with different backgrounds comprised a heterogeneous mass with ethnic, linguistic and cultural differences. Irrespective of their places of origin these people in general did not belong to account for the wage-earning class. They were merely agricultural or villagers engaged in their traditional occupation such as handicrafts,

artisan and other substance production (ibid: 13). The employers' effort was to create a nucleus group of workers who were ready to work in the plantations. Hence, the condition in plantation should be judged with contemporaneous social and economic condition in the country. The setting up of plantations necessarily involved large scale resettlement of labour as they came to take the residence of the garden, which created all the problems involved in the establishment of community and new problems of adjustment and attention were to be directed to housing, food, education, health and sanitation. This creation of the establishment of the plantation was not gathering social units but rather as an "economic agglomeration for the pursuit of profit (ibid: 14). There was only complaint regarding the local claim related to the "managerial cadre", "parochial and selection interests". Relevant authorities like labour commissions and tea boards were not allowed to interfere with the employers' freedom to recruit workers, as this recruitment was outside the purview of the commission of inquiry (National Commission on Labour, 1966:11).

For the tea garden workers, customary concession like free housing, medical attendance and maternity benefits were available apart from free grazing, firewood and the newly recruited workers were given an allowance of Rs 2 to 3 and along with that new utensils for cooking were distributed. During festive seasons' holidays, leaves were granted without payment cuts (Report of the Tea Districts Emigration Labour Act XXII of 1932: 12). This shows that the plantation workers were much privileged enough during that period. Even during that time primary schools were built up in tea gardens (ibid:13). The recruitment system was similar throughout the tea gardens. In south India there was recruitment on a seasonal basis for a period of 9 to 10 months which was discontinued in 1953 following the application of the Retrenchment and Lay-off provision of the Industrial Disputes Act, to the plantations (ibid: 14). Nepali community labour was employed in Darjeeling and to a certain extent in Dooars and in Terai region (in Darjeeling unlike other places recruitment was not done from other places as the people were ready to work in their own land and there was no flow of other communities in differences) states. Tea Gardens which require labour force would send their authorized Sardars to the recruiting area where they would contact the recruiting staff of the Tea Districts Labour Association and



select the workers required. The recruitment for Assam was regulated by the Tea Districts Emigration Labour Act of 1932 (ibid: 15).

The socio-economic conditions of those times left the poor rural and tribal communities with no choice but to find other sources of livelihood. In the absence of alternatives, they were forced to follow the labour contractor and become indentured labour in Assam (ibid). Also, Assam's indigenous communities had too lost their land holdings for the tea gardens under the same colonial processes. The indentured labourers were at first recruited through professional contractors who were notorious for exploitation (ibid: 23). The tea garden community folk songs have passed details of such exploitation down from one generation to the other.

Pradip Baruah (2008) in his essay on "The Tea Industry of Assam: Origin and Development" explains that the agrarian regions of Bihar, Uttar Pradesh, Madhya Pradesh and Orissa, famine, drought, flood and epidemics coupled with excessive exploitation of poor peasants and landless labourers by the big landlords and zamindars was common. These factors led to migration of a huge bulk of population to Assam in search of livelihood. Apart from these push factors, certain pull factors like false assurance regarding easy work, ideal condition of work, better pay and unlimited land available for cultivation were given to the workers which motivated them to migrate to Assam. The transportation of the workers to these gardens, covering a distance of 800 kms without any road or rail link was a hazardous task. The long journey mostly caused sickness and high mortality (Baruah, 2008:22).

The tea plantation is an intensive agro-based industry which requires a large amount of manpower from nursery to the final dispatch of made tea and requires a constant working force to be readily available at every stage of the work. Initially it was thought that the local laborers would be sufficient to meet the labour recruitment and there would be no scarcity throughout tea plantation activities, but subsequent development proved that they were incorrigible, lethargic and indisciplined. Further they were in easy reach of their native villages (National Commission on Labour, 1969). Moreover, due to the high level of consumption, the common Assamese did not want to undertake hard labour. During the formative period of the tea industry in Assam in the first half of the 19<sup>th</sup> century, labour scarcity was acute. This was not due

to any demographic constraints in the locality (ibid). The local people were reluctant to take employment, probably because they enjoyed a self- sufficient economy and their socio- cultural background prevented them from working as tea garden labours which could be summarised as:

- The local population has sufficient cultivable land, and they could easily manage their livelihood from the main agricultural products like paddy, wheat, etc.
- The local people were comparatively educated, and they preferred white colour jobs rather than the job which was not according to their status, education qualification and social backgrounds etc.
- The job in the tea plantation except clerical was treated as inferior and did not commensurate with their educational background and social status.

There were only Assamese who were willing to work as wage labourers, and certainly not at the cost of their own cultivation. In fact, the only local people who considered taking up some form of employment in tea plantation were the Bodo-Kacharis and the Nagas (Goswami, 2012: 13).

## **2.7 Methods of Recruitment**

There were two methods of recruitment of labourers in Assam tea plantation:

- a) Free contractor system, licensed contractor system and Dhubri system. In free contractor system a person was licensed for specific area to supply labours in the tea gardens of Assam, and from 1841 to 1863 recruitment were in the hands of contractors known as the Calcutta Contractors (Annual Report,1931). Individual tea planters had contacted the recruiters in Calcutta who brought labourers from Bihar, Orissa, Madhya Pradesh and Bengal (ibid). This system of free contractors created havoc because the contractors were creating competition among themselves. The planters always took recourse to the 1859 Act of Workmen's Breach of Contract Law, which enabled them to prosecute the labourers according to the contract person (ibid). After this the committee of inquiry in 1861 inquired about the emigration of labour to Brahmaputra valley and Barak valley and felt necessary to control over emigration and suggested passing of the first inland

Emigration Act (Bengal Act of 1863). Secondly, according to the provision of the Act III of 1863, all recruiters were required by law to be licensed. The recruitment under this Act was known as the licensed contractor's system which did not bring about any significant change in the nature of recruitment (Report of the Tea Districts Emigration Labour Act XXII of 1932). The Bengal Act of 1882 was known as the Dhubri System of Recruitment and was made to facilitate free recruitment to Assam. Goalpara became the place for recruitment of labourers for the tea districts. The legal contract could be executed in that place (National Commission on Labour, 1969:19).

- b) Garden Sardari system: The condition did not improve after the passing of the Emigration Act of 1863. This necessitated for passing of the Act of 1865 which empowered the tea garden managers to arrest absconding labourers without warrants made indolence and desertion punishable by law, and it simply reduced their contract period from 5 years to 3 years and gave fixed monthly rate of wage (Study Group, 1969). This Act was also a failure and a new Act of 1870 was initiated by the Bengal government to legalise recruitment by garden Sardars. Thus, the Sardari system of recruitment became indispensable to the tea industry in the early half of the 20<sup>th</sup> century. The Royal Commission Report on Labour in India 1931 did not criticise the Sardari system, but simply recommended the end of its monopoly in recruitment. As a result, there was a greater confidence among the workers and with an assurance for longer stay in Assam (Kumar, 2006). However, this Sardari system was abolished and in 1933 the Tea District Emigrant Labour Act came into force, subjecting all the recruitment came under official review.

In Tinsukia the area of field survey, there are migrated workers called 'tea tribes', these tea tribes have been migrated from Orissa, undivided Bihar, undivided Madhya Pradesh, West Bengal and Andhra Pradesh from 1820 to 1970 in order to work in the tea gardens in and around Tinsukia. These tribes are culturally diverse which is seen during their celebration of festivals such as *Fagua*, *Sohorai*, *Kali Puja*, *Gobardhan Puja*, *Tushu Puja*, *Gram Puja* and *Karam Puja* in the Tea Gardens (Baruah, 2019:11).

In the case of Darjeeling across the hills, tea garden labours are featured as a group of permanent labourers that constitute about 20-35 percent of the total tea labours of teh

country. The British advocated the employment of families rather than individuals, thus absorbing women and children in their labour force, so that a variety of tasks in the process of tea production can be performed by them. Moreover, since the plantation is located in remote regions, it is more advantageous to have families in residence. The workers in the Darjeeling district were predominantly Nepalis who came as indentured labour (National Commission on Labour, 1969:11). Darjeeling, they were the 'one who came along with the land', as after following India's independence both India and Nepal signed the Treaty of Peace and Friendship in 1950. This treaty allowed free movement of people and goods between the two nations and a close relationship and collaboration in matters of defense and foreign policy. According to the treaty, if a person of Nepali descent settled in India before the adoption of the 1950 Indian constitution, that person was declared a natural citizen. So, as per this the plantation labours were there before independence.

They consider the garden as their permanent home as the employment has traditionally been passed on from one generation to another. Their entire lives are spent in the gardens. They are completely dependent on the tea plantation for their livelihood and have no other means of existence. Apart from directly employing a larger segment of the population, the tea industry in the Darjeeling hills allows the labours to earn their livelihood from peripheral sectors of the industry such as supplies, transport, repairs, establishment etc. Thus, unlike Assam where recruitment was a problem since labour was brought from distant places, Darjeeling from the very beginning had an abundance of cheap labour. Most of the gardens in the Terai and Darjeeling region were successful to constitute a permanent and settled labour force, much earlier than Assam since the economic pressure in Nepal brought Nepalese in large numbers to Bengal (Sharma, 1999:22). Unlike the Labour recruitment policy adopted in tea plantations of Assam and Dooars, the various Acts of the British government were not applicable in Darjeeling as these areas were outside the administration of Bengal (ibid). O'Malley says

“The Planters are, as a rule, considered masters, anxious to promote the welfare of their employees; and in public life they form a community prompt to devote their time and energy to the public service and to the

development of Darjeeling... They are the backbone of the British Government in the district” (O’Malley, 1985:75).

Historically, Darjeeling did not develop without the tea Industry and these observations also shows how the tea industry plays a major role in the life of the people of Darjeeling hills.

From 1947 there was a steady decline in the labour force in tea plantations all over India. The average daily employment fell from 10.18 lakhs in 1951 to 8.19 lakhs in 1964. This was partially due to the change in the management and agricultural practices. Another factor was the use of machines for weeding, shade regulation, transportation of leaf, and withering methods had improved the advance use of mechanization which has resulted in the retrenchment of labour (Sharma, 2008:21).

## **2.8 System of wage payment and wage fixation**

Before independence, there was no question of wage bargain as the labour force was wholly unorganized. The planters offered wage rates which just sufficed to meet the minimum requirement of the labour families at the level of subsistence. The entire family (barring the children) turned out for work at least five days a week. The wage system played its part in making labour entirely dependent on the employers. There was a remark by the Rege Committee “the monthly cash earning per labourer on book are undoubtedly low and have to be raised if the industry wishes to get rid of the bad names on this account” (National Commission on Labour, 1969).

The planters during that period have consistently held that unlike labour in other industries, plantation labour enjoy certain amenities and opportunities which ultimately reduce their minimum wage requirements such as:

- a) The family basic employment
- b) Land for cultivation, fuel and grazing
- c) Cheap food stuff and clothing
- d) Free housing, medical attendance and maternity benefits

There were redeeming features compared to other industries but in return the labour also served to emphasise the “economic subservience” of labour to their employers. So, there was ‘a state of fear in the minds of the people’ as conceptualised by Foucault (1995) as well as there was total lack of happiness and pleasure of a given

action or policy of the term ‘Utility’ discussed by Bentham in justice and social reform. In 1952 there was the fixation of the minimum wages, following table shows the ordinary labour’s minimum wage rate as originally fixed during 1952.

**Table 2.4**  
**The ordinary labour- minimum wage rate per day in 1952**  
**(in Rs)**

Area	Category of Worker	Basic Wage	Dearness Allowance	Total
Madras	Grade 1	1.31		1.31
	Grade 2	1.00		1.00
	Children	0.62		0.62
Travancore Cocin (Present Kerela State)				
	Men	0.94	0.65	1.59
	Women	0.70	0.50	1.20
	Children	0.47	0.33	0.80
	Adolescents	5/8th Adult		
Darjeeling				
	Men	1.06	0.75	1.81
	Women	0.81	0.56	1.37
	Men	0.50	0.44	0.94
	Women	0.44	0.44	0.88
Dooars & Terai	Children	0.25	0.25	0.50
	Men	0.75	0.44	1.19
	Women	0.62	0.44	1.06
Assam(Kamrup, Nowgong, and North Lakhimpur	Children	0.37	0.25	0.62
	Men	0.75	0.31	1.06
	Women	0.69	0.31	1.00
Rest of Assam Valley	Children	0.37	0.16	0.53
	Men	0.75	0.37	1.12
	Women	0.69	0.31	1.00
Cachar	Children	0.37	0.16	0.53
	Men	0.62	0.31	0.93
	Women	0.56	0.31	0.87

Source: National Commission on Labour (1969). *Report of the Study Group for Plantation (Tea)*. New Delhi: Samrat Press.

The table 2.4 above shows that except in tea gardens in Madras region, tea gardens located in other places, dearness allowance was paid to the labourers. One can also observe that the labours from Darjeeling hills tea gardens were paid comparatively higher wages than the rest of the country. Both men and women received higher wages in these hills. Among men and women, lowest wages to women were paid in Cachar tea gardens followed by Darjeeling hills. Children were the lowest paid among all the tea gardens as the average payment they received was about fifty paise per day. In many of these tea gardens, though the dearness allowance was paid, but it was linked with the cost of living index, beside that the existing system of issuing food stuffs at concessional prices. In 1967 these wages were revised as depicted in the following table.

**Table 2.5**  
**Ordinary labour minimum wage rate in 1967**

Area	Category	Basic Wage (in Rs.)	Dearness Allowance (in Rs.)	Food grain Concession
Assam Valley (Different rates fixed for different zones)	Men	1.47 & 1.52	0.31 & .37	Rs. 20.00 and Rs.17.50 per market division cereals according to zones.
	Women	1.39 & 1.45	0.31	
	Children	0.72 & 0.75	0.16	
Surma Valley (Chahar)	Men	1.22	0.31	
	Women	1.16	0.31	
	Children	0.68	0.15	
Dooars & Terai (Different rates for gardens above and below 500 acres)	Men	1.24 & 1.25	0.60 & 0.56	Rs. 15.00 per md. of cereals
	Women & Adolescents	1.12 & 1.13	0.31	
	Children	0.69	0.56 & 0.40	
Darjeeling	Men	1.05	0.40	Rs. 17.50 per md. of cereals

	Women & Adolescents	1.00	0.40	
	Children	0.50	0.30	
Tripura	Male (Adults & Adolescents)	0.88	0.37	Rice at Rs. 20.00 per md.
	Female (Adults & Adolescents)	0.75	0.37	
	Children	0.50	0.12	
Bihar (Rachi)	All Workers	1.44 all inclusive		
UP	Adult over 19 years of age	1.44 all-inclusive in Dehra Dun. 1.00 & 0.66 all-inclusive in a Almora		
Punjab	Men	1.00		
	Woman	0.69		
	Children	0.50		
Madras		<b>200 acres and less</b>	<b>Above 200 acres</b>	
	Grade i	1.56	1.72	All inclusive
	Grade ii	1.16	1.31	
	Adolescents	0.94	1.00	
	Children	0.72	0.72	
Kerela		<b>Above 100 acres</b>	<b>Other</b>	
	Men	1.72	1.65	All inclusive
	Women	1.34	1.27	
	Adolescents	1.06	1.04	
	Children	0.85	0.83	

Source: National Commission on Labour (1969). *Report of the Study Group for Plantation (Tea)*. New Delhi: Samrat Press.

The table 2.5 above shows the wage rate of ordinary labour in 1967 and one can find that there was no much difference between the wages paid in 1952 and in 1967. The average wages were still below Rs 2 and there still existed the difference of payments among men and women, children were paid far less than the grownups. The table



also shows how there were state wise wage differences, South had different wage rates whereas Assam and West Bengal had different wage rates.

### **2.8.1 Wage fixation board**

The decision to set up a wage Board for the Tea plantation industry was taken at the 9<sup>th</sup> session of the Industrial Committee on Plantation and an assurance was held out that a scientific examination of the whole wage structure of the industry based on the capacity to pay would be undertaken. So, an all-India Wage Board was set up on 5<sup>th</sup> December 1960 under the chairmanship of L.P Dave with the following terms of reference:

To work out the wage structure based on the principle of fair wage as set in the report of the committee on Fair Wage as far as practicable. In evolving a wage structure, the Board should, in addition to the consideration relating to fair wage, also take into account,

- a) The needs of the industry in a developing economy
- b) The system of payment by result
- c) The special characteristics of the industry in various regions and area
- d) Category of workers to be covered and
- e) Working hours in the industry

The board submitted its report in April 1966; its report was unanimous on the wage structure of the labour as shown in the following table:

**Table 2.6**  
**All-India Wage Board recommended Labour Wages in 1966**  
**(in Rs.)**

State	Administrative Division	Men	Women	Children	Adolescents
Assam	Dibrugraph Sub-Division and Sivsagar District				
	Plantations of 150 acres and Above:	2.25	2.07	1.09	
	Other Plantation:	2.22	2.04	1.08	
	North Lakhimpur & Tezpur Subdivision				
	Plantations of 150 acres and Above:	2.18	2.01	1.06	
	Other Plantation:	2.15	1.98	1.05	
	Mangaldai sub-division	2.15	1.98	1.05	
	United North Cachar & Mikkir Hills, Nowgong, Kamrup & Goalpara District:	2.08	1.97	1.05	
	Cachar & Tea Plantation within 10 miles of Dimapur:	1.72	1.97	0.92	
West Bengal	Dooars				
	Plantations of 500 acres and Above:	2.13	1.96	1.15	
	Plantation below 500 acres	2.10	1.93	1.15	
	Terai and Cooch Behar	2.07	1.90	1.13	
	Darjeeling	1.75	1.64	0.95	
Tripura/Punjab/Himachal Pradesh (Kangra & Mandi)		1.53	1.34	0.75	
		1.20	0.94	0.55	
UP	Dehra Dun	1.60	1.60		
	Berinag & Chokrie area of Almora Dist.	1.20	1.20		

	Other Area of Almora Dist. and Garhwal Dist.	0.86	0.86		
Bihar	Rachi	1.55	1.55		
Madras	100 acres & above	2.25	1.80	1.13	1.35
	Less than 100 acres	2.11	1.66	1.13	1.29
Kerela	100 acres & above	2.25	1.80	1.13	1.35
	Less than 100 acres	2.18	1.76	1.11	1.33
Mysore	100 acres & above	2.25	1.80	1.13	1.35
	Less than 100 acres	2.11	1.64	1.13	1.25

Source: National Commission on Labour (1969). *Report of the Study Group for Plantation (Tea)*. New Delhi: Samrat Press.

Table 2.6 above gives the glimpse of the wages recommended by the wage board and it can be observed that the recommended wages were higher than the existing wages and above Rs 2 for both men and women in most of the tea gardens in the country. Though the board did not give the details of recommendations on the dearness allowances, concessions, rebates, subsidies paid to the workers in both cash and kind in the form of food grain, firewood supply, most of the tea gardens assumed that these wages recommended by the board includes these allowances. The board also recommended different salary scales for the staff categorical wise A for clerical staff, B for Medical staff, C for artisans, D for subordinate and other monthly rated staff. These salary scales are not discussed in the above table. Apart from the wages paid to the labours, plucking leaves had carried extra income if they pluck above the basic output; extra wages were given according to the extra output. Bonus system was also prevalent, which had started first in the year 1947 in south India (National Commission on Labour, 1969: 17)

## 2.9 Labour welfare

Apart from the amenities provided to the workers, there were other welfare facilities provided to the workers by the governmental officials or through the trade unions. In Assam there were three non- official organisations, the Hindustan Mazdoor Sevak Sangha, the Assam Seva Samiti and the Kasturba Gandhi Memorial Trust looked into the welfare of the plantation workers (ibid). They came up with welfare centres since independence. These organisations received grant-in- aid from the state government. Financial assistance was also provided by the Tea Board. Assam Tea Employees'

Welfare Fund Act, 1959, provided for the creation of a statutory fund to organise and propagate welfare activities. The Assam Chah Mazdoor Sangha and the Assam Branch INTUC had also taken considerable interest in the welfare work (ibid:18).

West Bengal government started thirteen welfare centres in the plantation areas. All the centres were equipped with radio-sets and arrangements for audio-visual training through exhibition of cinema shows, cultural functions, music and drama, games and sports and educational activities including literacy classes in the centres were also part of these initiatives (ibid).

In south India, the Madras government had arranged for training in tailoring in centres established at Coonoor and Auxiliary Nurse Midwifery course for women workers in the Government hospitals at Ootacamundalam and Coimbatore. Attention was given to the provision of higher elementary education, co-operative stores and fair price shops for the benefit of plantation workers (ibid).

Provisions like maternity benefit, sickness allowance and medical care were the social security measures under taken as part of implementing the Plantation Labour Act, 1951 (ibid). Workers employed in the field and in the factory were covered by the Workmen's Compensation Act, 1923 and were also protected against the hazards of work. The other social security scheme was the Employees' Provident Fund. Most of the tea companies had their own Provident Fund schemes for clerical and other graded staff even before the introduction of a statutory scheme (ibid). The lowest paid workers -the ordinary labourers were not covered under this scheme. The Assam Tea Plantation Provident Fund Scheme Act of 1955, for the first time made provisions for the framing of a compulsory provident fund scheme for the labourers employed in the tea plantations in Assam (ibid).

In Madras, Workmen's Provident Fund scheme was introduced in terms of a settlement reached in 1957. All tea plantation workers, except in Assam, had been brought within the scope of the Employees' Provident Fund Act, 1952 with effect from April, 1957. The gratuity provision was also provided, which were operational in Kerala and Mysore as well (ibid: 13).

### **2.9.1 Legal and Administrative arrangements**

There were a large number of statutory enactments governing the terms and conditions of employment of the workers. The following are the enactments specifically applied to the plantation workers.

1. The Plantation Labour Act, 1951.
2. The Assam Tea Plantation Provident Fund Act, 1955.
3. The Assam Tea Plantation Welfare Fund, 1959.

Of the general Acts, the following may be mentioned:

1. The Factory Act, 1948.
2. The Industrial Dispute Act, 1947
3. The Industrial Employment (Standing Orders) Act, 1946
4. The Payment of Bonus Act, 1965
5. The Trade Union Act, 1926
6. The Payment of Wages Act, 1936
7. The Minimum Wage Act, 1948
8. The Employees' Provident Fund Act, 1952
9. Workmen's' Compensation Act, 1923
10. The Maternity Benefit Act, 1961

Legal protection granted to the plantation workers thus covered terms and conditions of work, regulation and payment of the wages, investigation and settling of the disputes, provision of welfare facilities, and social security measures. The administrative arrangements made in the states vary from state to state. Separate Plantation inspectors were maintained in the larger tea districts. In some cases, functional separation exists, but ordinarily the field staff had to combine a number of functions for various reasons. Complaints had been voiced against delays by all sections of workers (ibid).

In the post-independence period, there were a lot of changes that were seen in the tea plantations, as the workers were free from colonial rule. In the initial post-independence stage, plantation labour benefited from laws granting protection to workers, mainly because of the struggles of other sections of the working class that

had pressured the government to pass these laws. Later, as a result of this protection, plantation labour was able to organise struggles on its own. After India attained independence in 1947, the character of the state has changed. The new government's attitude toward the working class was more favorable than that of the earlier colonial regime. It tried to impose some regulations on the class of employers while granting some protection to the workers, and hence tried to mediate between the two.

### **2.10 Plantation Labour Unions in Darjeeling before the independence**

In Darjeeling after the election of a communist candidate in Bengal Legislative Assembly in 1946, the party organised a tea labour union in the district of Darjeeling and then proceeded to serve the strike notices in 17 Gardens. It was easy for the communist parties to pick up gardens where conditions seemed less favourable to labour force (Besky, 2013:76). Trouble developed in Mundakotee tea Garden in the second half of 1946, when the CPI had secured a firm footing in that garden and had for some months deliberately encouraged indiscipline and fostered a go-slow movement. Disciplinary action was taken on December 1946 and 11 leaders signed a declaration that they would be amenable to garden discipline and refrain from the subversive activity. The chairman of the Industrial Tribunal inquired into this matter. The matter went worse in April 1947 as the garden authorities were obliged to declare lock-out. The lockout continued till January 1948 and was the most prolonged one ever in North East India (Sarkar, 1986:34).

In a report on the trade union movement, the president of the National Union of Plantation Workers (NUPW) says that "the trade union movement did not exist in the hill areas of Darjeeling during the pre-independence period" (ibid). When the British planters established tea gardens in Darjeeling hills, labour was cheap. The workers were ignorant and unorganised and class consciousness did not develop in them during that period so they received ruthless treatment by the British planters. In the late 40's of the twentieth century the workers movement acquired some momentum. On 15 September 1945, there was the first union in Darjeeling named as Darjeeling Tea Garden Workers Union, was established. The CPI played a dynamic role in hill areas, Dooars and Terai region (ibid, 1986:27).

In the 1950's under the leadership of Deo Prakash Rai, a rival union known as the Darjeeling District Chai Kaman Shramik Sangha (DDCKSS) was formed and was affiliated to the regional party, Gorkha League, his leadership added a new dimension to the trade union movement in hill areas (Biswas & Roka, 2007 :11). Though they had party indifferences, still DDCKSS and NUPW cooperated and in the common struggle as they were concerned for the betterment of the working and living conditions as well as social security of the plantation workers. The NUPW raised an issue in 1962-63 regarding the minimum wage to the workers of the Fagu Tea Garden (ibid). After a struggle and the intervention of the State Labour Minister the Union succeeded in getting the due payment.

### **2.11 Plantation Labour Union in Assam before the independence**

The British-owned Assam Railway and Trading (ART) Company in 1938-1939 also owned an industrial complex comprising the Dibru-Sadhiya Railway, several collieries, sawmill, some shares in Digboi Oil and four tea gardens in and around the towns of Margherita and Ledo ((Bose, 1954:50). Workers of the congress party, Benoybhusan Chakrabarty, Kedarnath Goswami and Nilmoni Barthakur with sympathies for socialist and communist ideology helped the workers to organise the ART and Co. Workers Union which was registered on 29 March 1939 ((ibid)). The union organised several strikes involving 21 tea gardens by in May 1939, and the workers of the Ledo tea Garden had organised a march towards Tinsukia, protesting against alleged stoppage of water supply by the Company. The Tea Association had to set up for the first time a definite procedure and emergency committee to solve this uprising issue, the procedure adopted three measures (Guha, 1977: 23):

- a) Enquiry into the labour grievances,
- b) Declaration of a lock- out if the strike was found unjustified and
- c) A publicity offensive against such strikes

There were several plantation labour unions came up in the year 1939 and 1940 before the independence of India in Assam, as follows:

**Table 2.7**

**Labour unions in Assam Tea Gardens**

<b>Name</b>	<b>Headquarters</b>	<b>Date of Registration</b>
Upper Assam Tea Co. Labour Union	Dibrugarh	27 April 1939
Rajmai Tea Co. Labour Union	Dibrugarh	27 April 1939
Greenwood Tea Co. Labour Union	Dibrugarh	6 May 1939
Makum(Assam)Tea Co.Labour Union	Margherita	30 May 1939
Sylhet-Cachar Cha-bagan mazdoor union	Margherita	27 April 1939

Source: Govt. 'Reply to A.K Chanda, November 14, ALAP (1940: 1313). *Report of the Tea Districts Emigration Labour Act XXII of 1932*



## Chapter 3

### Plantation Labour Act of 1951 and Tea Act of 1953

#### 3.1 Introduction

Plantations originally referred to a human settlement and not to the crops they raised. The term was commonly used to European settlements in America and later to the farms on which the colonists lived and raised various crops (Bhowmik, 2011: 230). However, the plantation industry evolved from the experience of nearly three centuries, as the colonial influence settled over much of the tropical world (Ibid). Plantation enterprise represented a shift from conquest, occupation, consolidation, establishment of trade and the gradual shift to the production of the commodities required in trade (Ibid).

According to a definition provided by the International Labour Organisation (ILO) (1950:6), the term plantation referred to a group of settlers or a political unit formed by it under British colonialism, especially in North America and the West Indies. With the colonisation of Africa and Asia by British and other European entrepreneurs and colonialists, the term acquired a broader connotation, coming to denote large-scale enterprises in agricultural units and the development of certain agricultural resources of tropical countries in accordance with the methods of Western industry (ibid: 9).

The main plantation crops were cotton (in the early stages in the southern United States), sugar cane (Caribbean Islands, northern part of Latin America, Mauritius, Fiji, etc.), tobacco (in the southern United States, Indonesia, and elsewhere), tea (India, China, Indonesia), coffee (Brazil), rubber (Malaysia), and cocoa (Ghana) (ibid:10). Historically, plantations were a product of colonialism and their produce was mainly for export. In some cases, such as for rubber, they were established to provide raw materials for European countries, especially for a colonising country (Greaves, 1956: 115). In other cases, as with tea, coffee, and sugar, the markets lay in the colonising countries (ibid). Production was organised on large areas of land which brought under specific crops like tea, cinchona, coffee, rubber, cotton and jute to produce in

adequate volumes to secure economies of scale and make overseas investments worthwhile (Mishra, 2001:33).

According to ILO Convention No. 110, the term 'plantation' includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or sub-tropical regions, and which is mainly concerned with the cultivation or production for commercial purposes (International Labour Organisation, 1950:15). Crops like coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibers (sisal, jute and hemp), citrus, palm oil, cinchona and pineapple come under the category (ibid). The term may also be extended to the crops like rice, chicory, cardamom, geranium and pyrethrum or any other crop by any member country of the ILO, after consultation with the representative organisations of employers and workers concerned (ibid). However, it should be noted that for the purpose of ILO convention 'plantation' does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers. It also excludes the undertakings which do not cover more than 12.5 acres (5 hectares) and employs more than 10 workers at any time during a calendar year (Ibid).

According to the Plantations Labour Act, 1951 (PLA) of India, 'Plantation' means any land used or intended to be used for growing tea, coffee, rubber or cinchona which measures twenty- five acres or more and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months, and in any State where the provisions of this Act have been applied by notification under sub-section (4) of section 1 to any other class of plantations, means any land used or intended to be used for growing the plant mentioned in such notification and whereon thirty or more persons are employed, or were employed on any day of the preceding twelve months (International Labour Organization, 1960 :15).

From the definitions stated above it would be amply clear that though the plantation comes under the category of agriculture, yet it differs from agriculture mainly on the following grounds:

- a) The term 'plantation' refers to some specific industries such as tea, coffee, rubber, cinchona and so on as defined under the Convention of ILO No. 110 and brought under the coverage of the Plantation Labour Act, 1951.
- b) Plantation includes any agricultural undertakings running with a number of hired workers on a regular basis and is situated in the tropical or subtropical regions only.
- c) Plantation industry is essentially an agro-industry as manufacturing processes are also carried out simultaneously to prepare the finished products for commercial purposes and domestic consumption.
- d) To be categorized as plantation or garden, certain criteria are to be fulfilled like, specific area of cultivable land, employment of stipulated number of workers whose service and working conditions are guided by specific legislations, i.e. Plantation Labour Act, 1951, Factory Act, 1948, Standing Orders Act (SOA), 1946, Employees Provident Fund Act (EPFA), 1952 among others.
- e) Plantation is controlled or owned by large Private Limited companies, Government or cooperative societies, investing huge capital and employing a large number of permanent and temporary workers, and
- f) License for starting the plantation and export of the products is also regulated by the Tea Act or relevant rules or Act of the government.

Therefore, the term 'Plantation' can be defined as an extensive farming, wherein profitable crops are cultivated especially for marketing purposes.

### **3.2 Tea Associations, Agreements and Acts: Colonial Origin and Relevance**

Tea planters formed an association named Indian Tea Association (ITA) in May 1881, with its headquarters at Kolkata for promoting their common interests and objectives (Biswas, 2001: 11). Subsequently many associations were formed in various tea regions of north and south India. United Planters Association of South India (UPASI) a tea research institute had its origin to the year 1926 at Coimbatore district of Tamil Nadu. Further, for the interest of the industry, the Tea Research Association was

established in 1964 at Tocklai, Assam and was funded jointly by the Council of Scientific and Industrial Research (CSIR) and the Tea Board of India.

During the second half of the 19<sup>th</sup> century and first half of the 20<sup>th</sup> century, four major slumps (1866, 1879, 1896-1904 and 1920) took place. To counteract the situation, India, Sri Lanka, Netherlands and East Indies reached an agreement on a voluntary basis to curtail tea production. Later again when the world economic depression resulted in decline in the tea consumption and stocks continued to pile up till 1932, tea producing countries like India, Indonesia and Sri Lanka entered into an agreement in April 1933 for a period of five years to bring about balance between supply and demand for the tea in the world market. The agreement was extended up to 31<sup>st</sup> March 1943 and further another agreement was signed in April 1948 which continued till 31<sup>st</sup> March, 1950.

**Table: 3.1**

**Area, Production and Exports of Tea during the Great Depression 1929 -34**

Year	Area (1000 hectares)	Production (million kilograms)	Yield (kilograms/ per Hectare)	Volume of Exports (million kilograms)	Price (Rs per kilograms)
1929	318	196.7	601	173.5	1.53
1930	325	177.4	546	164.2	1.46
1931	326	178.7	547	158	1.25
1932	327	196.3	616	174.8	1.00
1933	331	174	526	149.3	1.33
1934	334	181.1	542	155.1	1.30

Source: Economic and Scientific Research Association (ESRA] (1983). *Growth and Potential of Tea industry in India*, New Delhi, p. 11.

Table 3.1 above shows the area under tea cultivation, production, yield, exports volume and price of tea per kg during the great depression from 1929 to 1934. The table shows that though the area under cultivation increased from 3,18,000 hectares of land in 1929 to 3,34,000 hectares by the end of 1934, the volume of production decreased from 196.7 million kilograms to 181.1 million kilograms in the same period. The same trend can also be noticed in terms of yield, volume of exports and

price per kilogram. Before the period of depression, between 1900 and 1913, the cultivated area, production, yield and export of tea registered a fairly high increase in the export rate (Kainath, 1960: 305). This led to the international agreement in 1933 which looked into the regulation of exports and extension of cultivation through voluntary effort and government intervention. An international Tea Committee was constituted in July 1933 to coordinate the operation of the agreement (ibid).

The Second World War and the subsequent suspension of the London Tea Auction in 1939 was a major setback in tea exports. The British Ministry of Food prevented this by entering into an agreement for bulk purchase of tea from India. Due to wartime demands along with artificial shortage and the 1943 famine, the industry continued to procure food grains at higher prices to fulfil its obligation towards labour. The supply of essential inputs like coal, fertilizer, etc. fell short of demand. These deficiencies were worsened by the inadequacy of the transport system in Northeast India that was also transporting military stores and equipment. The industry was also handicapped by the demand of its managerial staff and labour for war projects and other military purposes. In a nutshell, these factors constituted additional financial strain on the industry and this led to the neglect of the tea gardens. Towards the end of the 1940s there was an improvement in tea production, exports and prices. Up to the time of independence it was a journey towards expansion and consolidation. Against this background, establishment of ITA and UPASI should be seen as corrective measures to ensure that scientific methods to be used in cultivation and processing (ibid).

To regulate the planting of tea in India and its export, a separate body known as the Indian Tea Licensing Committee was also set up by the Government of India under Tea Control Act, 1933. This Act was passed in pursuance of the International Tea Agreement, 1933 to which India was one of the signatories. After signing the second International Tea Agreement, the Indian Tea Control Act of 1933 was replaced by the Indian Tea Control Act, 1938. In 1953, both the Central Tea Board Act, 1949 and the Indian Tea Control Act 1938 were repealed by the Tea Act 1953 which was brought into force on the 1st April, 1954. The Tea Board constituted under the Tea Act. 1953 was formally inaugurated on the 30th April, 1954 (Awasti, 1974: 144-46). The functions of propaganda and cognate activities relating to tea on the one hand control

over the cultivation and the export of tea on the other were merged in one, and the same body that is the Tea Board, instead of two separate bodies through the Central Tea Board and the Indian Tea Licencing Committee was constituted (ibid).

### **3.3 Tea Act of 1953**

Straight after the post- independence, aspects of the tea industry had been the main subject of inquiry by the several government bodies. To study and suggest various measures to be taken for the betterment of tea industry in the country several committees were set up in the first few decades after the independence. These committees includes, an Ad- hoc committee on the tea was set up by the Union Ministry of Commerce in 1950, a Chachar Plantation Committee in 1951, The Plantation Enquiry Commission of 1956, the Tea Finance Committee 1964 and Boorah Committee of 1968. Apart from these committees the fifth Lok Sabha had appointed the Estimate Committee headed by K N Tiwari, to study and make appropriate recommendations on the functioning of the tea board. Accordingly, the committee submitted a report on the prospects of foreign trade in the tea industry to the Ministry of Foreign Trade (Sarkar, 1972: 2108).

As per the recommendations of the various committees, few legislative provisions were enacted such as the Act of 1953, which was a reversal of the Central Tea Board Act Of 1949 and India Tea Control Act of 1938 which came into force on 1st April, 1954. The Tea board of India was constituted under this Act. The Act provided the control of the Tea Industry by the union government, including the execution of international agreements to look into the international trade affairs related to tea and as well as its cultivation and excise duty related issues. The Board looked into both marketing and control over the cultivation and export of tea. To provide permissions to new plantations, Indian Tea Licensing committee was constituted under the same Act.

The functioning of the Central Tea Board and Indian Tea Board Licensing Committee were entrusted with the Tea Board, which was responsible for promoting development of the tea industry, under the control of the Central Government. The objective was to control the Tea industry pursuant to relevant International agreements and developing the industry as well as the production and marketing of tea (ibid). As the tea sector

has undergone several changes since inception of the Tea Act, 1953, the Law Commission, in its 159<sup>th</sup> Report has recommended for amendment of the Tea Act, 1953. After these recommendations, the government had taken up an exercise for consulting stakeholders and obtaining their interest and views on the amendments to the Act 1953 (GOI, 2015).

This Act has provisions like:

Method of control of extension of tea cultivation:

1. No one shall plant tea on any land not planted with tea on the date of commencement of this Act unless permission has been granted in writing by or on behalf of the Board.
2. No tea area shall be replaced by planting tea on an area not planted with tea unless permission has been granted in writing by or on behalf of the Board.
3. Nothing in this section shall prohibit the infilling or supplying of vacancies on land planted with tea on the date of commencement of this Act or the replanting of tea upon-
4. Land planted with tea on the 31st day of March 1950, from which original bushes have been uprooted, or
5. Land plant with tea on the 31st day of March 1948, from which the original bushes have been uprooted.
6. limitation to the extension of cultivation

Subject to the provision contained in section 15 and 16, the total area of the land in respect of which the permission referred to in section 12 may be granted, shall not exceed such area as may be determined by the Board under the general instruction of the Central Government (Tea Plantation Act of 1951). The total area of the land in any state in respect of which permission granted be determined by the board. Provided that the board may vary that the total area so determined for any state in order to increase or diminish for another state the area in respect of which such permission may be granted by any amount corresponding to the extent to which to the area in the first mentioned State has been diminished or increased (ibid).

The board shall publish the total area determined for country as well as the total area determined for the various individual states notification in the official Gazette of the central government as soon as may be or after the commencement of this Act and like manner publish any subsequent variation of such total area (ibid).

Among the legislations affecting plantation workers, the most important is the Plantation Labour Act of 1951, which sought to raise the living standards of plantation workers. It contains several provisions related to housing conditions, health and hygiene, education, and social welfare. This Act, along with the Factories Act, regulates employment, working conditions, and working hours. It provides for compulsory housing and declares that every year 8 percent of the houses must be converted into permanent structures (with brick-and-mortar walls, and tiled roofs). There are provisions for sanitary facilities and water supply in labour residences (known as labour lines), as well as for daycare for infants and primary schools for children. The Act thus has a great deal of potential for improving the working and living conditions of plantation labour.

### **3.4 Plantation Labour Act 1951**

Although the plantation industry provides employment for thousands of workers, there was no comprehensive legislation regulating the conditions of labour in the industry. The Tea Districts Emigrant Labour Act, 1932, which applies only to Assam, regulates merely the conditions for the recruitment of labour for the employment in the tea gardens of Assam. The Workmen's Compensation Act of 1923, which applies to Gardens growing cinchona, coffee rubber or tea also does not confer any substantial benefit on plantation labour as accidents in plantations are few. The other Labour Acts like the payment of Wages Act of 1936, Industrial Employment (Standing Orders) Act 1946 and Industrial Dispute Act of 1947, benefit plantation labour only to a very limited extent. In its report the Labour Investigation Committee observed "that as the conditions of the life and employment on plantations were different from those in other industries it would be difficult to fit plantation labour in the general framework of the Industrial Labour Legislation without creating serious anomalies" and recommended a Plantation Labour Code covering all plantation area (Minimum Wage Act, 1948).



The Plantation Labour Act was passed as an All-India measure to regulate the condition of plantation labour. It applies in the first instance to tea, coffee, rubber, and cinchona plantations, but the state government may apply it to any plantation. Provision is made in the Bill for assuring to the workers reasonable amenities, as for example, the supply of wholesome drinking water or suitable medical and educational facilities or provision for enough latrines and urinals separately for males and females. Housing accommodation is also to be provided for every worker and standard and specification of such housing accommodation will be prescribed after due consultation. The Act regulates the working hours of the workers employed in plantation.

Children below twelve are prohibited for employment in any plantation and the State Government is empowered to make rules regulating payments of sickness or maternity benefits.

Necessary provision was made in the bill for the appointment of a suitable inspecting, medical or other staff for securing in plantation of the various provisions in the Act.

Before the Industrial Dispute Act, 1947, Minimum Wages Act 1948 and Committee Act on Fair Wages in 1949, the British Planters during the days of the British Raj were generally influenced by the policy of Laissez faire adopted by the Government (International Labour Organization, 1950:30). This policy precluded State intervention in disputes relating to wages. The Royal Commission on Labour in India 1931 in its Report did not mention any principles of revision of wages to secure improved efficiency (ibid). The Commission's report didn't consider the principles or criteria, just made a significant remark concerning the effects of wage increase on the share of the national income available to other sectors of the economy, especially the unorganised agricultural sector. The commission felt like identifying areas or trades in which wages were lowest and paying minimum wages in those areas or trade. It never considered the implementation of ILO convention in strict conformity with their conformity with their provisions (ibid). On the other hand, the laissez faire policy of the British Government and the other Royal Commission's specific colonial labour policy had their indirect effects on the fixation of statutory minimum wage higher

than the bare subsistence or minimum wage, providing for some measure of education, medical requirement, and amenities.

Working of the Tea Districts Emigrant Labour Act of 1932 and the Workmen Compensation Act of 1923 were not adequate to address the issues related to the tea plantation workers. The Labour Investigation Committee opined that since the conditions of life and employment on plantations were different from those of the other industries, a separate bill was necessary to be introduced, and all this paved the way for the Plantation Labour Act of 1951 which is the landmark in the history of tea plantation in India.

Important Provisions of the Act are:

- (i) Health and Welfare,
- (ii) Hours of Work, Rest Intervals etc.,
- (iii) Employment of children / adolescents and
- (iv) Annual leave with wages.

A brief description of these provisions is given below:

(i) Health and Welfare

(a) Medical - Every plantation is required to provide and maintain readily available, medical facilities for the workers and their families as may be prescribed by the respective State Governments.

(b) Housing - The Act makes it obligatory for the employers to provide and maintain necessary housing accommodation for every worker and his family residing in the plantation. The State Governments are, however, empowered to frame rules to decide the standard and specification of the accommodation.

(c) Recreation - The Act lay down that the State Governments may frame rules for providing such recreational facilities for the workers and children employed in the plantations as are prescribed.

(d) Education - The State Governments are also empowered to make rules requiring every employer to provide educational facilities of such standard as may be

prescribed in his/her plantation, where the number of workers' children in the age group of six and twelve years exceeds twenty-five.

- (e) Canteens - In plantations employing 150 or more workers, the employers are required to provide and maintain one or more canteens of the standard prescribed by the State Governments for use of the workers.
- (f) Creches - In every plantation wherein 50 or more women workers are employed or were employed on any day of the preceding twelve months or where the number of children (below the age of six years) is 20 or more, creche facility for the use of children of such women workers is required to be provided and maintained by the employer.
- (g) Other basic amenities- Adequate supply of drinking water; maintenance of sufficient number of latrines and urinals in clean and sanitary conditions separately for men and women; supply of prescribed number and type of umbrellas, blankets, raincoats or similar amenities for the protection of workers from rain or cold; and appointment of welfare officers in the plantations, wherein 300 or more workers are ordinarily employed, are some of the other facilities required to be made available under the Act, for plantation workers by the employer.
- (ii) Hours of Work and Rest Intervals-. The Act provides that no adult worker is required or allowed to work in any plantation more than 48 hours a week and no adolescent for more than 27 hours a week. Nonetheless, when an adult worker works on any day more than the number of hours constituting a normal working day or for more than 48 hours in any week, he shall, in respect of such overtime work, be entitled to twice the rates of ordinary wages, provided that no such worker shall be allowed to work for more than nine hours on any day and more than 54 hours in any week. It is obligatory under the Act that for any work done on any closed holiday in the plantation or on any day of rest, a worker shall be entitled to twice the rates of ordinary wages as in the case of overtime work. Though the Act does not fix daily hours of work, yet it lays down that the period of work of an adult worker shall be so arranged that it does not exceed beyond 12 hours a day, including rest intervals and the time spent in waiting for work. The

Act provides that no woman or child worker be employed in any plantation except between 6 a.m. and 7 p.m. without the permission of the State Government. However, this restriction does not apply to the midwives and nurses employed in any plantation.

iii) Annual Leave with Wages- As per the Plantations Labour Act, 1951, every worker is allowed annual leave with wages, calculated at the rate of one day for every 20 days of work for adult worker and in case of young person, one day for every 15 days of work. Every worker is entitled to accumulate leave upto a maximum of 30 days. The wages of an employee, if employed wholly on a time-rate basis, will be paid at a rate equal to the daily wages payable to him immediately before the commencement of the leave, and in all other cases, at the average daily wage rate calculated over the preceding twelve calendar months. If the employment of a worker is terminated before he has taken the entire leave to which he is entitled, the employer shall pay him the amount payable in respect of leave not taken and such payment shall have to be made before the expiry of the second working day after such termination.

In 1951, the Parliament passed the Plantations Labour Act sought to provide measures for the welfare of labour and to regulate the conditions of workers in plantations. Under this law, the State Governments have been empowered to take all feasible steps to improve the lot of the plantation workers. The passing of the PLA brought some improvements in the plantations sector. It also helped in creating conditions for organising the workers and the rise of trade unions. The Act seeks to prohibit employment of children below the age of 14. Both provisions affect the working conditions of child labour because it can be found that spraying of pesticides, weedicides, chemical fertilisers, etc., is done mainly by the non-adult labour force in plantations.

The Plantation Labour Act has been brought out with a view to disseminate information on legal rights of the plantation workers under the law. So, the trade union activists will thoroughly work for the plantation workers for their better livelihood (Bhowmik, 1992).

Plantation Act of 1951 as amended by Acts of 1953, 34 of 1960, 53 of 1961, 58 of 1981 and 61 of 1986], this was an Act to provide for the welfare of labour, and to regulate the conditions of work, in plantation which was enacted on November 2, 1951.

According to the Supreme court, the minimum wage as defined by the Fair Wages Committee is something more than the bare minimum or subsistence wage, it would be sufficient to cover the bare physical needs of the worker and his family, it would provide for the preservation of the efficiency of the worker and for some measure of education, medical requirement, and amenities (ibid). The court stated as one of the principles that in the case of bare subsistence wage, but it is relevant in every other case, including a statutory minimum wage or a minimum wage defined by the Fair Wages Committee” (Report on Minimum Wage Act, 1948). The Supreme Court approved Fair wages as being a wage above the minimum and limited by the capacity of the industry to pay. The actual levels of wages would depend on four criteria a) the labour productivity, b) the prevailing rate of wages in the same or similar occupations in the same or neighbouring localities, c) the level of national income and its distribution and d) the place of the industry in the economy (ibid).

This Act is basically to check the tyrannical style of functioning of the managers. The vital role of the garden managers was to be put under control and provide a plethora of rights to the workers in the name of welfare measures. The management cannot terminate the services of any workers unless gross misconduct of workers is reported. All the various provisions like the maternity benefits, crèche facility, housing, drinking water etc. had to be implemented and submitted to the Tea Board and the Labour Department.

### **3.5 Tea Board of India**

The genesis of the Tea Board India dates to 1903 when Indian Tea Cess Bill was passed (Asopa, 2006: 20). The Tea board of India is a state agency of the Government of India established to promote the cultivation, processing and domestic trade as well as export of tea from India. It was established by the enactment of the Tea Act in 1953 and started functioning from 1<sup>st</sup> April 1954 with its headquartering at Kolkata (ibid). It has succeeded the Central Tea Board and the Indian Tea Licencing Committee

which functioned respectively under the Indian Tea Control Act 1938 and the Central Tea Board Act, 1949. It is responsible for the assignment of certification numbers to exports of certain tea merchants. This certification is intended to ensure the tea's origin, which in turn would reduce the amount of fraudulent labelling on rare teas such as ones harvested in Darjeeling. The Tea Board of India's task includes endorsement of the diverse production productivity of the tea, financial support of research organizations and the monitoring of advances in tea packaging as it relates to health beneficial aspects (ICRA, 2005: 11).

### **3.5.1 Tea Board of India: Organisation and Functions**

**Organisation of the Board:** The Tea Board functions as a statutory body of the Central Government under the Ministry of Commerce. The Board is constituted of 31 members (including Chairman) drawn from Members of Parliament, tea producers, tea traders, tea brokers, consumers, and representatives of Governments from the principal tea producing states, and Trade unions. The Board is reconstituted every three years (ibid).

#### **Standing Committees of Tea Board of India**

- Executive Committee
- Tea Promotion Committee
- Labour Welfare Committee
- Development Committee
- Licensing Committee for North India
- Licensing Committee for South India

The Executive Committee deals with the administrative matters of the Board. The Export Promotion Committee deals with the work in relation to the export promotion of tea. Labour Welfare Committee guides the Board in implementation of various welfare schemes for the benefit of the plantation workers and their wards. The Development Committee is responsible for overseeing the various developmental schemes run by the Board. Licensing Committee for North and South India act as per direction of the Board or the Executive Committee pertaining to Chapter III & IV of the Tea Act relating to Tea Garden of North India and South India respectively (ibid).

Administrative Set-up: The functional activities of Tea Board of India, located at Kolkata, are divided into various wings. These are: The Secretariat headed by the Secretary who looks after establishment/administrative works and co-ordinates with the various departments of the Board's office. The Establishment branch is headed by Assistant Secretary who looks after administrative/policy matters and deals with the staff matters of the Board's office.

- a) The Finance wing headed by Financial Advisor and Chief Accounts Officer is responsible for the maintenance of accounts, release of financial assistance to tea gardens and internal audit.
- b) The Development Directorate headed by the Director of Tea Development is responsible for formulation and implementation of various developmental schemes and rendering assistance to the industry in the procurement, distribution and movement of essential inputs.
- c) The Promotion Directorate headed by the Director of Tea Promotion looks after the works relating to Marketing and Promotion of tea in India and abroad.
- d) The Research Directorate headed by the Director of Research is responsible for coordination of tea research carried out by the different tea research institutions in the country and monitoring the functions of the Tea Board's own Research Station.
- e) The Licensing Department headed by the Controller of licensing is responsible for issue of business licenses for tea exporters and distributors, recording the ownership of all tea gardens in India and implementation of the Tea Waste (control) Order and Tea Warehousing (control) Order.
- f) The Labour Welfare Department headed by Welfare Liaison Officer (North) looks after the work relating to implementation of welfare schemes of the Board.
- g) The Statistics Department headed by the Statistician is responsible for the collection of Statistics relating to tea area production, tea prices, export, import, labour and all other related data and carrying out techno-economic surveys of various tea growing areas in the country including cost studies.

- h) The Law Cell headed by a Law Officer who looks after all legal matters arising in various functional departments mentioned above.
- i) Hindi Cell headed by the Deputy Director (Hindi) is responsible for the implementation of the provisions of the Official Languages Act and various related measures.
- j) Vigilance Cell: Tea Board's Vigilance Cell is headed by the Deputy Chairman of the Board who has been appointed as the Chief Vigilance Officer of the Board by the Central Vigilance Commission. The Cell engages itself with surveillance and preventive vigilance, in addition to taking appropriate action in matters arising out of information / complaints. The Cell attends to queries of the Government of India and the Central Vigilance Commission as and when such queries are received. Monthly and Quarterly Reports are prepared and sent to the Ministry of Commerce and the Central Vigilance Commission. The overall vigilance activities are looked after by the Chief Vigilance Officer who is assisted by the Vigilance officer.

Functions: The Tea Board has wide functions and responsibilities under the direction of the Central Government. Briefly the primary functions of the Tea Board are as under: (National Commission on Labour, 1966:47).

- a) Rendering financial and technical assistance for cultivation, manufacture and marketing of tea.
- b) Export Promotion
- c) Aiding Research and Development activities for augmentation of tea production and improvement of tea quality.
- d) Extend financial assistance in a limited way to the plantation workers and their wards through labour welfare schemes.
- e) To encourage and assist both financially and technically the unorganised small growers sector.
- f) Collection and maintenance of Statistical data and publication
- g) Such other activities as assigned from time to time by the Central Government.



Funds for the aforesaid functions are made available to the Board by the Government of India through Plan and Non-Plan Budgetary allocations.

Plan funds are used exclusively for the activities mentioned at (a) above. Funds for all other activities mentioned above (F and g) are met from Non-Plan Budget allocation for which cess levied on tea is the major source (ibid).

Tea Cess is levied on all teas produced in India under Section 25(1) of the Tea Act, 1953. The said Act provides for levying cess up to 50 paise per kilogram of tea produced in India (ibid). However, the cess is collected at the rate of 30 paise per kg (ibid). Excepting, Darjeeling teas for which only 12 paise is levied. The Cess at present is collected by the Central Excise Department and credited to the Consolidated Fund of India after deducting the expenses of collection. Funds are released by the Central Government in favour of the Tea Board from time to time based on the sanctioned budget after due appropriation by the Parliament. Such funds received by the Board are utilised for meeting the non-plan expenditure.

Plan Funds: Funds are provided under the plan budget with the prior approval of Planning Offices of Tea Board:

- (a) Offices in India: With Head Office located in Kolkata, West Bengal it has twenty-three offices which include Zonal, Regional and Sub-Regional Offices located at the following cities/towns: Coonoor, Coimbatore, Siliguri, Agartala, Darjeeling, Dibrugarh, Kumily, Jorhat, Kochi, New Delhi, Tirumala, Tezpur, Jalpaiguri, Itanagar, Palampur, Silchar, Mumbai, Gudalpur, Chennai, Guwahati, SGDO Dibrugarh. It also maintains four Tea Bar/Buffets. Commission and EFC for implementing various developments, promotional and R& D schemes.
- (b) Foreign Offices: Tea Board has two overseas offices located at Dubai, and Moscow. All these foreign offices of the Board are designed to undertake the various promotional measures to boost up export of Indian tea. These offices also act as a liaison office for interaction between importers of Indian tea of the respective regions as well as Indian Exporters. (Tea Board, 2002: 25) the tea board was there to see that all the provisions were functioning properly and all the annual reports were to be reported to the tea board (ibid).

The tea plantation industry not only occupies an important role in the national economy but also provides gainful employment to many people. The industry accounted for 20 percent and 10 percent of the total labour force employed in the private sector in 1961 and 2002 respectively. However if we see the minimum wage of a worker at present prevailing scenario is Rs 270 for unskilled agricultural labour and Rs 150 above for the workers of MGNREGA (Kingshuk, 2019: 2) whereas the tea plantation workers earn a sum of Rs 176 as their daily wage (ibid).

Daily wages in Assam and West Bengal are significantly lower, not even 50% of the wages that prevail in the tea plantations of Southern States. In three Southern States tea plantation wages are declared through minimum wage notifications and wage settlements fall outside the purview of collective bargaining. (Sarkar, 2015:15-17).

At present the prevailing wage for West Bengal and Assam is Rs176 whereas the daily wage of South India is Rs 371 (UPASI, 2017). As in West Bengal and Assam wage is determined through collective bargaining mechanism where there is always a tripartite forum, Representatives of planters, representatives of workers' union and government representatives sit together through a series of negotiations to determine daily wage in an industry wise manner for a specified period (Sarkar, 2015: 6). There is the process of collective bargaining in West Bengal and Assam whereas in South the wage is fixed according to the wage notification and wage settlement which falls outside the purview of collective bargaining (ibid), in collective bargaining there is a demand raised by the trade union for the wage hike.

## **Chapter 4**

### **Socio-economic condition of the tea garden workers of Darjeeling District in West Bengal**

#### **4.1 Introduction**

In this chapter of the study, it shows the study regarding the socio-economic conditions of the tea garden workers social phraseology, caste, family, household, income, education, housing, drinking water, toilet facilities, electricity access, beneficiaries of the PDS, supply of food materials (even to the dependent), health medical accessibility and payment of wage. The study was delimited to a sample of 100 respondents from each tea Garden (total 10 household respondents Gardens). Darjeeling as we see it's the most famous name worldwide for its tea and tourism.

Darjeeling district was a part of the domination of the Raja of Sikkim upto the beginning of the eighteenth century. In 1706, the part which is known as the Kalimpong sub-division (now a district) of the district was taken from the Raja of Sikkim by the Bhutanese. Later there was a huge unsuccessful battle with the Gurkhas who had seized power in Nepal and invaded Sikkim in 1780. During the next thirty years they overran Sikkim as far east as Tista and conquered and annexed the Terai. In the meantime, there was a war between the East India Company and the Nepalese at the end of which 1817 by the Treaty of Titaliya the tract which the Nepalese had won from the Raja of Sikkim was ceded to the East India Company. The company restored the area between Mechi and Tista to the Raja of Sikkim and guaranteed his sovereignty. Sikkim was acting as a buffer between Nepal and Bhutan (Mitra 1954: iii). In 1835 Darjeeling which was then uninhabited mountain was unconditionally ceded by Sikkim to the British by a deed. In 1841, the government granted the Raja an allowance of Rs 3,000 per annum as compensation and this was raised in 1843 to Rs 6000 per annum. This way the settlers were settling in the free so called free Darjeeling and its importance were blinking in the eyes of the British.

The Darjeeling district was a Non-Regulation District which is to say, Act and Regulation did not come into force unless they were especially extended to a district. According to the Constitution of India the district no longer enjoys special privileges, but administration in the district has peculiarities due to the special application of

various enactments. The Bengal Tenancy Act is not in force and Act X of 1859 and Act XVIII of 1879 regulate the rights and liabilities of the rural population.

An account of the administration history of the district would not be complete without reference to certain policies carried out for prevention of the exploitation of hill men. After Kalimpong was annexed, government would not lose a portion of it for tea cultivation except for special reasons, transfer of the holdings in the hill Khas Mahals of the district from hillmen to plainsmen have not been permitted and except for special reasons, transfers from Bhutia and Lepchas to Nepalese have not been allowed in Kalimpong Khas Mahal.

#### **4.2 Demography and general information**

In Darjeeling district, the Gorkhas comprise the bulk of the population from communities like Gurung, Rai, Limbu, Tamang who are also clubbed with the Nepalese by the outsiders. These communities are seen as the tribal communities in Nepal, distinct from the Gorkha population of the region.

There is a huge caste system in Darjeeling based community, there are three types of groups as classified into 1) Tagadhari -the caste like Bahun, Chettri and Thakuri belong to this category, 2) Matwalis- the caste like Rai, Limbu, Bhujel, Tamang, Gurung, Mangar, Newar, Sherpa, Thami, Sunuwar, Lepcha 3) Kami, Damai and Sarki, who occupy the bottom stratum of the hierarchy (Heimdorf: 1978). There are other communities too seen in Darjeeling district comprising Bhutias, Tibetians, Bengalis, Mechis, Rajbonsis, Santhals, Chota Nagpuris, Muslims, Peshwaris and Jews.

Majority of labour force in the tea gardens of the Darjeeling hills consists of Nepali immigrants and their descendants. These people had migrated to this region mainly from eastern, western and central hill areas of Nepal after the establishment of tea industry. About 90% of the labour force belongs to Nepali castes and tribes of whom Rai, Limbu, Tamang, Manger, Gurung, Newar, Sunwar, Bhujel etc. are numerically dominant. The tribes like Bhutia, Lepcha, Sherpa constitute around 5% of the labour force. Beside these, there are 4 to 5% labour force from Terai Nepal and Indian plains (Dash: 1947). According to Dash, the total labour force in the tea gardens of

Darjeeling hills was 8,000 in 1870 which rose to 44,279 in 1940. The steady stream of immigrants from the hills of eastern Nepal prevented any shortage of labour in the Darjeeling tea industry (ibid). At present, almost all the Nepalis working in the tea gardens are fourth or fifth generation migrant and they have acquired the citizenship of India.

In West Bengal the Dialect spoken differs in different localities and communities. So, even in Darjeeling the different communities have their own dialect for instance Limbu community have their own particular dialect this way all the communities have their own Dialects. So, to bridge these differences of Dialects, the Dialect of the Chettri community called the 'Khas-Kuras', forms the Lingua Franca of the entire community present in Darjeeling, and in Tarai belt its Hindi which is common for all to communicate with each other.

The mother tongue of the Darjeeling District in which 3,69,130 persons use to speak in Nepali as their mother tongue, which constituted 59.09 percent of the total population of the district. After Nepali it was the Bengali with a population of 1,15,172, Hindi with a population with 47,842 and Kurukh with 17,595 languages spoken respectively (Census, 2011). During the 1961 census report. according to this census report of 1961 there were Bhotias and the Lepchas in which 2,388 persons turned Bhotia with their mother tongue language.it was noted that the Bhotia language had hardly any difference from the Tibetan language so even turned out by 7,679 persons during the same census as their mother tongue. Even the Lepchas were returned with their mother tongue by 8,171 person. So, from the report above it shows that there was the Gorkha community which were in the majority. In *Darjeeling* ninety-six of the labour employed on the hills is Nepali and the language used by them is Nepali, the Terai population is mixed with all different communities living in it. Recruitment of labour from Nepal is not permitted but there is normally no shortage of labour in the hills. Inter-garden movement of Nepali labour in hill gardens is however allowed.

### **4.3 Methodology**

The study is based on the data and information collected from the primary sources through questionnaire, structured interview schedule, personal interviews non-

participation observation, direct contact method with the workers trade union activists, managers of tea gardens, officials of the government departments. The secondary data obtained from the Statistical Handbooks, Annual Reports, of Tea Board of India, related reports and publications by the Governments of Assam, West Bengal and India. Other reports like Census of India, Planning Boards, National Sample Survey, Gazettes, reports from the labour departments, magazines, journal articles, study reports by the academic and non-academic communities and books.

There are 116 tea gardens in Darjeeling district of West Bengal, from which 10 tea gardens were selected through random sampling using lottery method. Further 10 households were selected from these tea gardens using convenient sampling technique. Though it appears that the selected sample size is less and not proportionate to the number of total households in the studied gardens, it may be noted that the objectives of the study is to understand the socio-economic conditions of the tea garden workers in the study area and to study the role of the trade unions in the implementation of the Plantation Act, the number selected is sufficient enough. All together the selected households have 438 family members in which at least 2 members are working in the tea gardens. From each of the tea garden 3 trade union leaders and 2 management staff were interviewed, making it 30 trade union leaders and 20 management staff.

Following table indicates the total number of households in the selected tea gardens, sample taken and number of family members in the surveyed household.

**Table.4.1**  
**Demographic Distribution of Sample Population**

Sl. No	Tea Garden	Total Households	Household sample taken	Total Family members of the household	Trade Union leaders	Manager and staff
1	Soureni Tea Garden	650	10	49	3	2
2	Rohini Tea Garden	1161	10	47	3	2
3	Giddha Pahar Tea Garden	358	10	45	3	2
4	Okaiti Tea Garden	941	10	33	3	2
5	Kanchan View Tea Garden	150	10	28	3	2
6	North Tukvar Tea Garden	845	10	43	3	2
7	Castleton Tea Garden	1138	10	44	3	2
8	Ghumtee Tea Garden	300	10	45	3	2
9	Gaya Bari Tea Garden	620	10	48	3	2
10	Namring Tea Garden	1411	10	46	3	2
	<b>Total</b>	<b>7574</b>	<b>100</b>	<b>428</b>	<b>30</b>	<b>20</b>

*Source: Primary data collected from the field work in 2019.*

Structured questionnaire was circulated to the selected households, in-depth interviews were conducted with the member and leaders of trade unions and managers as well as management staff. Further observation method was used to examine the conditions of the functioning of school, health, hygiene, sanitation, maintenance, space facilities, workers social and economic conditions.

#### 4.4 Socio-economic indicators

The study attempted to know the status of workers in the following socio-economic indicators in the selected tea gardens.

**Table 4.2**  
**Socio economic indicators**

<b>Sl. No</b>	<b>Socio economic indicators</b>
1	Gender
2	Religion and Caste
3	Age & Dependency
4	Residence, housing facilities and living conditions
5	Drinking water facilities
6	Availability of Toilets
7	Electricity facilities
8	Fuel supply
9	PDS coverage
10	Literacy and educational facilities
11	Minimum wage and working hours
12	Medical and recreational facilities
13	Awareness about Economic rights
14	Awareness about Political rights

Table 4.3 below provides the gender and caste category of the selected households for the study.



**Table 4.3**  
**Gender and Caste Category of the Sample Households**

Tea Garden	Sample Household	Total Members (%)*	Gender (%)*		Household Caste Category (%) *			
			Male	Female	GEN	OBC	SC	ST
Soureni Tea Garden	10	49 (100)	28 (57.14)	21 (42.5)	0 (0)	4 (40)	1 (10)	5 (50)
Rohini Tea Garden	10	47 (100)	22 (46.80)	25 (53.19)	3 (30)	1 (10)	1 (10)	5 (50)
Giddha Pahar Tea Garden	10	45 (100)	20 (44.44)	25 (55.55)	2 (20)	5 (50)	0 (0)	3 (30)
Okaiti Tea Garden	10	33 (100)	18 (54.54)	15 (45.45)	0 (0)	6 (60)	1 (10)	3 (30)
Kanchan View Tea Garden	10	28 (100)	16 (57.14)	12 (42.85)	1 (10)	3 (30)	0 (0)	6 (60)
North Tukvar Tea Garden	10	43 (100)	22 (51.16)	21 (48.83)	0 (0)	6 (60)	1 (10)	3 (30)
Castleton Tea Garden	10	44 (100)	21 (47.72)	23 (52.27)	0 (0)	2 (20)	0 (0)	8 (80)
Ghumtee Tea Garden	10	45 (100)	23 (51.11)	22 (48.88)	5 (50)	2 (20)	1 (10)	2 (20)
Gaya Bari Tea Garden	10	48 (100)	24 (50)	24 (50)	3 (30)	7 (70)	0 (0)	0 (0)
Namring Tea Garden	10	46 (100)	22 (47.82)	24 (52.17)	5 (50)	4 (40)	0 (0)	1 (50)
<b>Total</b>	<b>100</b>	<b>428 (100)</b>	<b>216 (50.46)</b>	<b>212 (49.53)</b>	<b>19 (19)</b>	<b>40 (40)</b>	<b>5 (50)</b>	<b>36 (36)</b>

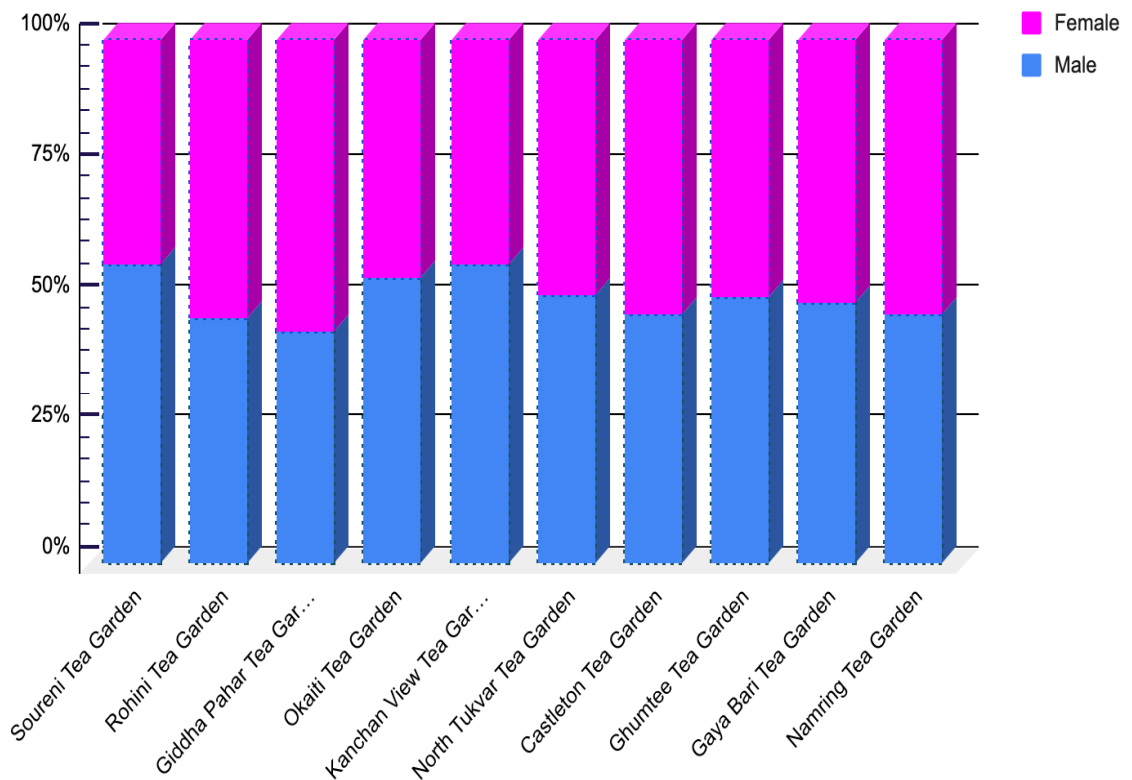
Source: *Primary data collected from the field work.*

Note: Figures in bracket indicates percentage.

Table 4.3 above provides the data regarding the total members in the selected households, gender, and caste category of the households. There are total number of 428 members in the selected households among with 216 male and 212 female members, accounting for 50.48 and 49.53 percent respectively. In these selected household's 19 percent belonging to general category, 40 percent OBC, 5 percent SC and 36 percent ST category. The table also indicates that large number of respondent households belongs to OBC category followed by ST category. Under OBC there were communities like Rai, Pradhan, under ST- Tamang, Lama, Subba, Lepcha and

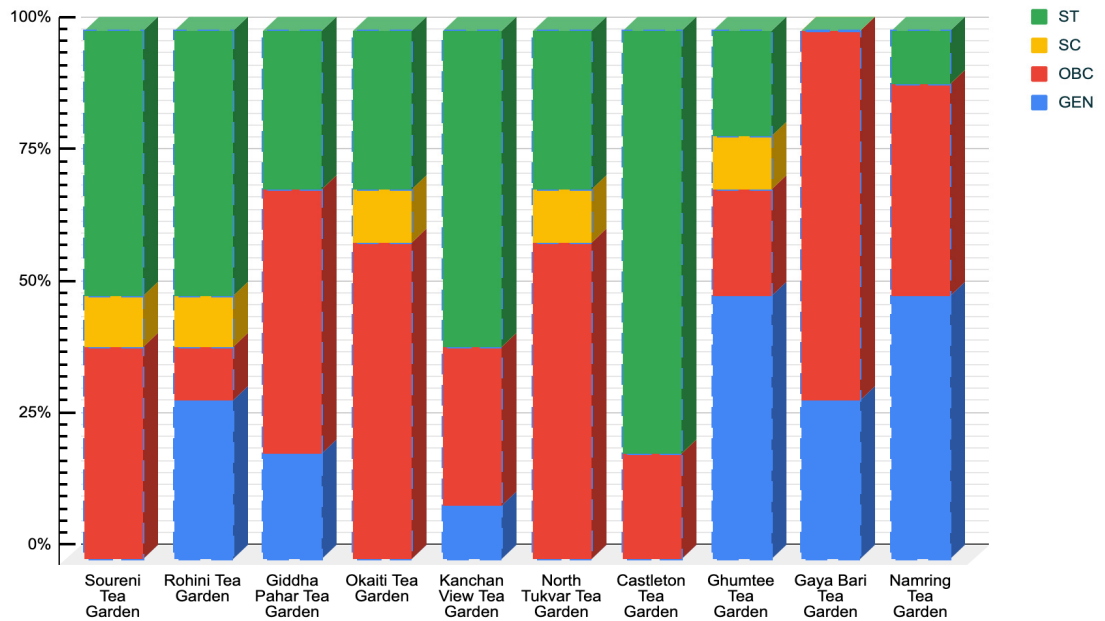
under SC there was Sarki, Barayli. As regard to their work, the workers here have adapted themselves with their work, as these workers belong to such a community where they are already skilled with the agriculture and cultivation system, there is a paraphrase in Nepali saying “*Jaat le pako*” which means these communities by origin are talented with the cultivation and agro-skills.

According to Pearson, adjustment doesn't mean adjustment to a new environment alone but it also means the improvement on the previous condition by the exploitation of the new resources, he calls it an “adaptive upgrading” which means adaptation means not just a passive process of social adjustment but an active and innovative process as well. (Pearson: 1997). Tea plantation is agro-based industry located in the rural area. Figures 4.1 and 4.2 depicts the data provided in the table 4.3.



**Figure 4.1: Distribution of male and female in the family of the respondents**

We can observe that the ratio of male and female members in the family of workers are almost equally divided from the graph above.



**Figure 4.2: Distribution of caste category of the respondents**

From the above bar graph, we can see that there is huge deviation in the caste distribution in each tea garden except Ghumtee and Namring Tea garden where the ratio of General to OBC, ST and SC together are 50:50. The other tea gardens have either no general caste or very less working population.

#### 4.4.1 Religion

Darjeeling has got people with different religions; they are secular to choose which religion they want to follow. So, people from different religions can be seen. Table 4.2 shows that the respondents were mostly from Hinduism and Buddhism.

**Table 4.4**  
**Religious Category of the Sample Households**

Tea Garden	Sample Household	Religion (in %)			
		Hindu	Muslim	Christian	Buddhist
Soureni Tea Garden	10	50	0	0	50
Rohini Tea Garden	10	50	0	0	50
Giddha Pahar Tea Garden	10	70	0	0	30
Okaiti Tea Garden	10	60	0	10	30
Kanchan View Tea Garden	10	50	0	0	50
North Tukvar Tea Garden	10	70	0	0	30
Castleton Tea Garden	10	20	0	0	80
Ghumtee Tea Garden	10	80	0	0	20
Gaya Bari Tea Garden	10	80	0	20	0
Namring Tea Garden	10	90	0	0	10
<b>Total percentage</b>	<b>100</b>	<b>62</b>	<b>0</b>	<b>3</b>	<b>35</b>

*Source: Primary data collected from the field work.*

Table 4.4 above gives the religious stats of the households surveyed for the study. Among the sample households, 62 percent belongs to Hindu religion, followed by 35 percent Budhists, and about 3 percent belonging to Christianity. As from the historical aspect in the district, the majority of the people belonged to the tribal population and the policy followed by the British government during that time has been of tolerance for their different way of life, non- interference in their internal matters and respect for their traditional and institutions. This allowed the tribals to keep distance from their non-tribal neighbours.

Though the tribal community were not merged into Hindu society and was not completely affected through the process of syncretism, many deities of the greater tradition of Hindu found place in the tribal pantheon in various parts of the country. Later there was in 1874, British India government passed the Scheduled District Act, where the local government were empowered to declare in respect of the tracts specified in the Act what enactments were or were not in force and to notify, the application with modification or restrictions, if necessary, of any enactment in force at

the time, in any part of British India. This policy of keeping the tribal areas administratively separate was continued in the Government of India Act, 1919 and the Government of India Act, 1935 (Burman 1961: 323).

In the Government of India Act of 1935, the policy of keeping the tribal areas administratively separate and perpetuating distrust among the non-tribal neighbour, was intensified through provision for delimitation of excluded and partially excluded areas under section 92 of the Act. No Act of the federal or provincial Legislature applies to excluded or partially excluded areas unless the Governor directs its application by notification. In applying any Act, the Governor may make such modification or exception as he thinks is fit. The Governor may regulate for the peace and good government of any such areas, including regulations for the repeal or amendment of any existing Indian Law (ibid: 325). Excluded and the Partially excluded areas, under the Government of India Act, 1935 have been replaced by the Scheduled areas and the Tribal areas under the constitution. At the outset under the Government of India Act, Darjeeling district, Khasi Hills, Garo Hills and the Mikir hills were notified as the Partially excluded Areas whereas the Naga Hills, Mizo hills, North Chachar Hills were given special status. Hence, we must assume that the domination of Hindu community in the selected tea gardens as indicated in the Table 4.2 includes tribal communities in the hold of Hindu religious community.

#### **4.4.2 Number of family members, workers, and dependents**

Family is a social group that is further characterised by ties of kinship among all its members. A family is united by either biological or marital kinship bonds among its members, as well as by interpersonal relationships which give the family more stability and unity than in non-kinship groups (Olsen, 1968: 90). The table 4.5 below shows the family member of the respondents of the respective tea gardens. The dependents were there mostly below the age of 14 and even between the age of 14 to 18. These dependents are not eligible for the ration food which the companies were giving them in cash, earlier when the ration was provided in kind, the dependents were benefited with this facility. So, there was misled to the Plantation Labour Act in matter of state concern. when enquired the managers were not answerable as it was the order from the Company, plus they added saying that the Plantation Labour Act

needs to be rewritten and included that the workers should provide these things for themselves. So here the respondents had a concept that when there was large members in their family, with lower income its created a financial crisis in that particular family.

One respondent had said that

*“I am the only sole bread earner of this family with my mother who is a retired worker from this tea garden, nor does she get the pension, nor in a state to work anymore, my wife looks after the family of two children and my brother who is a casual worker of the family but hardly gets paid enough gets and it's difficult to run the family in that manner”.*

**Table 4.5**  
**Age-wise Distribution of Household Members**

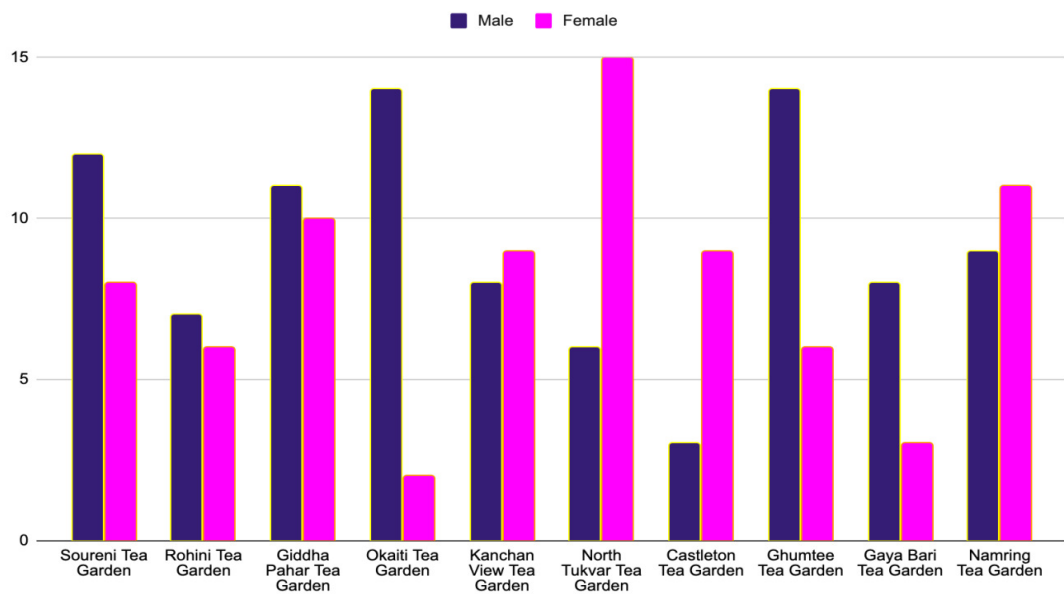
Tea Garden	Children (%) (Below 14)		14-18 (%)		19-58 (%)		Above 58 (%)		Total
	Male (%)	Female (%)	Male (%)	Female (%)	Male (%)	Female (%)	Male (%)	Female (%)	
Soureni Tea Garden	4 (8.16)	2 (4.08)	11 (22.45)	5 (10.20)	12 (24.49)	13 (26.53)	1 (2.04)	1 (2.04)	49
Rohini Tea Garden	5 (10.64)	6 (12.77)	9 (19.15)	6 (12.77)	8 (17.02)	12 (25.53)	0	1 (2.13)	47
Giddha Pahar Tea Garden	6 (13.33)	7 (15.56)	4 (8.89)	9 (20.00)	10 (22.22)	8 (17.78)	0	1 (2.22)	45
Okaiti Tea Garden	4 (12.12)	5 (15.15)	4 (12.12)	2 (6.06)	10 (30.30)	8 (24.24)	0	0	33
Kanchan View Tea Garden	4 (14.29)	4 (14.29)	3 (10.71)	1 (3.57)	8 (28.57)	6 (21.43)	1 (3.57)	1 (3.57)	28
North Tukvar Tea Garden	5 (11.63)	7 (16.28)	7 (16.28)	5 (11.63)	9 (20.93)	9 (20.93)	1 (2.33)	0	43
Castleton Tea Garden	4 (9.09)	4 (9.09)	6 (13.64)	7 (15.91)	10 (22.73)	12 (27.27)	1 (2.27)	0	44

Ghumtee Tea Garden	4 (8.89)	5 (11.11)	8 (17.78)	6 (13.33)	10 (22.22)	10 (22.22)	1 (2.22)	1 (2.22)	45
Gaya Bari Tea Garden	3 (6.25)	4 (8.33)	7 (14.58)	8 (16.67)	13 (27.08)	11 (22.92)	1 (2.08)	1 (2.08)	48
Namring Tea Garden	5 (10.87)	4 (8.70)	8 (17.39)	7 (15.22)	9 (19.57)	12 (26.09)	0	1 (2.17)	46
<b>Total</b>	<b>44</b> <b>(10.40)</b>	<b>44</b> <b>(10.40)</b>	<b>67</b> <b>(15.84)</b>	<b>56</b> <b>(13.24)</b>	<b>100</b> <b>(23.64)</b>	<b>100</b> <b>(23.64)</b>	<b>6</b> <b>(1.42)</b>	<b>6</b> <b>(1.42)</b>	<b>423</b>

Source: *Primary data collected from the field work.*

Table 4.5 above indicates the age wise distribution of household members. There are about 21 percent of the households consists of children below the age group of 14 years, about 29 percent of the family members are between 14 to 18 age group. Within this child below 14 years of age are about 10.40 percent each and children between 14 to 18 years are 15.84 percent of boys and 13.24 percent of girls. Altogether we can find, below the age group of 18 years there are about 50 percent of the household population. Whereas about 47 percent of the members of the households are between the age group of 19 to 58 years, which is also seen as working population. Male and female are equally distributed in this age group. Among the respondents composition of the family with gender based variation was highest in Soureni tea garden as in ten households of the garden 28 family members were male and 21 were female. The lowest was found in North Tukvar tea garden with a total 43 family members with a composition of 22 male and 21 female members in 10 households of respondents. Whereas Gaya Bari tea garden maintains an equal number of male and female in the family of 10 household respondents having 24 male and female members. Similarly, the lowest number of dependents of the families were in Soureni tea garden and highest in Rohini tea garden. The table also suggests that there is a greater number of dependents in the family than the workers. It indicates the pressure on income levels of the family, low per-capita income and reasons for continued poverty. It is more or less same trend in all the tea gardens selected for the study and the working population in the teagardens ranged from about 40 percent to 52 percent. During the field work It was observed that most of the dependents were school and college going students where the expenses for their

education was mostly incurred by the parents, the students were studying in private institutions and the government colleges which were far from their places, usually their children were kept in paying guest accomodation or relatives place for their education purpose. There were no proper school facilities near the garden area. The rations were not provided to the dependents, not even in cash by the company, earlier ration were provided for both workers as well as to their respective dependents under the age of 18. But now the workers get Rs 9 twice in a month as an allowance towards these children. It is also found through the survey that the workers some of the members of the family were working in the factory and the others were working in some other private sector. Even some of the respondents' partners were working in Army or other government sector like primary school staff or teacher. Hence it is difficult to calculate their average family income, and most of their children were getting the best education from private schools and even convent, and majority from ICSE or ISC background. However, these people were also holding the BPL card.



**Figure 4.3: Distribution of dependent male and female in the family of the respondents**

From the information above, it is observed that overall, there are equal numbers of male and female workers i.e., 48.9% of workers are female and 51.1% are male.



#### **4.4.3 Residence, Housing facilities and living conditions**

Regarding the housing, there are certain requirements as laid down by Grundly which fit for human habitation the individuals house must satisfy the following requisites (cited in Hasan, 1967: 61).

- It should be large and suitable for the family that has to live in it
- It should be structurally sound and dry. No persistently damp house is fit for human habitation.
- It should be well lighted, heated and ventilated.
- It should be well constructed and provided with good sanitary arrangements, sanitary convenience, drain and dustbin etc.
- It should be provided with cooking, domestic washing, food storage and water facilities.
- It should be suitably situated (i.e., in a neat and clean environment).

According to the Plantation Labour Act 1951, the residence has to be provided the Tea Garden authority. Under rule 58 of section 16, the employer should provide for the worker and his family residence within the plantation, housing accommodation as near as possible to the workplace, and the accommodation should be of the standard in course of several years subject to such housing being constructed for at least eight percent of the resident workers annually.

According to Rule 60 provides the sites for the housing accommodation were,

- The housing accommodation shall be provided on dry well drained land which is consistent with the requirement regarding distance from the plantation and has to supply of wholesome drinking water within a reasonable distance. The houses shall be provided at a safe distance from the swamp and marshy and above all at the highest flood level.
- Adequate lighting arrangements shall be provided in and around the area in which housing accommodation is provided.

- The employers shall maintain in good condition the approach roads and the paths to the area the sewers and the drain in that area.
- The employers shall not deny to the public, free access to those parts of the plantation where the workers are housed.

Accordingly, in the tea gardens of Darjeeling district the workers along with their families are provided with housing facilities by the management within the plantation boundary. To confirm the same the investigator included the question in the questionnaire, where the housing facility is provided by the tea garden, and all the respondents answered that the housing facility is provided by the tea garden authorities. Another question was put up on the period of stay, to which the reply was that they have been living in these housing facilities for more than 14 years now. But at the same time in regard to the repairs of their houses, it varies from the tea garden to tea garden. In a few cases the respondents received cash payments for repairing the houses, which were in depleted conditions and in other cases there has been no such facility. Almost all the residents responded with the answers that they themselves get the repairs done on social occasions. As most of the families have more than five members in their house, it was observed that the space in the house was insufficient for the whole family to stay, they built an adjacent house next to the main house with their own expenses. Even cowsheds were observed attached to the cowshed, just next to their dwelling. The manner of keeping domestic animals had some effect on the health of the people. Nuclear and extended family both were observed among the respondents, and one family had 14 members from the extended family, consisting of father, married son, unmarried sons, daughter and grandchildren.

The permanent workers of the surveyed gardens were provided with housing facilities by the Company and two types of houses, i.e. kutcha and pucca were observed in different residential clusters during the field survey. Kutcha house is a kind of house, where the walls are made up of bamboo, mud, grass, reed, stones, thatch, straw, leaves, and unburnt bricks, are known as kutcha or kachcha houses. These are not permanent structures or pucca houses like flats or buildings or even semi-pucca houses. Kutcha houses or temporary houses examples are usually seen in rural areas or in cities where workers choose make-shift homes. A pucca house is one, which has

walls and a roof made of burnt bricks, stones (packed with lime or cement), cement concrete, timber, etc., and the roof material may be tiles, GCI (galvanised corrugated iron) sheets, asbestos cement sheet, RBC (reinforced brick concrete), RCC (reinforced cement concrete) and timber.

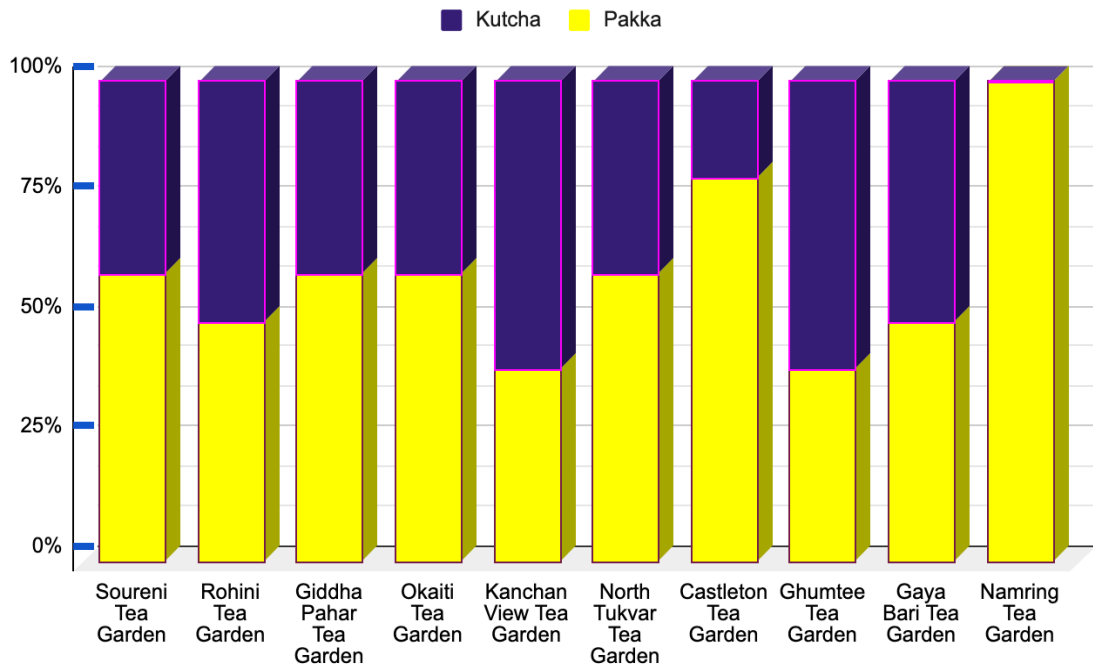
Table 4.6 below provides the type of houses provided by the tea gardens.

**Table 4.6**  
**Type of Houses of Sample Households (in %)**

<b>Tea Garden</b>	<b>Pucca</b>	<b>Kutchha</b>	<b>Total</b>
Soureni Tea Garden	6 (60)	4 (40)	10 (100)
Rohini Tea Garden	5 (50)	5 (50)	10 (100)
Giddha Pahar Tea Garden	6 (60)	4 (40)	10 (100)
Okaiti Tea Garden	6 (60)	4 (40)	10 (100)
Kanchan View Tea Garden	4 (40)	6 (60)	10 (100)
North Tukvar Tea Garden	6 (60)	4 (40)	10 (100)
Castleton Tea Garden	8 (80)	2 (20)	10 (100)
Ghumtee Tea Garden	4 (40)	6 (60)	10 (100)
Gaya Bari Tea Garden	5 (50)	5 (50)	10 (100)
Namring Tea Garden	10 (100)	0	10 (100)
<b>Percentage</b>	<b>60%</b>	<b>40%</b>	10 (100)

*Source: Primary data collected from the field work*

Table 4.6 above suggests that 100 percent of tea garden workers in Namring Tea Garden have pucca houses, followed by Castleton tea garden. One can also find that Kanchan View Tea garden and Ghumtee Tea garden have only 40 percent pucca houses. Overall in the studied tea gardens there are 60 percent pucca houses and 40 percent kutchha houses. The same has been depicted below in figure 4.4.



**Figure 4.4: Distribution of type of houses of respondents**

Unlike the other industry, the tea industry is located in the rural area, management provides the plot of land to the workers which is rent-free (following the British chain). There workers are engaged in the cultivation apart from the plantation work, after they are done with their factory work or even on the holidays. The females were seen to indulge in this cultivation.

#### **4.4.4 Drinking water facility**

Regarding the drinking water facilities, it has been observed that in all the surveyed tea gardens respondents were using the spring water for their drinking purposes in the hill areas and in plain areas hand tube well as well as government supplied water is available. In the tea gardens located in hill areas residents have to go to water springs to collect water in their container. The average distance of the water collection as observed during the field study was from 0.5 km to 2 km. Many residents also purchase water from private vendors who either supply it in water tankers or in hand-pushed carts and sometimes collected from local springs. As there were no water prone diseases as such and the people preferred drinking warm water for twelve months because of the weather condition.

According to the Tea Board there was a scheme for improving the health of the Tea Garden population during the 11th period plan, where their main achievement was to look after the improvement of the life and living conditions of the tea plantation labourers and their dependents. There were three broad areas out of which drinking water facility (under the improving the health of the workers) was one of them. There was no such scheme initiated in the gardens when enquired and when asked the authority there were not answerable and in fact, they mettle that regarding the water facility, it's the company who have the sole role in providing it to their workers and they are doing that. There is a new project named' *Jal Swapna*' under the Public Health and Engineering Department (PHED) in which the government of West Bengal is planning to provide clean and safe drinking water free to every household in rural Bengal.

#### **4.4.5 Availability of Toilets**

Plantation Labour Act 1951, Rule 13 under section 9 of the plantation Labour Act, 1951 which mentions about the provisions related to toilet facilities. It says that:

- a) Latrine accommodation shall be provided in every plantation at the scale of one latrine for every fifty acres of the area under cultivation thereof, provided that there shall be at least one latrine each for either sex.
- b) Latrine shall be conveniently situated and shall have exclusive access for both male and female.

And under Rule 14 it should conform to public health requirements. Rule 15 talks about the privacy of latrines, every latrine should be covered and have a proper door and fastenings. Rule 16 talks about the notice that should be written in the doors describing which latrine belongs to which sex, “for men only” or “for women only”, either to write in Hindi or in any language understood by the majority of the workers. Table 4.7 below indicates the type of toilet availability to the households.

**Table 4.7**  
**Type of Toilet availability to Households (in %)**

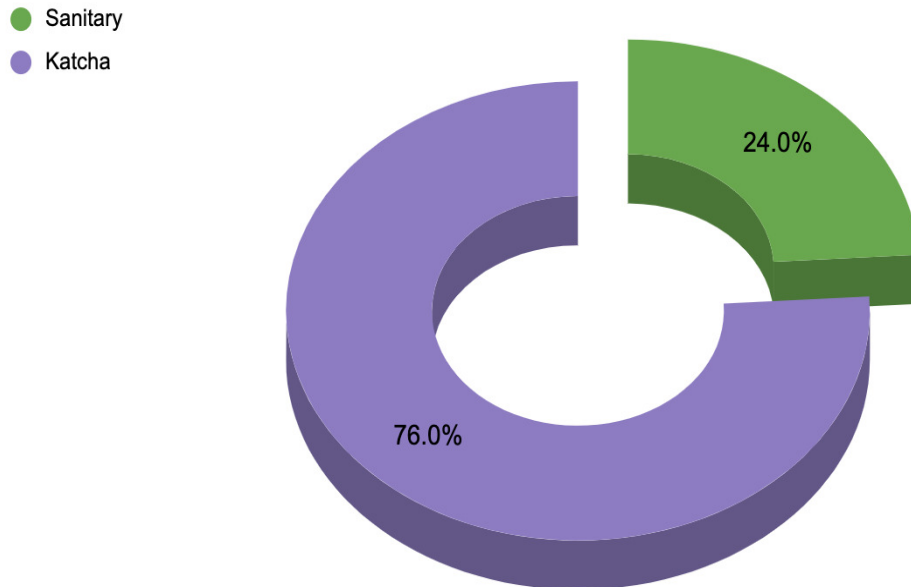
<b>Tea Garden</b>	<b>Sanitary/ Pucca</b>	<b>Kutchha</b>	<b>Open</b>
Soureni Tea Garden	0	100	0
Rohini Tea Garden	20	80	0
Giddha Pahar Tea Garden	0	100	0
Okaiti Tea Garden	0	100	0
Kanchan View Tea Garden	0	100	0
North Tukvar Tea Garden	30	70	0
Castleton Tea Garden	70	30	0
Ghumtee Tea Garden	40	60	0
Gaya Bari Tea Garden	10	90	0
Namring Tea Garden	70	30	0
<b>Average</b>	<b>24</b>	<b>76</b>	<b>0</b>

*Source: Primary data collected from the field work.*

Among the surveyed households, majority of them have the kutchha toilet facility at their place of residence and only about 24 percent have pucca toilets. Castleton and Namring tea gardens are better placed with about 70 percent pucca toilet facilities, while Soureni tea garden, Giddha Pahar tea garden, Okaiti tea garden, Kanchan View tea garden respondents have no pucca toilet facilities. None of the respondents use open areas for the same. It is also found that there is no initiative from the company for setting up toilets for the workers, hardly one or two garden looks after this maintenance as observed during the field study. As according to the maintenance of sanitation in these toilets, though the Tea Board suggested for supply of sanitary items to the workers, there is no such steps were taken when enquired to the respondents of the respective gardens. Respondents also informed that there was no sanitary awareness programme has been provided in these gardens. Besides that, neither toiletries items nor sanitary pads were provided to the workers by the tea garden authority. They buy their own toiletries to keep toilets neat. It is also observed that a hundred percent of the respondents were using an Indian commode and none of them had a hand basin. So they were using stored water from the spring to wash their hands, face, and clothes.

At the same time as the ill maintained toilets can lead to health issues, no such issues were reported by the respondents. Though the rules suggest for organising the health-

related awareness programme or campaign by the tea garden management, there is no such event held in the past for so many years in the gardens.



**Figure 4.5: Distribution of total types of toilets used by the respondents**

The pie chart shows that 76 percent of the tea workers are provided with a kutchha toilet while 24 percent got the sanitary structure of the toilet.

Regarding the sanitary latrine, the company has hardly looked into this matter and only very few tea gardens have helped in setting the pucca sanitary toilets but not completely from the company. Some of the financial assistance also has been received from the government schemes. Even in the factory most of their toilets were not well maintained and the water crisis has been the major issue which was seen during the field study observation.

Not having a sanitary pukka toilet facility can lead to health issues. the main objective of the personal hygiene is to maintain a high standard of health (Bedi, 1980: 214). During the field work it was observed that a menstruating woman does her daily routine work, except the propitiation for the visitation of the deities for a minimum of seven days, even during childbirth the mother and the child is considered impure until

the ninth day and a ritual is performed called the “*Nauran*”, a ritual to free them from impurity and a name is kept for the new born baby(basically in Hindu born family). During these times not having a proper hygienic, sanitary toilet could be root cause for many health issues among the women, and children.

#### 4.4.6 Electricity Facility/access and use of electric items

The respondents were accessible to the electricity facility as it was provided inside the company area by the garden authority but the payment of the bill has to be completely bourn by the employee.

**Table 4.8**  
**Electric Items used by the Households (in %)**

Tea Garden	Television	Rice cooker	Fridge	Electric stove	Fan	Water Boiler	Mobile Phone	Music System
Soureni	100	40	10	50	0	30	80	20
Rohini	80	50	0	70	20	10	70	0
Giddha Pahar	60	30	0	30	0	0	60	0
Okaiti	100	20	0	40	0	0	80	0
Kanchan	70	30	0	50	0	20	60	0
North	70	0	0	40	0	0	70	0
Castleton	80	20	0	70	0	0	100	0
Ghumtee	100	30	0	80	0	0	100	0
Gaya Bari	100	20	0	70	0	0	90	0
Namring	100	0	0	90	0	0	100	0
Total average	86	24	1	59	2	6	81	2

Source: *Primary data collected from the field work.*

The table 4.8 above shows the percentage of respondent households having electric items. More than 86 percent and 81 percent of the respondents have television and mobile phone, respectively at their residents followed by electric stove and rice cooker. Only one household located in Soureni tea garden, in the sample studied, has a fridge and a music system each and two households have fans in the total sample studies, located in Rohini tea garden. Households in Gidha Pahar tea garden have reported having lowest number of televisions and mobile phones as well as other



electric items like rice cooker. As some of the items like rice cooker and water boiler are essential in the given weather conditions of the Darjeeling, not having these items also indicates the dependency on firewood and cooking gas for heating water and cooking rice.

#### 4.4.7 Fuel supply

For cooking purposes, residents in the tea gardens are mostly depend on gas and firewood. The garden provides the workers with firewood and sometimes in cash to buy them. Table 4.9 below provides the details.

**Table 4.9**  
**Fuel Supply provided by the Garden Authority (in %)**

<b>Tea Garden</b>	<b>Gas</b>	<b>Firewood</b>	<b>Other</b>
Soureni Tea Garden	80	100	0
Rohini Tea Garden	100	100	0
Giddha Pahar Tea Garden	100	100	0
Okaiti Tea Garden	70	100	0
Kanchan View Tea Garden	80	100	0
North Tukvar Tea Garden	100	100	0
Castleton Tea Garden	100	100	0
Ghumtee Tea Garden	100	100	0
Gaya Bari Tea Garden	80	100	0
Namring Tea Garden	100	100	0
<b>Total</b>	<b>91</b>	<b>100</b>	<b>0</b>

Source: *Primary data collected from the field work*; Note: Other include, kerosene oil, charcoal etc.

Table 4.9 above explains the tea garden workers mainly depend on gas and firewood for cooking purposes. In all the tea gardens more than 70 percent of the respondents have gas connection at their home, while hundred percent of them also avail firewood for cooking and heating purposes. All together about 91 percent of the households have gas connections. But the workers have bought the connection themselves, there was no help provided by the company in this regard. On an average the workers are

provided with 2.99 quintals of firewood per annum, in case if there exists lack of firewood, the workers are provided with monetary compensation.

#### 4.4.8 Public Distribution Scheme (PDS) coverage

The table 4.10 below shows that the respondents get the PDS facility i.e., rice and sugar and all of the respondents were from the Below Poverty Line (BPL) category.

**Table 4. 10.**

#### **Items Received by Households and Covered under the PDS (in %)**

<b>Tea Garden</b>	<b>Rice</b>	<b>Sugar</b>
Soureni Tea Garden	100	100
Rohini Tea Garden	100	100
Giddha Pahar Tea Garden	100	100
Okaiti Tea Garden	100	100
Kanchan View Tea Garden	100	100
North Tukvar Tea Garden	100	100
Castleton Tea Garden	100	100
Ghumtee Tea Garden	100	100
Gaya Bari Tea Garden	100	100
Namring Tea Garden	100	100

*Source: Primary data collected from the field work.*

The workers belong to BPL category and are provided with rice and sugar of about 5 kg and 2 kg respectively per person, per month. Very rarely they are supplied with kerosene oil. Wheat cereals and pulses etc. The garden authority does not provide any ration to the tea garden workers they have merged with government PDS.

#### 4.4.9 Literacy and Education

Regarding the qualification most of the children of the respondents were studying in Private schools as they did not want to compromise with their education, the government schools were not up to the mark for them. There were few Companies based primary schools inside the tea garden area, where as there were Government schools. In all the tea gardens primary level school facilities are available. None of the

studies gardens have access to secondary and higher secondary schools. Table 4.11 below provides tea garden wise details on the availability of school facility in each of the tea garden.

**Table 4.11**  
**School facility available to the children of the tea garden workers**

Tea Garden	School type		Distance(km)	Distance (outside the garden)	
	Government	Tea garden		Primary School	Govt High School
Soureni Tea Garden	0	1	0.5-1 km	2km	7.5km
Rohini Tea Garden	0	1	1-4 km	10km	11km
Giddha Pahar Tea Garden	0	1	0.5- 1 km	5km	5-6km
Okaiti Tea Garden	0	1	0.5- 2 km	7km	7km
Kanchan View Tea Garden	0	1	0.5- 2 km	6km	6km
North Tukvar Tea Garden	0	1	0.5- 1 km	7km	16km
Castleton Tea Garden	0	1	0.5- 2 km	5km	5km
Ghumtee Tea Garden	0	1	0.5- 2 km	5km	5km
Gaya Bari Tea Garden	0	1	0.5- 1 km	6km	6km
Namring Tea Estate	0	1	0.5- 1 km	2km	25km

*Source: Primary data collected from the field work.*

From the table 4.11 above one can find that schooling facility upto primary level is available in all the tea gardens. These gardens do not have government schools. In all the tea gardens, primary school is located in between 0.5 km to 2 km as an average from the residences of the workers. For high school and college education, children have to go out of the tea gardens, to the nearest urban areas, towns and cities, as indicated in the table. For tea gardens like Soureni and Gayabari tea gardens, the nearest town for schools and colleges is Mirik degree college, for North Tukvar, tea garden lies in between Jorethang and Darjeeling bazar, and preferred accordingly, for

Castleton, Giddhe Pahar and Gumtee tea gardens the nearest place is Kurseong town, which has got government schools and colleges and one Polytechnic college which offers engineering and diploma courses. Namring tea garden is nearby darjeeling town and the best part of this tea garden is that it has got one library named '*Ramita Pustakalaya*'. People from the garden area can come and read books, something that makes this garden unique by having a library culture to inspire the young generation and keep them motivated. This garden has got its own personal Ropeway, which is the only garden in the entire West Bengal to have that Ropeway, maintained by the garden authority since the colonial regime.

The Tea Board has suggested for educational schemes to be provided by the tea gardens but it is observed that workers were hardly availing this educational scholarship for their children. Workers belonging to reserved category are availing the reservation facilities provided by the government.

#### **4.4.10 School attendance**

The respondents were assured that their children were regular in their school attendance as they were very much concerned regarding their education. There were college students who had to travel for almost 20km and above for their classes.

#### **4.4.11 Minimum Wage and working hours**

The tea plantation doesn't come under the Minimum Wage Act of 1948. Except work involved in tea plantations, rest were all included in this Act. The tea plantation related work is governed by the Tea Plantation Act of 1951, where the provisions were mentioned for the wages related workers. During the survey it was found that in all the tea gardens, the wage was same and workers are paid with Rs 176 per day, which is given in a split for twice a month (in 15 days). Apart from the daily wage, the workers are paid with Rs 900 per six months for firewood and sometimes they get firewood in kind. The working hours of the workers in the respective garden were nine hours which included one hour of lunch break. The payment of wages was regular, they were paid their wages in every 15days, regarding overtime, they were indulged in peak season when the workload is high and for which they were given some extra amount. There is no fixed average plucked by the tea workers, the average varies from garden to garden. The women are the only members who indulge in the

tea plucking activity. During the seasonal flush, they pluck more than the average, and with extra time (overtime) than the normal working hours, they get double the amount per kg from the daily wage rate. A handmade basket called the ‘*Doko*’ is tied at the back to store the plucked leaves. During the off-season these pluckers are engaged in other activities such as pruning, sorting, and packing.

**Table 4.12**  
**Payment for Regular Work and Overtime**

<b>Tea Garden</b>	<b>Regular</b>	<b>Overtime Compulsory/ Optional</b>	<b>Overtime is paid</b>
Soureni Tea Garden	100	depends	Yes
Rohini Tea Garden	100	depends	Yes
Giddha Pahar Tea Garden	100	depends	Yes
Okaiti Tea Garden	100	depends	Yes
Kanchan View Tea Garden	100	depends	Yes
North Tukvar Tea Garden	100	depends	Yes
Castleton Tea Garden	100	depends	Yes
Ghumtee Tea Garden	100	depends	Yes
Gaya Bari Tea Garden	100	depends	Yes
Namring Tea Garden	100	depends	Yes

*Source: Primary data collected from the field work.*

The workers spend their earning on the expenditure mostly on the like education of their children, food, clothing and medical expenses. Though there is no fixed amount allotted from the family budget, these are the general items on which the workers spend. The expenditure depends on the each of the family and its requirement, hence it varies from household to household. For food expenses some of the workers are engaged were engaged in vegetable cultivation for the domestic consumption as well as depending upon the production to sell in the market area.

#### **4.4.12 Skilled types**

Most of the respondents were semi-skilled or skilled ones as because they reside in the tea garden area, they were born and brought up seeing in the surroundings how things were done and managed in the factory.

**Table 4.13**  
**Type of Skill of the workers (in %)**

<b>Tea Garden</b>	<b>Skilled worker</b>	<b>Semi-Skilled</b>	<b>technical worker</b>
Soureni Tea Garden	0	80	20
Rohini Tea Garden	0	100	0
Giddha Pahar Tea Garden	0	100	0
Okaiti Tea Garden	0	100	0
Kanchan View Tea Garden	0	100	0
North Tukvar Tea Garden	0	100	10
Castleton Tea Garden	0	100	0
Ghumtee Tea Garden	0	100	0
Gaya Bari Tea Garden	0	100	30
Namring Tea Estate	0	100	0

*Source: Primary data collected from the field work.*

Table 4.13 above provide the types of skill in the tea garden workers possess. Here the skill is defined in terms of skills in the work related to tea garden. Semi-skilled workers are defined from the plucking activity and their involvement in such work. Almost all the workers in the selected tea gardens and respondents are into this activity, while about 20 percent workers in Soureni tea garden, 30 percent in Gaya Bari tea garden and 10 percent in North Tukyar tea gardens have the technical knowledge related to the management of the factory. These technical skills include repairing the machinery, motors, vehicles etc.

#### **4.4.13 Allowances, Bonus and Pension**

As regards the allowance the company pays them the puja bonus every year, the female gets maternity leaves with pay for a period of six months, sick leaves are also provided, according the labour laws. Regarding the pension, the workers are paid small amount of pension and expenses of the family depends on the nature of the family, requirements, working members, types of work family members are engaged in and so on. Workers get provident fund as per the Employees Provident Fund Act, 1952 which was extended to tea plantations from 30th April, 1957. The study reveals that all the workers were getting the PF benefits.

As per the Payment of Bonus Act, 1965, workers get a bonus annually. In Darjeeling hill, tea gardens which are under Darjeeling Planters Association are categorized into three grades on the basis of their profitability and bonus is given or allotted at different rates to each grade ranging from 8.5 percent, 14.5 percent to 20 percent.

Regarding Gratuity, As per the payment of Gratuity Act, 1972, employees get their gratuity under this Act, gratuity shall be payable to an employee on the termination of her employment after rendering continuous service for not less than five years, on retirement or resignation or death or disablement provided that (i) the completion of five years continuous service shall not be necessary in case of death or disablement, and (ii) in case of death of the employee gratuity payable shall be paid to the nominee or to the heirs.

So, regarding this the respondents were aware about this system and even had benefited from it. Table 4.14 below gives the information regarding the distribution of bonus by the tea gardens.

**Table 4.14**  
**Allowances paid by Tea Garden Authority**

Tea Garden	Drinks	Festival allowances	Sick leave and maternity leave	Pension	Sufficient Pension
Soureni Tea Garden	No	Yes	Yes	Yes	Yes
Rohini Tea Garden	No	Yes	Yes	Yes	Yes
Giddha Pahar Tea Garden	No	Yes	Yes	Yes	Yes
Okaiti Tea Garden	No	Yes	Yes	Yes	Yes
Kanchan View Tea Garden	No	Yes	Yes	Yes	Yes
North Tukvar Tea Garden	No	Yes	Yes	Yes	Yes
Castleton Tea Garden	No	Yes	Yes	Yes	Yes
Ghumtee Tea Garden	No	Yes	Yes	Yes	Yes
Gaya Bari Tea Garden	No	Yes	Yes	Yes	Yes
Namring Tea Garden	No	Yes	Yes	Yes	Yes

*Source: Primary data collected from the field work.*

In the all the tea gardens under the study, the festival allowences, sick and maternity leave and pension is provided to the workers. None of the tea gardens provide alcoholic drinks to the workers. However, the workers have noted positively about sufficiency of pension, we may assume that the pension received would be perhaps sufficient for two people and to lead a basic life.

#### **4.4.14 Puja benefits and Holidays**

Workers in the tea garden get holidays on new year, republic day, Independence Day and makar sankranti. These are the four fixed holidays. During festivals like durga puja and diwali workers also get 2days holidays each. Apart from these holidays, workers are also granted 2 days casual leave. All these days are paid. Any extra leave invites no payments. At the same time the workers are to work minimum 120 days during April to September.

#### **4.4.15 Medical and recreation facilities**

In this section to understand the facilities provide to the tea garden workers two indicators i.e, Health Check-up Point and Treatment cost have brought to observable purview.

#### **4.4.16 Health Check-up Point**

Table 4.15 shows the health check-up facility in the tea gardens. The facilities include dispensary for the workers and their family members and ambulances were provided for the garden workers when the need of an emergency, or for visiting the government civil hospital. Crèche were also provided. Visiting Doctors would come once a week and if any emergency would take them to the nearby Government hospitals. However, there is no government hospital and private clinics located in these tea gardens.



**Table 4.15****Health Check-up Point Facility**

<b>Tea Garden</b>	<b>Garden hospital/ Doctor</b>	<b>Government hospital</b>	<b>Private clinic</b>	<b>Government Hospital/Clinic (Distance)</b>	<b>Private Hospital/Clinic (Distance)</b>
Soureni Tea Garden	Yes	No	No	5-6 km	5km/20km
Rohini Tea Garden	Yes	No	No	15km	18km
Giddha Pahar Tea Garden	Yes	No	No	5km	20km
Okaiti Tea Garden	Yes	No	No	5km	5/7 km
Kanchan View Tea Garden	Yes	No	No	3.km	3km
North Tukvar Tea Garden	Yes	No	No	9/10 km	10km
Castleton Tea Garden	Yes	No	No	3km	20km
Ghumtee Tea Garden	Yes	No	No	8km	15km
Gaya Bari Tea Garden	Yes	No	No	15km	20km
Namring Tea Garden	Yes	No	No	21km	21km

Source: *Primary data collected from the field work.*

Table 4.15 above gives the glimpse of the availability of medical facilities to the workers and their family members with in the tea garden premises and outside the tea gardens. All the tea gardens had hospitals or clinics inside. They didn't have to travel far for treatment. Despite having clinics inside the garden there was a lack of availability of doctors and nurses. In most of the gardens, the doctor visited the clinics once in 15 days. Also, the doctors and nurses were not available on weekends in case of emergency. Due to this, they have to visit nearby hospitals. For bigger health issues the workers have to visit government or private hospitals located outside the tea garden. The nearest such hospitals are located at a distance of about 5 km to 20 kms.

#### 4.4.17 Treatment cost

The treatment cost indicates the expenditure on the health-related issues for the workers. The family members treatment is not bourn by the tea garden. Table 4.16 below shows health treatment cost is covered by whether by the tea garden or self.

**Table 4.16**  
**Health Treatment Cover by (in %)**

Tea Garden	Treatment Cost			Transport Cost	
	Tea Garden authority	Self	Labour welfare centre	Tea Garden authority	Self
Soureni Tea Garden	100	0	0	100	100
Rohini Tea Garden	100	0	0	100	100
Giddha Pahar Tea Garden	100	0	0	100	100
Okaiti Tea Garden	100	0	0	100	100
Kanchan View Tea Garden	100	0	0	100	100
North Tukvar Tea Garden	100	0	0	100	100
Castleton Tea Garden	100	0	0	100	100
Ghumtee Tea Garden	100	0	0	100\	100
Gaya Bari Tea Garden	100	0	0	100	100
Namring Tea Garden	100	0	0	100	100

Sources: *Primary data collected from the field work.*

In all the surveyed tea gardens, the tea garden authority bears the cost related to the treatment of the workers. The company pays the whole expenses, provides the ambulance and if the workers produce the hospital bills of all the expenses incurred, the company refunds all the money. Even the transportation money is refundable provided they produce the bill. However, there were grievances from the respondents side the on-refund issues, as the refund amounts was not given to the patient on time which create problem for them as many borrowed money from moneylenders and had to pay a huge amount of interest rate and the interest charges were going on accumulating which the workers had to pay unnecessarily.

#### 4.4.18 Recreation facilities

Table 4.17 shows that recreational facilities are provided to the workers especially in the form of sports and cultural events were exceptional. The Sports events like football, cricket is organised quite frequently by the Tea Garden authorities to boost the workers enthusiasm as well as to create an environment and work as a team. It would even help them in their daily working life, where all would work as a team. As it goes with the famous proverb “*all work and no play make Jack a dull boy*” so without time off a person becomes bored and this automatically brings a huge difference in the production level. So, for this reason the garden authority was much more focused on organizing such events for the workers.

**Table 4.17**  
**Recreation facilities Provided**

Tea Garden	Football			Cricket			Tournaments
	Jersey	Team	Kits(Balls, Boots, etc)	Jersey	Team	Kits(Ball, Bat, Gloves, Pads, etc)	
Soureni Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rohini Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Giddha Pahar Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Okaiti Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kanchan View Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Tukvar Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Castleton Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ghumtee Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gaya Bari Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Namring Tea Garden	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Source: Primary data collected from the field work.

#### 4.4.19 Monsoon and winter facilities

Table 4.18 shows the monsoon and winter facilities were given to the workers in all the tea gardens. Mostly umbrellas, rain boots and sometimes raincoats were distributed and during winter workers were provided with blankets.

**Table 4.18**  
**Monsoon facilities**

<b>Tea Garden</b>	<b>Umbrella</b>	<b>Rain Boot</b>	<b>Blankets</b>	<b>Raincoat</b>
Soureni Tea Garden	Yes	Yes	Yes	Sometimes
Rohini Tea Garden	Yes	Yes	Yes	No
Giddha Pahar Tea Garden	Yes	Yes	Yes	No
Okaiti Tea Garden	Yes	Yes	Yes	No
Kanchan View Tea Garden	Yes	Yes	Yes	No
North Tukvar Tea Garden	Yes	Yes	Yes	No
Castleton Tea Garden	Yes	Yes	Yes	No
Ghumtee Tea Garden	Yes	Yes	Yes	No
Gaya Bari Tea Garden	Yes	Yes	Yes	No
Namring Tea Garden	Yes	Yes	Yes	No

*Source: Primary data collected from the field work.*

As per The plantation Labour Act of 1951, section 12 it mentions clearly about providing and maintaining accommodation where the female workers can keep their children while they are on their tea garden work. adequate accommodation with adequate light and ventilator and well maintained with clean sanitization. Additionally under the charge of a woman trained in the care of children and infants.

#### **4.4.20 Crèche facilities**

As per The plantation Labour Act of 1951, section 12, the tea garden should provide crèche facilities to the female workers infant children while they are on their tea garden work. These crèches should facilitate adequate accommodation with adequate light and ventilator and well maintained with clean sanitization apart from a nanny trained in the care of children and infants.

As per the respondent's response, all these gardens were providing facilities like nanny, heating, mattress, cradles and drinking water. Every tea garden was maintaining the creche, and nannies were provided to look after the children and the infants. Water Drinking facilities were also provided by the garden authority.

#### **4.4.21 Awareness of the legal rights**

It is important to have the awareness about the economic rights and Plantation Labour Act, to the workers as these two are associated with their life and benefits. Though it is not expected from the workers to have full awareness about the provisions of the Act, the awareness about the very existence of the Act can create seeds to claim their

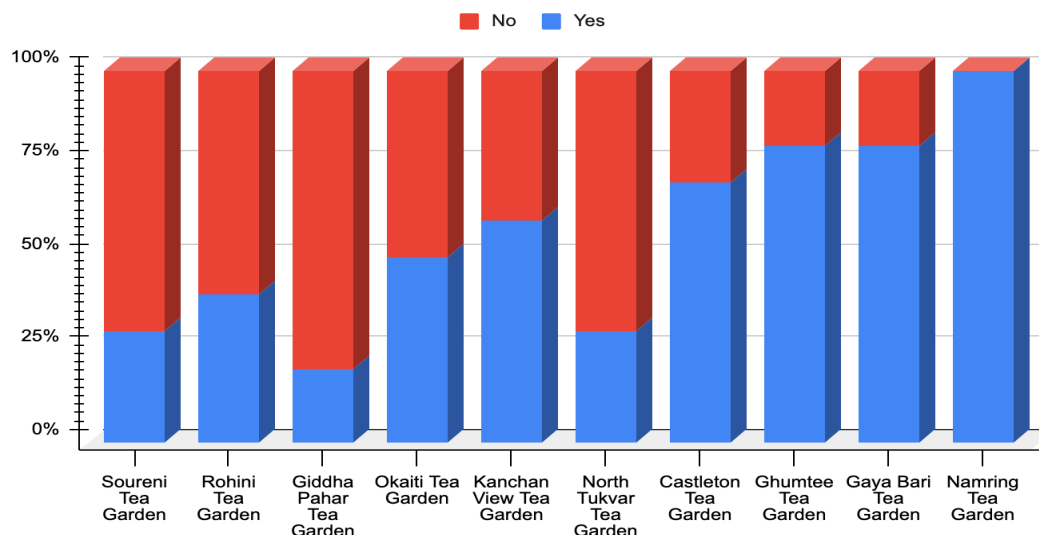
rights. In this regard trade unions play an active role, particularly in educating the workers about their rights as well as to negotiate with the tea garden management about the implementation of these rights. Table 4.19 below attempted to seek the answers from the workers about their awareness regarding the same.

**Table 4.19**  
**Awareness about Economic rights (in %)**

Tea Garden	Aware of Economic rights		Aware of Plantation Labour Act	
	Yes	No	Yes	No
Soureni Tea Garden	20	80	30	70
Rohini Tea Garden	30	70	40	60
Giddha Pahar Tea Garden	30	70	20	80
Okaiti Tea Garden	20	80	50	50
Kanchan View Tea Garden	40	60	60	40
North Tukvar Tea Garden	20	80	30	70
Castleton Tea Garden	30	70	70	30
Ghumtee Tea Garden	50	50	80	20
Gaya Bari Tea Garden	30	70	80	20
Namring Tea Garden	30	70	70	30

*Source: Primary data collected from the field work.*

Table 4.19 above shows that the respondents were quite aware about their economic rights, but very few were aware about the provisions of the Plantation Act of 1951. Interestingly many of the workers in the tea gardens are not aware of their economic rights though their participation in the trade union activities is more frequent. During the field work it is observed that the workers are mostly not very well educated and it is reflected in the levels of their participation in the trade union activities. The workers only knew that this Act provides them with all the rights. The respondents were satisfied with the work of their trade union. It was also seen that the workers were much aware of child rights and knew that children below the age of 18 years should not indulge in any work activity. Worker's awareness about the Plantation Labour Act has been depicted in the following figure.



**Figure 4.6: Awareness of Plantation Labour Act**

Apart from the economic rights it is important to have awareness about the political rights. This awareness for the workers comes from the political participation and political awareness. The political participation is in terms of their membership in the trade union, participation in meetings, negotiations with the management and so on.

**Table 4.20**  
**Awareness about Political rights (in %)**

Tea Garden	Satisfaction from trade union		Member of the trade union		Trade Participation Union	
	Yes	No	Yes	No	Regular	Sometimes
Soureni Tea Garden	100	0	100	0	40	60
Rohini Tea Garden	100	0	100	0	30	70
Giddha Pahar Tea Garden	100	0	100	0	60	40
Okaiti Tea Garden	100	0	100	0	40	60
Kanchan View Tea Garden	100	0	100	0	40	60
North Tukvar Tea Garden	100	0	100	0	40	60
Castleton Tea Garden	100	0	100	0	70	30
Ghumtee Tea Garden	100	0	100	0	60	40
Gaya Bari Tea Garden	100	0	100	0	40	60
Namring Tea Garden	100	0	100	0	80	20

Source: Primary data collected from the field work.

Table 4. 20 above indicates the political awareness of the tea plantation workers. This awareness is in terms of their political participation in general, in the activities of trade union. When enquired about the membership in the trade union, all the workers are the members of a trade union and have expressed their satisfaction over the working of these trade unions. At the same time the regular participation of the workers in the trade union activities vary from garden to garden. 80 percent of workers from the Namring tea garden actively participate in the trade union affairs, whereas only 30 percent of workers from Rohini tea garden participate in the trade union activities regularly.

#### **4.5 Conclusion**

From the above Tea Gardens of Darjeeling District shows the onset and expansion of the Tea Garden in the 19<sup>th</sup> Century were the availability of the land, cheap labour, tax exemption and the status. The Plantation Labour Act provisions provided was not followed by most of the tea gardens in Darjeeling. The finding shows labour problem, conflict with the management and tea garden owners regarding the wage and the facilities was the daily activity (had full grievances whenever they go for the daily work). There is no peace of mind among majority of the workers, through survey this was highlighted. Other aspects were that there was a huge decline in the labour, which had affected and increased the financial crisis in the tea plantations (As most of the managers were complaining regarding the crisis of the labour). Tea garden like Namring Tea Garden was facing the issues this labour issue and because of this there was a huge loss of quality plucking of the tea leaves on time which ultimately had affected the production of this tea garden.

Other observation also could be made from the field work that there were respondents who were looking for alternative jobs as there was a little skeptical and insecure of this particular and they were not sure about the existence of the particular tea garden where they were working, there was a fear in the minds of the workers as they have seen closure of some tea garden. Other this was without land ownership rights; plantations workers were left with very few to improve their socio-economic conditions.

Language and ethnic cultural was similar here with the workers as most of the workers belonged to the same community, with same culture and traditions and following the same common dialect as the means of communication.

The family types were seen mostly as the nuclear family, as they preferred staying in nuclear rather than joint families. Education was something the tea garden workers did not want to compromise, as they were diligent regarding providing schooling and college to their children. As respondents were adamant that their children should not suffer the way their parents had suffered (because of lack of education).

So, there was a huge crisis seen in the socio-economic conditions of the tea garden workers of the study area. Trade Union were there to be their voices and support them with taking up all their grievances. People despite all these uprising issues were living their life as a normal employee despite facing the vast exploitation.



## **Chapter 5**

### **Socio-economic conditions of the Tea Garden Workers of Tinsukia District in Assam**

This chapter of the study focused on the socio-economic conditions of the workers in the tea gardens of Tinsukia district of Assam. For the study, social phraseology, caste, family, household, income, education of the workers, housing, drinking water, toilet facilities, electricity access, beneficiaries of the PDS, supply of food materials (even to the dependent), health medical accessibility, payment of wages to the workers were surveyed. The study was delimited to a sample of 100 (10 respondents from each garden) respondents, from each tea Garden (total 10 Gardens).

#### **5.1 Introduction: Tea tribe and worker**

As observed during the field survey, there was vast confusion regarding the word ‘tribe’ as the workers in the tea gardens of Assam are called as ‘Tea tribes’. In earlier days to carry out the operation in the tea plantation the planters had to face a huge problem, particularly of the labour both skilled and unskilled. The Chinese tea -maker had to be imported in the initial stage from their settlement in Singapore, Batavia and Penang. These tea-makers had to be paid not less than forty rupees whereas in Assam counterparts could be engaged at less than rupees ten. Though their rate was high despite of that at times they proved to be “intractable” and “worthless”. This ultimately led to in search of local artisans by the planters. However, in the report of 1842, The Directors of Assam Company prophesied: the people of Assam were however reluctant to work as day labourers under no such circumstances at the cost of their own cultivation. Despite adequate competitive rates that were offered from time to time it was difficult to have adequate hand at the season when mostly needed. Jenkins, who was then in-charge thought unless steps were not taken to procure more labour from areas of surplus population, this problem cannot be solved. This would not only provide labour for the seasonal purpose but also engage them in construction, repair and repair of the road and work of public utility during the off season (Barpujari, 1997: 51-54). As a result workers from other regions were hired and brought to the tea gardens of Assam. The backward and the tribal Hindus from

central, eastern parts of India were recruited by the planters of Assam to employ the indentured labour in the region.

Historically if we see there was the 'push' and 'pull' factors of migration, the 'pull' was basically they wanted to come to another region for employment as they were pulled by the agents of the planters who wanted larger intensive labour force for the tea plantation, push factors' like famine, earthquake, flood, draught, epidemics and social and economic oppression of the lower castes at the hands of upper castes and the zamindars led to the emigration of several tribal communities and lower castes. There are certain movements which were the main 'push factor', for the people of the other regions to migrate, the tribals of Chotanagpur region had to suffer much in the periodic unrest. There were the Sardari Larai, Birsa Movement and Tana Bhagat Movement in Chotanagpur division and the Kharwar Movement in Santhal Pargana had caused great turmoil in the tribal belts of Bihar and led to destruction of crops which caused misery to the local people. The people were suffering as a result of which to escape from social and economic oppression they had to agree to work in the tea plantations of Assam.

As the workers in the tea plantations are usually classified into, (i) plantation workers, including both field and factory workers; (ii) staff (including office, factory, field, medical, educational and welfare department staff); (iii) artisans and technicians and (iv) supervisors. It is a common practice for the tea plantation employees to be identified with the departments with which they work. Accordingly, they are known as field workers, factory workers, field staff, office staff, managerial staff, artisans, technicians, teachers, medical staff and sub-staff among others.

(i) Field workers are employed in hoeing, pruning, weeding, planting, spraying, manuring, uprooting, shade-lopping, plucking and so on. The field operations are of a seasonal in nature and workers are transferable from one operation to another. Supervisors and Sardars (gangmen) are employed to do the work of supervision. Plucking of leaf is an occupation in which women are generally employed in the tea plantations. Women are also engaged on lighter jobs like weeding and in the winter season (slack season) they also perform the work of forking, cheeling, manuring, stalk-picking, etc. Adolescents and children are also employed in tea

leaf plucking. Women do leaf plucking more easily than the male so the plucking part is done only by the female.

- (ii) Factory workers include loft mazdoors, shifting mazdoors, rolling room workers, fermenting room workers, withering mazdoor, tea boys, sorter, packers, etc. Besides these, staff such as tea makers, engine drivers, factory supervisors, and time keeper employed. Field and factory workers are interchangeable. There is no scope for women to work in a factory except sorting (chunai). Only the aged and infirm women are engaged in sorting out tea stalks from the prepared leaf.
- (iii) Field staff consists of conductors, assistant conductors, garden assistants and Mohurers, who maintain the records of fieldwork, supervise and report to management about the work. There are no women in tea plantations in this category.
- (iv) Office staff- consists of clerical employees of various types depending upon the size of the tea Garden, store, etc. In larger Gardens, typists and stenographers are also employed. Except a very few all are men.
- (v) Artisans and technicians depending upon the size of the tea Garden, fitter, engine-driver, turner, electrician, carpenter, mason, blacksmith, washer man, and lorry-tractor-ambulance-car drivers are also employed. All of them are men.
- (vi) Teachers-Some plantations employ teachers in staff category. They are connected with teaching of the tea Garden's school and are classified as school staff.
- (vii) Medical staff comprises medical officers, nurses, compounders, pharmacists, dressers, mid-wives, orderlies, etc. There are very few tribal women who work as nurses and midwives.
- (viii) Sub-staff consist of employees like *chaprasi*, peon, *daffadar*, sardar, *boidar*, watchman, office boys and sometimes car, lorry and ambulance drivers cum cleaners. There are no women in this category.
- (ix) Managerial staff consists of managers and assistant managers. The field and factory labourers are by and large daily rated while the managerial, clerical, technical, supervisory and medical staff is employed on monthly salary.

Not all tea plantation workers are employed on the same terms of work or wages. The permanent full-time workers are entitled for benefits such as provident fund, gratuity, quarter, ration, fuel and firewood, medical facilities, maternity benefits, etc. and get leaves and holidays. Whereas, those who work as full-time temporary labourers have to work throughout the year, whether they work or not is a matter of their choice. They are not entitled to get the benefit of the permanent workers as specified. Temporary full-time workers are not bound to work in the same plantation all-round the year and hence tend to move from one plantation to another.

Seasonal labourers are employed on a casual basis during the peak season (between July and August, and between October and November) when the load of work in tea plantations is very heavy.

## **5.2. Methodology**

The study is based on the data and information collected from the primary sources through questionnaire, structured interview schedule, personal interviews non-participation observation, direct contact method with the workers trade union activists, managers of tea gardens, officials of the government departments. The secondary data obtained from the Statistical Handbooks, Annual Reports, of Tea Board of India, related reports and publications by the Governments of Assam, West Bengal and India. Other reports like Census of India, Planning Boards, National Sample Survey, Gazettes, reports from the labour departments, magazines, journal articles, study reports by the academic and non-academic communities and books.

There are 122 tea gardens in Tinsukia district of Assam, from which 10 tea gardens were selected through random sampling using lottery method. Further 10 households were selected from these tea gardens using convenient sampling technique. Given the large number of the households this technique was used to select the sample households. All together the selected households have 462 family members in which at least 2 members are working in the tea gardens. From each of the tea garden 3 trade union leaders and 2 management staff were interviewed, making it 30 trade union leaders and 20 management staff. Though it appears that the selected sample size is less and not proportionate to the number of total households in the studied gardens, it may be noted that the objectives of the study is to understand the socio-economic

conditions of the tea garden workers in the study area and to study the role of the trade unions in the implementation of the Plantation Act, the number selected is sufficient enough.

Following table 5.1 indicates the total number of households in the selected tea gardens, sample taken and number of family members in the surveyed household.

**Table 5.1**  
**Demographic distribution of sample population**

SI No	Tea Garden	Total Households	Household sample taken	Total Family members of the household	Trade Union leaders	Manager and staff
1	Sewpur Tea Garden	1083	10	42	3	2
2	Bherjan Tea Garden	41	10	45	3	2
3	Padumani Tea Garden	223	10	45	3	2
4	Betjan Tea Garden	3275	10	43	3	2
5	Daisajan Tea Garden	4633	10	41	3	2
6	Nalini Tea Garden	6766	10	48	3	2
7	Khubong Tea Garden	11637	10	43	3	2
8	Shankar Tea Garden	1092	10	50	3	2
9	Brahmajan Tea Garden	250	10	53	3	2
10	Tengapani Tea Garden	3863	10	52	3	2
	<b>Total</b>	<b>32863</b>	<b>100</b>	<b>462</b>	<b>30</b>	<b>20</b>

*Source: Primary data collected from the field work.*

Structured questionnaire was circulated to the selected households, in-depth interviews were conducted with the member and leaders of trade unions and managers as well as management staff. Further observation method was used to examine the conditions of the functioning of school, health, hygiene, sanitation, maintenance, space facilities, workers social and economic conditions.

### 5.3 Socio-economic indicators

The study attempted to know the status of workers in the following socio-economic indicators in the selected tea gardens (table 5.2).

**Table.5.2**  
**Socio-economic Indicators**

<b>SI No</b>	<b>Socio economic indicators</b>
1	Gender
2	Religion and Caste
3	Age & Dependency
4	Residence, housing facilities and living conditions
5	Drinking water facilities
6	Availability of Toilets
7	Electricity facilities
8	Fuel supply
9	PDS coverage
10	Literacy and educational facilities
11	Minimum wage and working hours
12	Medical and recreational facilities
13	Awareness about Economic rights
14	Awareness about Political rights

#### 5.3.1 Demographic and General Information

Table 5.3 below provides the data regarding the total members in the selected households, gender and caste category of the households.

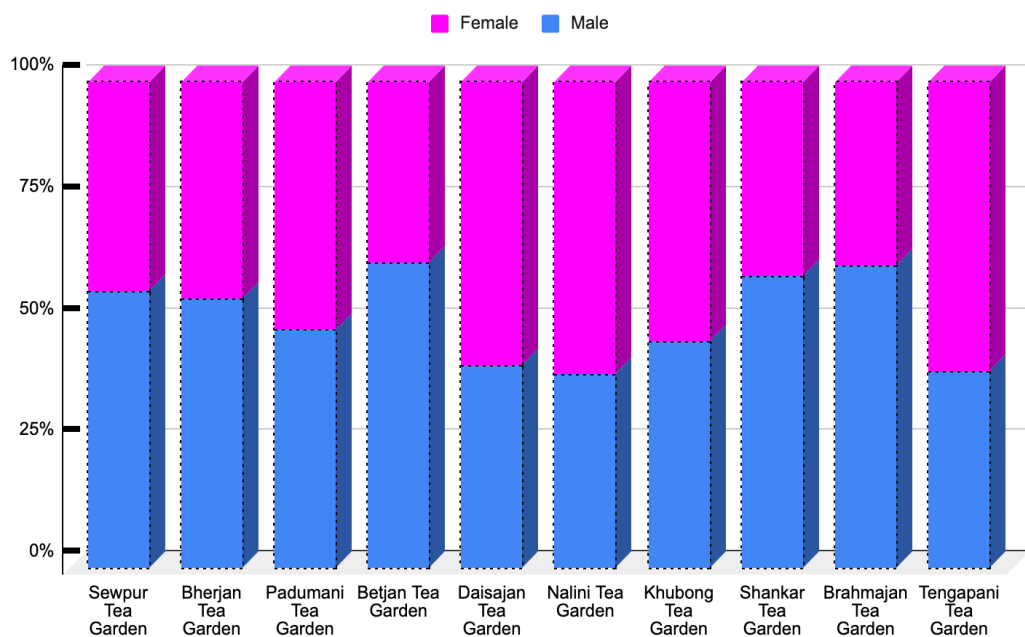
**Table 5.3****Demographic and general information (Gender & Caste Category)**

Tea Garden	Sample Household	Total Members	Gender (in %)*		Household Caste Category (in %)*			
			Male	Female	GEN	OBC	SC	ST
Sewpur Tea Garden	10	42	24 (57.14)	18 (42.86)	0	100	0	0
Bherjan Tea Garden	10	45	25 (55.56)	20 (44.44)	0	100	0	0
Padumani Tea Garden	10	45	22 (48.89)	23 (51.11)	0	100	0	0
Betjan Tea Garden	10	43	27 (62.79)	16 (37.21)	0	100	0	0
Daisajan Tea Garden	10	41	17 (41.46)	24 (58.54)	0	100	0	0
Nalini Tea Garden	10	48	19 (39.58)	29 (60.42)	0	100	0	0
Khubong Tea Garden	10	43	20 (46.51)	23 (53.49)	0	100	0	0
Shankar Tea Garden	10	50	30 (60.00)	20 (40.00)	0	100	0	0
Brahmajan Tea Garden	10	53	33 (62.26)	20 (37.74)	0	100	0	0
Tengapani Tea Garden	10	52	21 (40.38)	31 (59.62)	0	100	0	0
<b>Total</b>	<b>100</b>	<b>462</b>	<b>238</b> (51.52)	<b>224</b> (48.48)	<b>0</b>	<b>100</b>	<b>0</b>	<b>0</b>

Source: Primary data collected from the field work.

There are total number of 462 members in the selected households among with 238 male and 224 female members, accounting for 51.52 and 48.48 percent respectively. The table also indicates that among the selected households there is no caste discrepancy and all the respondent families belong to OBC category. As per the information available by the 'National Commission for Backward Classes' there is no single community described as "Tea Tribe" in the central list of OBC for the state of Assam. However, there are as many as 96 castes in the Central List of OBCs for the state, falling under the description "Tea Garden Labourers, Ex- tea garden labourers and Ex-tea Garden Tribes" information as provided in the Appendix III). These tea tribes includes multi-ethnic groups referred as "Tea-Tribe" by the Government of

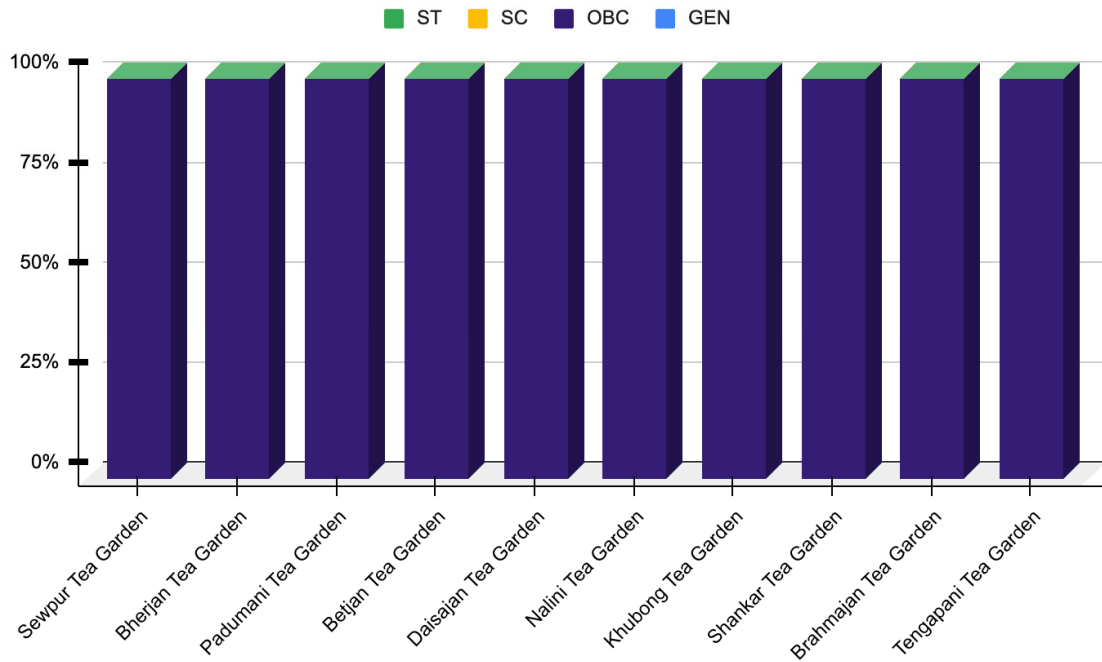
India. As they are the descendants of tribal communities and backward caste people who were brought by the British colonial planters as indentured labours from the regions like Chhattisgarh, Orissa (new name Odisha) and other states. In the last 175 years the people belonging to the tea community have increased, as it contributes 20% of the total population of the state (Misra, 2007). The tea tribe community is regarded as the most backward and exploited tribes in India. They face the number of problems like poor standard of living, lack of education or health facilities and prevalence of superstitious beliefs.



**Figure 5.1: Distribution of male and female in the family of the respondents**

The population of the male and female are roughly equal as per the graph above. The male population accounts for 51.5% and the female population accounts for 48.5%. From the study it showed that the respondents were mostly living in a nuclear family, only few respondents were seen living with their parents as most of them get the job in the plantation after their parents' retirement or voluntary retirement (job is within the kinship clan). It was observed that both the partners (husband and wife) were engaged in the plantation.





**Figure 5.2: Distribution of caste category of the respondents**

With the figure above in the caste category, we can observe that 100% of the respondents are of OBC category whereas in Darjeeling district the caste population was divided amount general, OBC, SC and ST.

During the British regime, the tea-labourers of Assam were categorized under ‘depressed classes. Four seats were reserved in the house of Provincial Council of Assam, and in 1934-1947 they had four elected members. But in the year 1950 they were de-scheduled. The Adivasis of Assam are deprived of their Constitutional Rights and the benefits of ST Status including affirmative action (reservation) and positive preferential treatment in allotment of jobs and access to higher education. In order to mobilize the various tea-tribes and bring them under one platform the Adivasi nomenclature was strategically adopted. The origin of Adivasi nomenclature is traceable to the formation of the Adivasi Council of Assam (ACA in 1955. It is the first Adivasi organization in Assam which started the movement for ST demand in an organized way. To press for this demand, they submitted memoranda to the Government and met the then Prime Minister, Indira Gandhi. It was through their strong lobbying that the nine Adivasi tribes were about to be enlisted in the ST List in

1987. The process was hampered by the argument that entire 'tea tribes' should be recognized as ST and not just the nine tribes.

The Assam Assembly had passed a resolution to grant ST status to the 'tea tribes along with the six other communities on 5th August, 2004'. The recommendations were accordingly sent to the Centre. Registrar General of India (RGI) raised the following questions:

- a) The recommendations failed to present the Adivasis as 'tribes. (It was mandatory to link the five major characteristics of tribes such as Primitive traits, Distinctive culture, Shyness of contact with the community at large, Geographical isolation, and Backwardness.
- b) The recommendations were that 'Tea & Ex-Tea Tribes' be included in the ST list. The RGI rejected the term "Tea tribe", being unconstitutional.
- c) The list of 97 communities was very confusing and misleading. Recommendations to include some SCs as STs were constitutionally unacceptable.
- d) Recommendations were to include Adivasis and Tea tribes in the same plane as the communities like Ahom, Koch Rajbanshis, Moran, Motok etc. which was unacceptable to the RGI. In 1978 the Ministry of Home Affairs recommended 14 tribes of Tea Garden labour community (the major adivasi tribes) but the Assam Government had disagreed and said that the migrant labourers were better off than the local tribes. All Assam Tea Tribes Students Association of Assam (AATTSAA) evolved from Chotanagpur Students' Union (formed in 1974), put forth a 20 points Charter of Demands in 1988-89, demand of ST was one. All Adivasi Student Association of Assam (AASAA) was formed on 2nd July, 1996. Schedule Tribe status demand has been its top most priority in its many memoranda. To press the demand for ST status many mass rallies were organized, altogether 16 AASAA leaders and members sacrificed their lives. In July, 2003, some leaders were shot dead and many others injured and crippled for life. On 24 November, 2007, during the Mass rally for ST demand which ended up as Beltola Tragedy hundreds of AASAA members (boys and girls) were brutally beaten. Hundreds of AASAA members were put behind bars while carrying out

democratic protests in support of ST demand. This incident was reported in the media as an outcome of the age-old enmity between the local Assamese community and the tea garden labourers. It was also seen as an ultimate expression of the inbuilt prejudice and class hatred, which characterized the attitude of a sizable section of the Assamese middle class towards the tea garden labourers (Gohain, 2007). This way their rights were denied and have been getting the OBC status under the state list.

As during the field survey, few respondents were explaining that if they get this status, it would be helpful for their children especially in the education and job sector, as they are not financially strong to support them regarding the education sector for higher studies.

### 5.3.2 Religion

**Table 5.4**  
**Religion Distribution**

Tea Garden	Sample Household	Religion (in %)			
		Hindu	Muslim	Christian	Buddhist
Sewpur Tea Garden	10	80	0	20	0
Bherjan Tea Garden	10	80	0	20	0
Padumani Tea Garden	10	100	0	0	0
Betjan Tea Garden	10	80	0	20	0
Daisajan Tea Garden	10	100	0	0	0
Nalini Tea Garden	10	70	0	30	0
Khubong Tea Garden	10	80	20	0	0
Shankar Tea Garden	10	70	10	20	0
Brahmajan Tea Garden	10	70	0	30	0
Tengapani Tea Garden	10	80	20	0	0
<b>Total</b>	<b>100</b>	<b>81</b>	<b>5</b>	<b>14</b>	<b>0</b>

Source: Primary data collected from the field work.

Table 5.4 above indicates the religious status of the tea garden workers in the selected tea gardens. It can be found that about 81 percent of respondents belongs to Hindu religious community followed by Christians about 14 percent and Muslims about 5

percent. Majority of the Christians were converted from Hinduism there are few missionary schools present in the nearby areas where these Christians can send their children for schooling. All of the religious groups celebrate their religious festivals. They have separate prayer houses, which are constructed by employers and in some instances by tea plantation workers. Cultural and religious festivals are usually celebrated with the contribution of tea plantation workers. The employers support them for this purpose. In addition to religious festivals, they have distinct cultural festivals. According to respondents, Jhumur Nach and Lathi Nach (a special pattern of dances of these tea tribes) are popular among all tea plantation communities. According to our respondents, amongst all festivals, Durga Puja is the most widely celebrated in the tea gardens. There were few gardens under the study field area where they arranged programmes for the workers during Durga puja and set up a huge Pandal for the workers to participate in it. Irrespective of religion and caste, every tea plantation community participates in the event and dance, drama, devotional songs. Celebrations of birth and death were also practiced widely in the community. Marriage is arranged according to the rituals of respective ethnic groups. During the festive season they get the holidays when enquired regarding this with the Manager.

The study found that the tea garden communities are conversant in different languages. Historically tea workers were brought from the south western province, Bihar, Chotanagpur, Central province and different places of India. They have their own mother tongue, which has now evolved to incorporate elements of the local language. Workers who originate from the other states for example Orissa usually speak in *Dewshali*, which is a mixture of Bangla and Oriya, the language of Orissa. Another group of workers was found who speak in modified Hindi. Few speak in *Assomia*, Munda, Orang, Santali language was practiced by the Santal ethnic group in the tea garden. Despite the existence of those languages, the workers are found to be familiar with a language that has been formed as the mixture of Bangla, *Dewshali*, Hindi and *Assomia* commonly known as the 'language of tea garden'. So, it was observed that due to lack of practice, their languages are disappearing. Even enquiring with the workers, they were convenient to speak in all this mixed language, when asked about their mother tongue, there was hesitant response.

**Table 5.5****Number of family members**

Tea Garden	Children below 14 (%)*		14-18 (%)*		18-58 (%)*		Above 58 (%)*		Total
	Male (%)*	Female (%)*	Male (%)*	Female (%)*	Male (%)*	Female (%)*	Male (%)*	Female (%)*	
Sewpur Tea Garden	7 (16.67)	6 (14.29)	1 (2.38)	2 (4.76)	15 (35.7)	11 (26.19)	0	0	42
Bherjan Tea Garden	7 (15.56)	6 (13.33)	2 (4.44)	2 (4.44)	16 (35.56)	12 (26.67)	0	0	45
Padumani Tea Garden	11 (24.44)	10 (22.22)	0	0	11 (24.44)	13 (28.89)	0	0	45
Betjan Tea Garden	12 (27.91)	2 (4.65)	2 (4.65)	1 (2.33)	13 (30.23)	13 (30.23)	0	0	43
Daisajan Tea Garden	8 (19.51)	4 (9.76)	0	5 (12.20)	9 (21.95)	14 (34.15)	0	1	41
Nalini Tea Garden	4 (8.33)	11 (22.92)	2 (4.17)	4 (8.33)	13 (27.08)	13 (27.08)	0	1 (2.08)	48
Khubong Tea Garden	3 (7.50)	8 (20.00)	0	1 (2.50)	15 (37.50)	13 (32.50)	0	0	40
Shankar Tea Garden	13 (27.08)	2 (4.17)	1 (2.08)	5 (10.42)	15 (31.25)	12 (25.00)	0	0	48
Brahmajan Tea Garden	6 (13.95)	2 (4.65)	4 (9.30)	2 (4.65)	13 (30.23)	16 (37.21)	0	0	43
Tengapani Tea Garden	7 (13.46)	10 (19.23)	2 (3.85)	3 (5.77)	12 (23.08)	18 (34.62)	0	0	52
<b>Total</b>	<b>78</b> (17.45)	<b>61</b> (13.65)	<b>15</b> (3.36)	<b>25</b> (5.59)	<b>133</b> (29.75)	<b>136</b> (30.43)	<b>0</b>	<b>2</b>	<b>447</b>

Source: *Primary data collected from the field work*; Note: \* percentage is given in the bracket.

Table 5.5 above indicates the age wise distribution of household members. Among the total members of the selected households about 31 percent are children below the age group of 14 years, about 9 percent of the family members are between 14 to 18 age group. Within these children below 14 years of age are about 17.45 percent boys and 13.65 percent girls and children between 14 to 18 years are 3.36 percent of boys and 5.59 percent of girls. Altogether we can find, below the age group of 18 years there are about 40 percent of the household population. Whereas about 60 percent of the

members of the households are between the age group of 19 to 58 years, which is also seen as working population. Male and female are almost equally distributed in this age group. Among the respondent's composition of the family with gender-based variation was highest in Tengapani tea garden as in ten households of the garden 23.08 percent family members were male and about 34.62 were female. As an average the lowest number of family members were found in Khubong tea garden with a total 40 family members with a composition of 37.50 male and 32.50 percent female members in 10 households of respondents. It is very interesting to note that workers above 58 years of age were not present in the selected households and tea gardens. The table also suggests that unlike in the Darjeeling district tea gardens, there is a lower number of dependents in the family than the workers. It indicates that the working population in the Tinsukia tea gardens are higher than Darjeeling tea gardens. It decreases the pressure on income levels of the family compared to Darjeeling district tea gardens. During the field work It was observed that most of the dependents were school and college going students where the expenses for their education was mostly incurred by the parents, the students were studying in private institutions and the government colleges which were far from their places, usually their children were kept in paying guest accommodation or relatives place for their education purpose. There were no proper school facilities near the garden area. The rations were not provided to the dependents, not even in cash by the company. However, when enquired there was one tea garden(Betjan Tea Garden) which even provides ration to the dependents after they cross the teenage age or are plus 18 and above on special permit by the company on special request made by the workers, the respondents in this particular tea garden are very happy in this regard as they were getting this provision and which helped them a lot in terms of food expenditure to the household members. They were thanking the 'manager *babu*'(the manager) for his kind act.

It is also found through the survey that the workers some of the members of the family were working in the factory and the others were working in some other private sector. Hence it is difficult to calculate their average income.

### **5.3.3 Housing facilities and living conditions**

Regarding the housing, there are certain requirements as laid down by Grundly which fit for human habitation the individual's house must satisfy the following requisites (cited in Hasan, 1967: 61)

- It should be large and suitable for the family that has to live in it
- It should be structurally sound and dry. No persistently damp house is fit for human habitation.
- It should be well lighted, heated, and ventilated.
- It should be well constructed and provided with good sanitary arrangements, sanitary convenience, drain and dustbin etc.
- It should be provided with cooking, domestic washing, food storage and water facilities.
- It should be suitably situated (i.e. in a neat and clean environment).

According to the Plantation Labour Act 1951, the residence has to be provided the Tea Garden authority. Under rule 58 of section 16, the employer should provide for the worker and his family residence within the plantation, housing accommodation as near as possible to the workplace, and the accommodation should be of the standard in course of several years subject to such housing being constructed for at least eight percent of the resident workers annually.

According to Rule 60 provides the sites for the housing accommodation where

- The housing accommodation shall be provided on dry well drained land which is consistent with the requirement regarding distance from the plantation and has to supply of wholesome drinking water within a reasonable distance. The houses shall be provided at a safe distance from the swamp and marshy and above all at the highest flood level.
- Adequate lighting arrangements shall be provided in and around the area in which housing accommodation is provided.

- The employers shall maintain in good condition the approach roads and the paths to the area the sewers and the drain in that area.
- The employers shall not deny to the public, free access to those parts of the plantation where the workers are housed.

Accordingly, in the tea gardens of Tinsukia district the workers along with their families are provided with housing facilities by the management within the plantation boundary. As the tea garden follows the kinship for the replacement of their job, it's passed on generation after generation with this process, so the job is secured for the family member this way. So, the house remains with the family members as they are living there as resident workers.

To confirm the same the investigator included the question in the questionnaire, where the housing facility is provided by the tea garden, and all the respondents responded answered that the housing facility is provided by the tea garden authorities. Another question was put up on the period of stay, to which the replies was that they have been living in these housing facilities for many generations now.

In regard to this the permanent workers of the surveyed gardens were provided with housing facilities by the Company and different types of houses were observed in different residential clusters during the field survey.

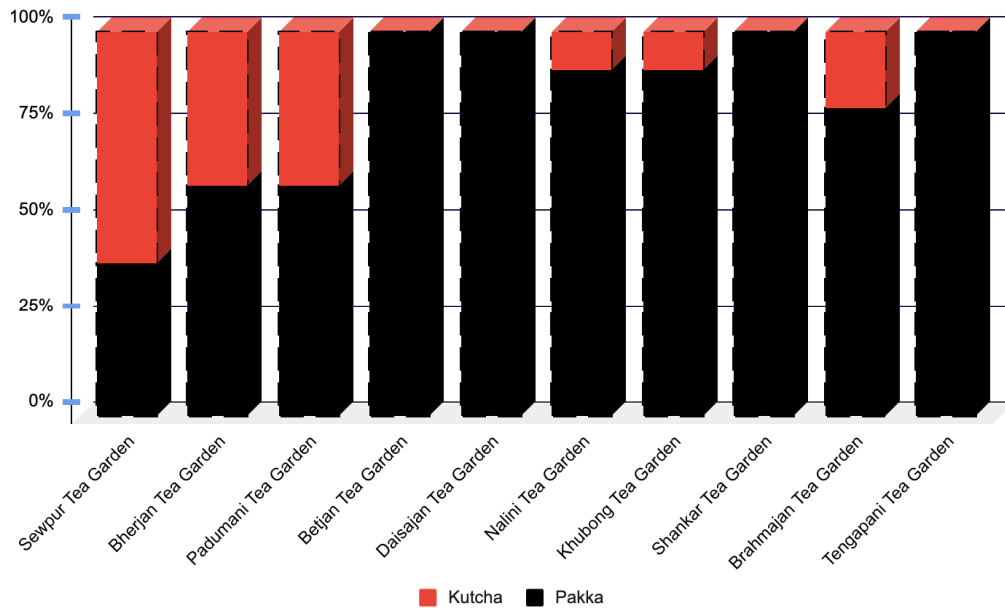
**Table 5.6**  
**Types of Houses (in %)**

<b>Tea Garden</b>	<b>Puccaa</b>	<b>Kutchha</b>	<b>Total households</b>
Sewpur Tea Garden	4 (40)	6 (60)	10
Bherjan Tea Garden	6 (60)	4 (40)	10
Padumani Tea Garden	6 (60)	4 (40)	10
Betjan Tea Garden	10 (100)	0	10
Daisajan Tea Garden	10 (100)	0	10
Nalini Tea Garden	9(90)	1(100)	10
Khubong Tea Garden	9(60)	1(100)	10
Shankar Tea Garden	10(100)	0	10
Brahmajan Tea Garden	8(80)	2(20)	10
Tengapani Tea Garden	10(100)	0	10
<b>Total</b>	<b>82</b>	<b>18</b>	<b>100</b>

Source: Primary data collected from the field work.



As the above table 5.6 shows that the company has provided the housing facility to the workers who are the resident and the permanent worker of the company, in most of the company the employers were provided with houses, as it was observed that most of the respondents were living in a pucca house provided by the company. The land completely belongs to the company, so they don't have the complete ownership of the land. Though, the house belongs to them.



**Figure 5.3: Distribution of type of houses of respondents**

The repair expenses are given by the company and even for the construction of new houses the company takes the full charge, when enquired with the respondents, even the manager had shown the data of house repair and construction in their annual record.

**Table 5.7****Residence allowance provided by Tea Garden authority (in %)**

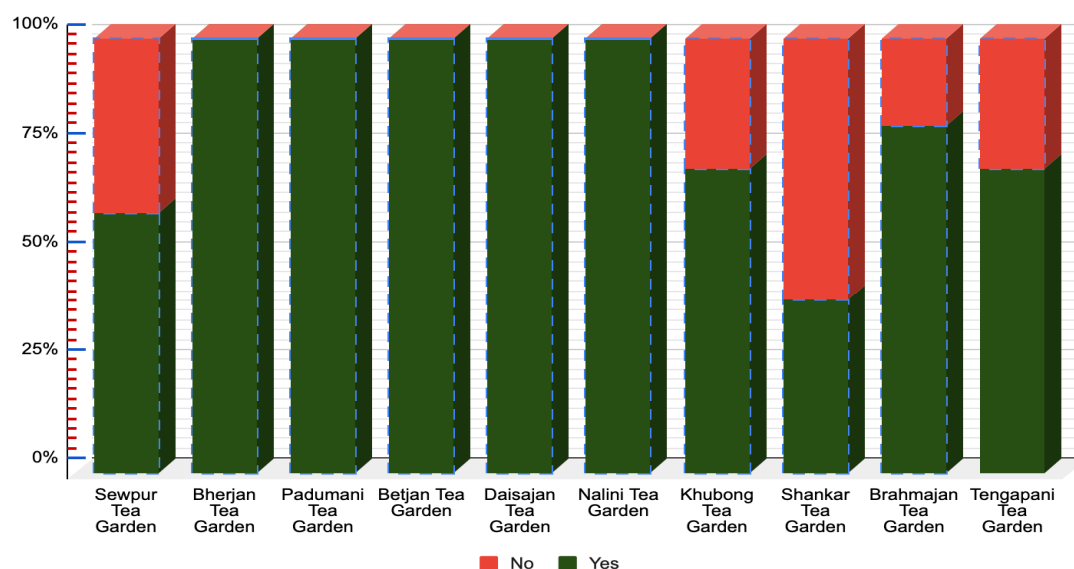
<b>Tea Garden</b>	<b>Yes</b>	<b>No</b>
Sewpur Tea Garden	60	40
Bherjan Tea Garden	100	0
Padumoni Tea Garden	100	0
Betjan Tea Garden	100	0
Daisajan Tea Garden	100	0
Nalini Tea Garden	100	0
Khubong Tea Garden	70	30
Shankar Tea Garden	40	60
Brahmajan Tea Garden	80	20
Tengapani Tea Garden	70	30

Source: *Primary data collected from the field work.*

The respondents who were interviewed were completely satisfied with the efficiency of the room in which their family members resided. The table 5.7 above shows that 75 percent of the workers maintained that the tea gardens provides the residence allowance which includes repairing and maintaining the structure of the house. Around 25 percent of the respondents did not agree with those answers. In tea gardens like Shankar tea garden only about 40 per cent of the respondents agreed that they received the residence allowance from the tea garden company. On the question whether they are satisfied with the space of the house, 80 percent of the respondents were satisfied with the housing space, which was sufficient for their family members while 18 percent were not satisfied.

But at the same time in regard to the repairs of their houses, it varies from the tea garden to tea garden in few cases the respondents received cash payments for repairing the houses, which were in depleted conditions and in other cases there has been no such facility. All most all the residents responded with the answers that they themselves get the repairs done on social occasions. As most of the families have more than five members in their house, it was observed that the space in the house was insufficient for the whole family to stay, they built an adjacent house next to the main house with their own expenses. Even cowsheds were observed attached to the

cowshed, just next to their dwelling. The manner of keeping domestic animals had some effect on the health of the people.



**Figure 5.4: Residence allowance provided by the tea gardens authority**

As found in the survey, the family members were satisfied with the spacing for their family members, they were adjusting within the members in this regard, some respondent said that were satisfied with what the company has provided them and they are happy with it, they said, “sometimes even we need to compromise instead of always complaining to the manager”. This was the attitude of the workers; they were of humble nature and were ready to compromise in certain areas.

### 5.3.4 Drinking water facilities

Regarding the drinking water facilities, it has been observed that in all the surveyed tea gardens respondents were using the using the hand tube well facility provided by the company, and somewhere self-invested but there were no government provided water facility as per the response of the respondents. The Assam government in its tea tribe website has claimed that it is providing water facility by installing Tara Pump, hand tube wells and ring wells to the garden workers of Assam. According to the Tea Board there was a scheme for improving the health of the Tea Garden population during the 11th period plan, where their main achievement was to look after the improvement of the life and living conditions of the tea plantation labourers and their

dependents. There were three broad areas out of which drinking water facility (under the improving the health of the workers) was one of them. There was no such scheme initiated in the gardens when enquired and when asked the authority there were not answerable and in fact they mettle that regarding the water facility, it's the company who have the sole role in providing it to their workers and they are doing that.

The company provides a water hand pump apart from that the purification guarantee is not measured. In a few tea gardens the company has provided the workers with the water filter so as to avoid the water bound disease, and particularly in this area the water has a high contain of iron in it.

### **5.3.5 Availability of Toilets**

Plantation Labour Act 1951, Rule 13 under section 9 of the plantation Labour Act, 1951 which mentions about the provisions related to toilet facilities. It says that:

- a) Latrine accommodation shall be provided in every plantation at the scale of one latrine for every fifty acres of the area under cultivation thereof, provided that there shall be at least one latrine each for either sex.
- b) Latrine shall be conveniently situated and shall have exclusive access for both male and female.

And under Rule 14 it should conform to public health requirements. Rule 15 talks about the privacy of latrines, every latrine should be covered and have a proper door and fastenings. Rule 16 talks about the notice that should be written in the doors describing which latrine belongs to which sex, “for men only” or “for women only”, either to write in Hindi or in any language understood by the majority of the workers. Table 5.8 below indicates the type of toilet availability to the households.

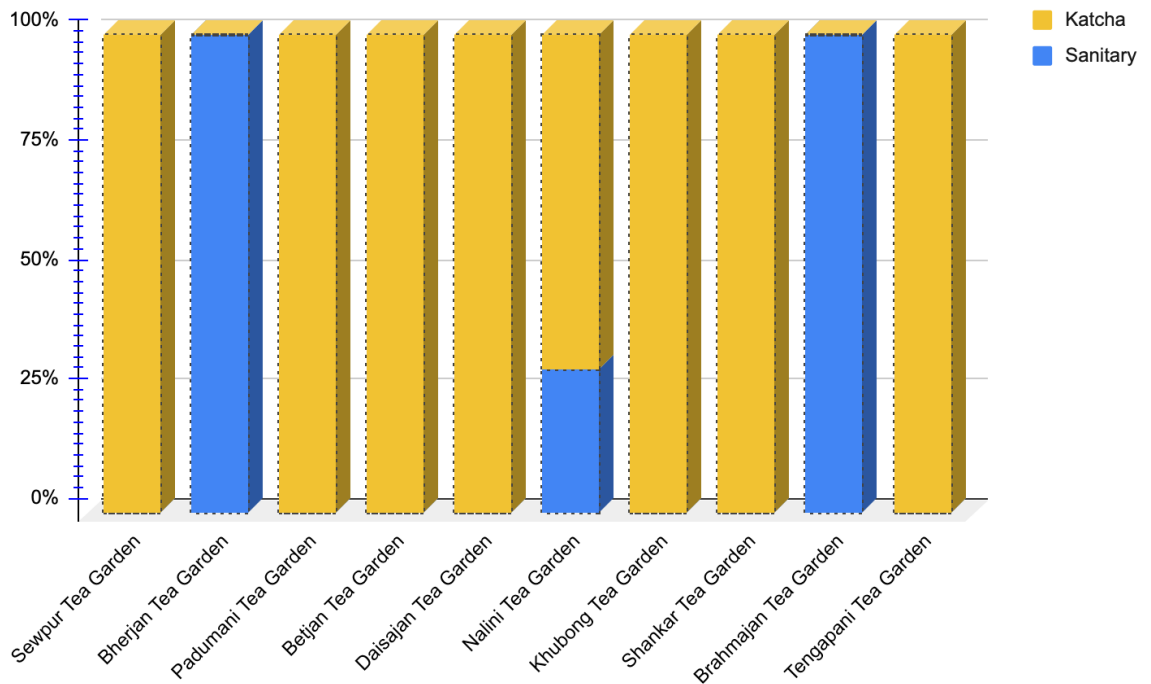
Below is the table-5.8 given which shows that the respondents use the toilet and in majority the respondent responses regarding the awareness campaign regarding the hygiene and health related programme were organised by different NGOs through the company.

**Table 5.8**  
**Availability of Toilets (in %)**

<b>Tea Garden</b>	<b><i>Pucca</i></b>	<b><i>Kutchha</i></b>
Sewpur Tea Garden	0	100
Bherjan Tea Garden	100	0
Padumani Tea Garden	0	100
Betjan Tea Garden	0	100
Daisajan Tea Garden	0	100
Nalini Tea Garden	30	70
Khubong Tea Garden	0	100
Shankar Tea Garden	0	100
Brahmajan Tea Garden	100	0
Tengapani Tea Garden	0	100
<b>Total</b>	<b>23</b>	<b>77</b>

*Source: Primary data collected from the field work.*

Table 5.8 above indicates that there has been a substantive variation in the type of toilets in the tea gardens of Tinsukia district. There are only 23 percent of pucca toilets where sanitation facilities are available, whereas 77 percent of toilets are kutchha toilets. Among the tea gardens also Bherjan, Brahmajan tea gardens have hundred percent pucca toilets with sanitation facilities, whereas Nalini tea garden has mixed types of toilets but dominated by kutchha type toilets. Remaining tea gardens have kutchha type toilets only in the selected workers households.



**Figure 5.5: Distribution of type of toilets of respondents**

It is concluded from the data in the graph above that the majority of the workers are provided with kutchra toilets except Bherjan and Brahmajan Tea Garden. The toilet facilities were provided by the company, though sanitary one or the kutchra, but there was an adverse response from most of the managers that despite of providing the workers the housing and the toilet facilities, the workers never try to maintain them, they never have that belonging for their houses and treat them as public property, even despite of giving health and hygiene awareness programme they never try to follow that and stay in an unhygienic way. Waters are carried or small syphon are attached with the stored water tank and then it's connected with the toilets.

**Table 5.9****Assistance for setting up sanitary latrine (in %)**

<b>Tea Garden</b>	<b>Yes</b>	<b>No</b>
Sewpur Tea Garden	100	0
Bherjan Tea Garden	60	40
Padumani Tea Garden	80	20
Betjan Tea Garden	100	0
Daisajan Tea Garden	100	0
Nalini Tea Garden	100	0
Khubong Tea Garden	100	0
Shankar Tea Garden	100	0
Brahmajan Tea Garden	100	0
Tengapani Tea Garden	60	40

*Source: Primary data collected from the field work.*

As according to the maintenance of sanitations in these toilets, though the Tea Board suggested for supply of sanitary items to the workers. Regarding this assistance for the sanitary latrine provided by the tea garden the table 5.9 above shows the response of the respondent where majority of the responses were positive. The company provided them with all the basic necessary sanitary items. Even the state runs the sanitation facilities to the tea garden workers under the “Nirmal Bharat Abhiyan”, but when asked regarding this to the respondents whether they were availing this facility, there was a negative response from them.

### **5.3.6 Electricity Facility/access and use of electric items**

The respondents were accessible to the electricity facility as it was provided inside the company area, but the payment of the bill has to be completely bourn by the employee. On average the electricity bill would be in between Rs 100 to Rs 150 per month. No subsidy is provided by the tea garden company and or government to the households of the workers of the tea gardens, except in Padumani tea garden, where fifty percent of the electricity subsidy is provided by the tea garden authorities.

However, when enquired about the voltage fluctuations, there was no complaint from the respondents, nor were there any grievances for the load shedding/ power cut, as there was less power cut in the tea garden areas.

Regarding the use of the electric items apart from television and fan there were no other electric items like fridge, cooler etc were used by the respondent. The following table 5.10 shows that 100 percent of the respondents use fan.

**Table 5.10**  
**Electric items (in %)**

Tea Garden	TV	Rice cooker	Fridge	Electric stove	Fan	Water Boiler	Mobile Phone	Music System	Electronic Gadgets
Sewpur	100	0	0	0	100	0	100	0	0
Bherjan	80	0	0	0	100	0	100	0	0
Padumani	60	0	0	0	100	0	100	0	0
Betjan	100	0	0	0	100	0	100	0	0
Daisajan	100	0	0	0	100	0	100	0	0
Nalini	70	0	0	0	100	0	100	0	0
Khubong	80	0	0	0	100	0	100	0	0
Shankar	100	0	0	0	100	0	100	0	0
Brahmajan	100	0	0	0	100	0	100	0	0
Tengapani	100	0	0	0	100	0	100	0	0
Total average	89	0	0	0	100	0	100	0	0

*Source: Primary data collected from the field work.*

Table 5.10 above shows that about 89 percent of the workers houses has television sets and all of them have fans and mobile phones. In Padumani and Nalini tea gardens only 60 percent and 70 percent of the respondent workers household have television sets respectively. These tea workers do not have any other electric items apart from television, fans and mobile phones and their expenditure comes under the poverty line. All the workers are holding the BPL card and covered under PDS.



### 5.3.7 Fuel supply

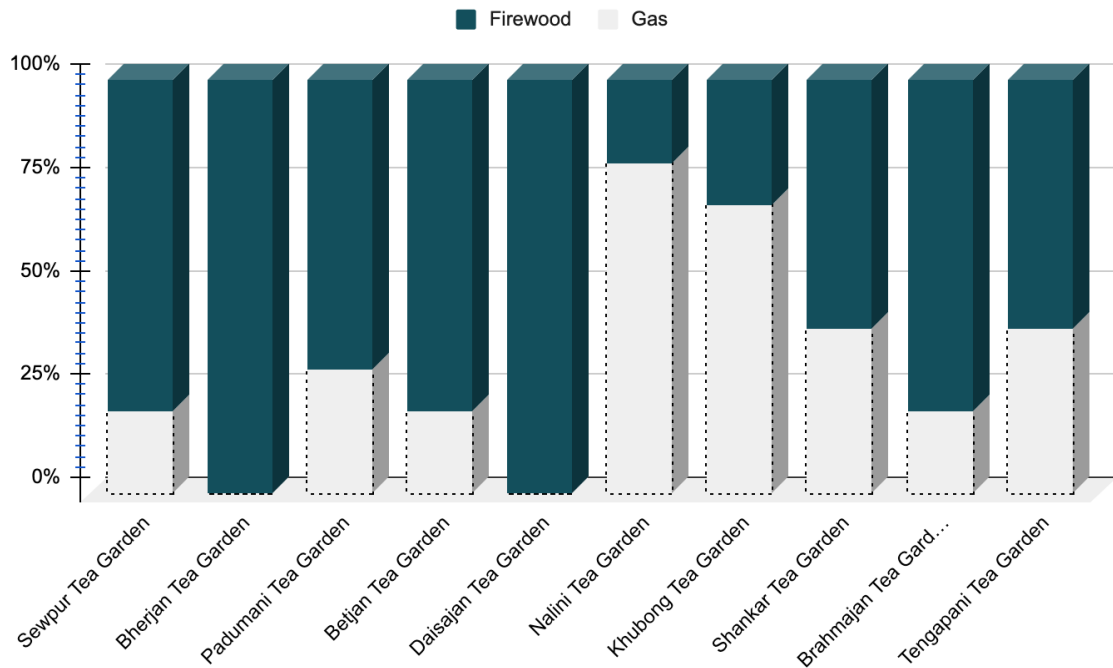
The Company provides firewood to the workers in kind, but sometimes when the firewood supply is not available the company provides them the cash to buy firewood. Apart from this, the company helps the workers with the procedure to get the LPG gas connection. Majority of the respondents avail the LPG provided by the company. The company did not provide them with kerosene oil, charcoal etc facility to the employee.

**Table 5.11**  
**Garden authority supply fuel (in %)**

<b>Tea Garden</b>	<b>Gas</b>	<b>Firewood</b>
Sewpur Tea Garden	20	80
Bherjan Tea Garden	0	100
Padumani Tea Garden	30	70
Betjan Tea Garden	20	80
Daisajan Tea Garden	0	100
Nalini Tea Garden	80	20
Khubong Tea Garden	70	30
Shankar Tea Garden	40	60
Brahmajan Tea Garden	20	80
Tengapani Tea Garden	40	60
<b>Total</b>	<b>32</b>	<b>68</b>

*Source: Primary data collected from the field work.*

Table 5.11 shows that only 32 percent of the worker household have gas connection and about 68 percent of them use firewood for cooking purposes. Bherjan and Daisajan tea garden workers prefer to use firewood, whereas majority of Nalini tea garden workers use gas for cooking. Preference towards firewood may be because of the expensive/ cost of the gas cylinder and also availability. Still majority of the tea garden workers preferred using firewood along with gas. The wood that is present in the garden is provided to the workers on a quarterly basis or twice in a year but these have turned into cash as the workers preferred taking cash as compared to the wood, as it was difficult too from the management side to make arrangement of the woods.



**Figure 5.6: Distribution of fuel supply type used by the respondents**

It is evident from the graph above that the majority of the tea garden workers are using firewood as the main source of fuel. The 100 percent workers in Bherjan and Daisajan Tea Garden use firewood. Most of the workers, 80 percent, are provided with gas fuel in Nalini Tea Garden by the authority.

Though gas cylinder/ connection is available, the study shows that few were still using firewood or biomass in their cooking account. Some of the respondents had submitted the paper formalities to avail the Pradhan Mantri Ujjwal yojana. In a few gardens the company had helped their workers to avail this facility; they took the initiative to fulfill all their required procedures to be the beneficiaries of the scheme. This was something really positive to be seen from the company side towards the gesture to their workers.

The smoke produced from wood stoves and fireplaces contains over 100 different chemical compounds, many of which are harmful and potentially carcinogenic. Wood smoke pollutants include fine particulates, nitrogen oxides, sulfur oxides, carbon monoxide, volatile organic compounds, dioxins, and furans. Breathing air containing

wood smoke can cause a number of serious respiratory and cardiovascular health problems. Those at greatest health risk from wood smoke include infants, children, pregnant women, the elderly, and those suffering from allergies, asthma, bronchitis, emphysema, pneumonia, or any other heart or lung disease. But despite this still the majority of the households use firewood for cooking, there should be an awareness programme in this regard so that the workers get enlightened with it.

### 5.3.8 PDS coverage

The respondents were holding the ration card (BPL) and were getting only rice and wheat. The table 5.12 shows that 100 percent of the interviewer was beneficial to the PDS.

**Table 5.12**  
**Covered under the PDS (in %)**

Tea Garden	Item			
	Kerosene	Wheat	Rice	Sugar
Sewpur Tea Garden	0	100	100	0
Bherjan Tea Garden	0	100	100	0
Padumani Tea Garden	0	100	100	0
Betjan Tea Garden	0	100	100	0
Daisajan Tea Garden	0	100	100	0
Nalini Tea Garden	0	100	100	0
Khubong Tea Garden	0	100	100	0
Shankar Tea Garden	0	100	100	0
Brahmajan Tea Garden	0	100	100	0
Tengapani Tea Garden	0	100	100	0
<b>Total</b>	0	100	100	0

Source: Primary data collected from the field work.

As per Food, Civil Supplies & Consumer Affairs, Assam a family member is eligible for 5kg per family but the respondents were claiming they were getting only 2kg per family at rupees 3per kg. They also get kerosene oil on a rare basis.

In response to the supply of food items provided by the company, there was a 100 percent response to this as the company provided workers with food items, plus even the dependent got this facility till the age of 18 for their children and no age bar to the spouse. During the fieldwork came across a tea garden where on request the children would get the food items even after crossing the age of 18. The garden provides them with rice and wheat. The workers get 3kg each whereas the dependents get 2kg per person.

### 5.3.9 Literacy and Education

Table-5.14 shows the number of tea gardens present within the tea garden area, whether it's provided by the tea garden company, government or private sector. Most of the tea gardens from the field survey had provided primary schools for their garden worker's children and made sure that they avail this facility. The teachers would enquire about the parents if there was any absenteeism in the class, so this made the students regular in their school.

**Table 5.13**  
**Educational facilities**

Tea Garden	Govt	Tea garden	Distance (average)		
			Secondary School	High School	College
Sewpur Tea Garden	1	0	4.2km	6.1km	6.6km
Bherjan Tea Garden	1	0	4.6km	6.4km	8.0km
Padumani Tea Garden	1	0	4.7km	8.3	7.9km
Betjan Tea Garden	0	1	4.1km	10.3km	9.9km
Daisajan Tea Garden	0	1	6.2km	20.1km	36.7km
Nalini Tea Garden	0	1	5.3km	10.1km	13.1km
Khubong Tea Garden	1	0	2km	11.7km	25.5km
Shankar Tea Garden	0	1	10.0km	11.2km	30.1km
Brahmajan Tea	0	1	19.4km	19.4km	51.5km
Tengapani Tea Garden	0	1	5.2km	14.3km	14.6km
<b>Total average percentage</b>	<b>40</b>	<b>60</b>			

Source: Primary data collected from the field work.

Table 5.13 above indicates that there is at least one primary school in all the tea gardens and maintained by either government or tea garden. There are no private schools, secondary or higher secondary schools in these tea gardens. Thus, children from these tea gardens were getting basic education, majority of them were attending school or college on a regular mode. It is also observed that the company and the Government schools and colleges were available in plenty for them to keep their education priority on high without any obstacles or hurdles. The secondary schools are near to their locality are available within the range of 6 km to 20 km of distance. In the Daisajan tea garden the distance varies from 20 km to 35 km for secondary and college education. For some tea gardens there are law colleges, degree college, Digboi college (govt aided) distance of 10 km or 15 km, and means of transportation, there were plenty government buses available in this route.

They have to pay fewer fees for their studies in government schools or colleges were as for the primary education it was free of cost as it was provided by the garden authority and the medium was English in these primary schools.

Parents (workers) have to pay for the transportation cost while students attend their classes on a regular basis, it was also observed during the survey that the children were provided with bicycles (bought themselves or sometimes gifted by the company) for their means of transport to attend the school or college nearby. This was kind of the best means where they were happily enjoying the ride as well as there was an interest and urge to study and attend classes.

From the study findings it was also seen that merely all the tea gardens had provided school bus facility to the children of the tea garden workers, staff if the school was at a distant place, because inside the tea garden there were only primary schools available.

Few respondents were even getting early fellowship for education of their children, as provided by the tea board, but the rest were reluctant when asked as they were not aware of such provision, slight awareness was created (by me) among them in this regard and told to always enquire the authority, labour union, welfare officer in anything in regard to their rights, hesitant was the greatest weak point.

### 5.3.10 School attendance

Many of the respondents were interested and wanted their children to study and get educated, the children of the employees were regular, only very few were irregular because of their health and other issues.

**Table 5.14**  
**School attendance (in %)**

Tea Garden	Regular	Irregular			
		Far from home	Expensive	Work instead of study	Others
Sewpur	80	0	20	0	0
Bherjan	70	0	0	0	30
Padumani	90	0	0	0	10
Betjan	90	0	0	0	10
Daisajan	70	30	0	0	0
Nalini	80	0	0	0	20
Khubong	70	20	10	0	0
Shankar	70	0	0	0	30
Brahmajan	60	20	20	0	0
Tengapani	90	0	10	0	0
<b>Total</b>	<b>77*</b>	<b>7*</b>	<b>6*</b>	<b>0</b>	<b>10*</b>

Source: Primary data collected from the field work; Note: \* indicates percentage.

Table 5.14 above presents the regularity of students in attending the school. About 77 percent of the students from the workers family attend the school regularly, while 7 percent are not attending the school regularly because of distance, 6 percent because of expenses involved in attending the school and 10 percent citing other reasons including health and so on. In tea gardens like Batumani, Betjan, Tengapani tea gardens the attendance rate is about 90 percent.

### 5.3.11 Educational expenses

The garden authority in the tea gardens had provided primary schools for the garden worker's children, and somewhere set up by the government inside the garden area, there were bus facilities provided to the garden children whose schools were far and

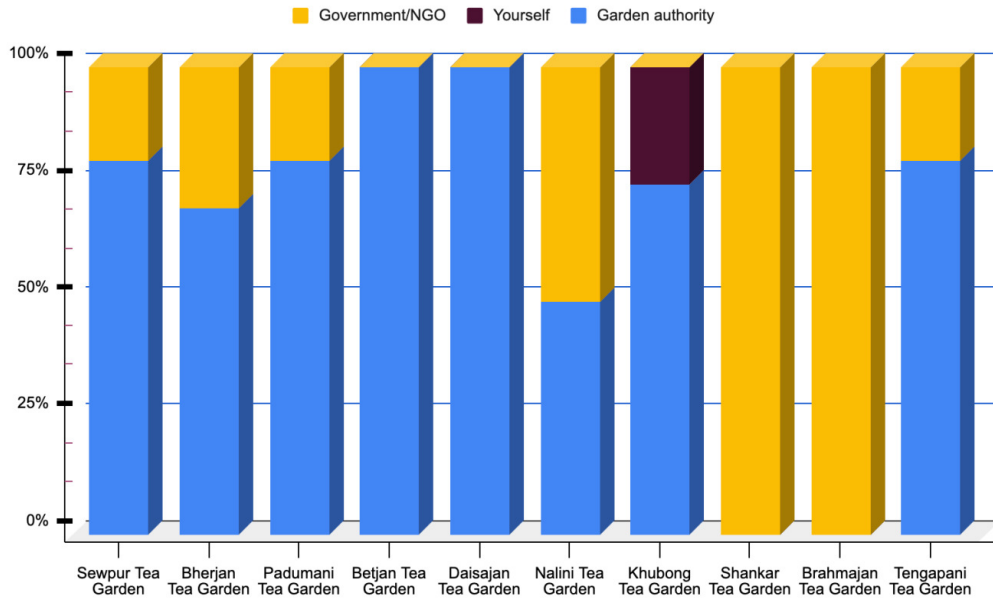
outside the company premises. The table 5.17 shows the expense incurred by the company as well as the government or NGOs. The government schools were also there for secondary schools.

**Table 5.15**  
**Educational expenses (in %)**

<b>Tea Garden</b>	<b>Garden authority</b>	<b>Yourself</b>	<b>Government/NGO</b>
Sewpur Tea Garden	80	0	20
Bherjan Tea Garden	70	0	30
Padumani Tea Garden	80	0	20
Betjan Tea Garden	100	0	0
Daisajan Tea Garden	100	0	0
Nalini Tea Garden	100	0	0
Khubong Tea Garden	60	20	20
Shankar Tea Garden	0	0	100
Brahmajan Tea Garden	0	0	100
Tengapani Tea Garden	80	0	20
<b>Total</b>	<b>67</b>	<b>2</b>	<b>39</b>

*Source: Primary data collected from the field work.*

Table 5.15 above shows that about 67 percent of the workers educational expenses are borne by the garden authority and 39 percent of the same is borne by the government or NGO, whereas 2 percent workers bear their own expenses. In Sewpur, Padumani and Tengapani tea gardens 80 percent workers educational expenses are borne by the tea garden authority and 20 percent workers by the Government or NGO. The same in Bherjan is 70 percent and 30 percent. Where as in Khubong tea garden garden authority provides educational expenses to 60 percent workers, 20 percent workers are provided by the Government/NGO and about 20 percent workers bear their own expenditure. These trends show that the tea gardens in Tinsukia are more into diversified funding support than depending on a single source.



**Figure 5.7: Distribution of education expenses provider per tea garden**

From the figure above, it seems like the majority of the education expenses of the children is provided by the garden authority except Shankar and Brahmajan Tea Garden. The government takes the full responsibility to pay the education bills of the workers in Shankar and Brahmajan Tea Garden.

### 5.3.12 Wage, Income and Expenditure

This section attempts to examine the wage quality, income parity and expenditure experiences of the tea garden workers of Tinsukia district of Assam in proximity to experience and Nature of job and Minimum Wage in relation to working hours, working days, Family members engaged in tea garden activity Skilled types allowances as well as bonus and pension.

### 5.3.13 Experience and Nature of Job

The respondents were having an experience above 5 years in the tea garden. The respondents were mostly the permanent ones the table 5.19 has mentioned regarding the percentage of permanent and contractual workers.



### 5.3.14 Minimum Wage and Working Hours

The tea plantation doesn't come under the Minimum Wage Act of 1948. Except work involved in tea plantations, rest were all included in this Act. The tea plantation related work is governed by the Tea Plantation Act of 1951, where the provisions were mentioned for the wages related workers. During the survey it was found that in all the tea gardens, the wage was same and workers are paid with Rs 176 per day, which is given in a split for twice a month (in 15 days). As an average each worker is paid the wages per month with in the range of Rs 5000 to Rs 10000/-. The working hours range from 9 to 10 hours, including 1-hour lunch break.

The payment of the wage was regular and they would get the payment every 14 days as counting the daily wage system. The respondents said that the plucking of the leaves is seasonal and not for twelve months, during the peak season the plucking goes beyond the plucking and they would make extra income by plucking extra leaves. Like Darjeeling, Tinsukia too there is no fixed average plucking by the tea workers, the average varies from garden to garden. The women are the only members who indulge in the tea plucking activity. During the seasonal flush, they pluck more than the average, and with extra time (overtime) than the normal working hours, they get double the amount per kg from their daily wage rate. During the off-season, these pluckers are engaged in other activities such as pruning, sorting, and packing.

**Table 5.16**  
**Payment of wages (in %)**

Tea Garden	Payday		Overtime	
	Regular	Irregular	Compulsory	Optional
Sewpur Tea Garden	100	0	depends	100
Bherjan Tea Garden	100	0	depends	100
Padumani Tea Garden	100	0	depends	100
Betjan Tea Garden	100	0	depends	100
Daisajan Tea Garden	100	0	depends	100
Nalini Tea Garden	100	0	depends	100
Khubong Tea Garden	100	0	depends	100
Shankar Tea Garden	100	0	depends	100
Brahmajan Tea Garden	100	0	depends	100
Tengapani Tea Garden	100	0	depends	10

Source: Primary data collected from the field work.

Table 5.16 above provides the information on the payment of wages, whether or not the wages are paid regularly and over time compulsory or optional. All the respondents have informed that the payments of wages are done regularly, it depends on the situation whether or not the overtime is compulsory or optional. All the respondents have made it clear that the overtime is optional.

### 5.3.15 Working days

The working days for their workers are for six days in a week and only during the peak season when the workload is heavy then they are called for even on Sundays provided they get extra for it.

### 5.3.16 Family members engaged in tea garden activity

The table 5.17 shows the number of family members working in the tea garden.

**Table 5.17**

**Family members engaged in tea garden activity**

<b>Tea Garden</b>	<b>0-1</b>	<b>1-2</b>	<b>2-3</b>	<b>&gt;3</b>
Sewpur Tea Garden	0	0	0	10
Bherjan Tea Garden	0	0	0	6
Padumani Tea Garden	0	0	0	5
Betjan Tea Garden	0	0	0	8
Daisajan Tea Garden	0	0	0	5
Nalini Tea Garden	0	0	0	8
Khubong Tea Garden	0	0	0	9
Shankar Tea Garden	0	0	0	10
Brahmajan Tea Garden	0	0	0	8
Tengapani Tea Garden	0	0	0	9

*Source: Primary data collected from the field work.*

### 5.3.17 Expenditure

The workers spend their earning on the expenditure mostly on the like education of their children, food, clothing, and medical expenses. Though there is no fixed amount allotted from the family budget, these are the general items on which the workers spend. The expenditure depends on the each of the family and its requirement, hence

it varies from household to household. For food expenses some of the workers are engaged were engaged in vegetable cultivation for the domestic consumption as well as depending upon the production to sell in the market area. On average Respondent spends around Rs 500 on clothing (not on a monthly basis), Rs. 400 on food. Their children study at a government school which is free but they spend around Rs 200 on stationary. Regarding medical expenses, get the medical facilities from the company itself, the company has provided a dispensary where all the required medicines are available.

### 5.3.18 Skilled types

The respondents were in majority under the skilled workers, very few were under the semi-skilled and technicians, the table 5.18 shows that

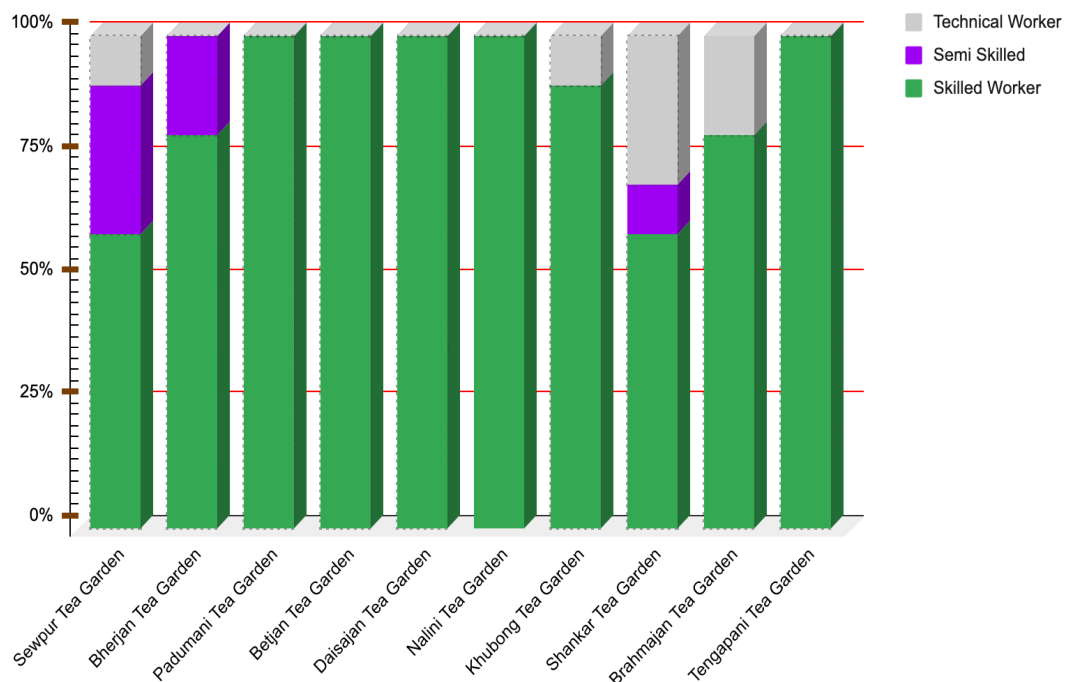
**Table 5.18**  
**Type of skill (in %)**

<b>Tea Garden</b>	<b>Skilled worker</b>	<b>Semi-Skilled</b>	<b>Technical worker</b>
Sewpur Tea Garden	60	30	10
Bherjan Tea Garden	80	20	0
Padumani Tea Garden	100	0	0
Betjan Tea Garden	100	0	0
Daisajan Tea Garden	100	0	0
Nalini Tea Garden	100	0	0
Khubong Tea Garden	90	0	10
Shankar Tea Garden	60	10	30
Brahmajan Tea Garden	80	0	20
Tengapani Tea Garden	100	0	0
<b>Total</b>	<b>87</b>	<b>6</b>	<b>70</b>

*Source: Primary data collected from the field work.*

Table 5.18 above provides the type of skills; the tea garden workers possess. Here the skill is defined in terms of skills in the work related to tea garden. Semi-skilled workers are defined from the plucking activity and their involvement in such work. Almost all the workers in the selected tea gardens and respondents are into this

activity, while about 10 percent workers in Khubong tea garden, 30 percent in Shankar tea garden and 20 percent in Brahmajan tea gardens have the technical knowledge related to the management of the factory. These technical skills include repairing the machinery, motors, vehicles etc, but more than 87 percent of workers in the selected tea gardens have skills apart from plucking leaves. The gardens like Padumani, Betjan, Daisajan, Tengapani and Nalini tea gardens have 100 percent skilled workers among the selected sample. Overall compared to tea gardens of Darjeeling district, workers in Tinsukia tea gardens are skilled workforce.



**Figure 5.8: Distribution of respondents' skills**

From the figure above, it is evident that many of the workers are skilled in all the tea gardens.

### 5.3.18 Allowances, Bonus and Pension

As regards the allowance the company pays them the puja bonus every year, the female gets maternity leaves with pay for a period of six months, sick leaves are also provided, according to the labour laws. Regarding the pension, though the workers are paid small amount of pension, the respondents were not able to say whether it was sufficient for them for family. It also depends on the nature of the family,

requirements, working members, types of work family members are engaged in and so on. Workers get provident fund as per the Employees Provident Fund Act, 1952 which was extended to tea plantations from 30th April 1957. The study reveals that all the workers were getting the PF benefits.

As per the Payment of Bonus Act, 1965, workers get a bonus annually. Regarding Gratuity, As per the payment of Gratuity Act, 1972, employees get their gratuity under this Act, gratuity shall be payable to an employee on the termination of her employment after rendering continuous service for not less than five years, on retirement or resignation or death or disablement provided that (i) the completion of five years continuous service shall not be necessary in case of death or disablement, and (ii) in case of death of the employee gratuity payable shall be paid to the nominee or to the heirs. Allowances the above-mentioned facilities are only for the permanent workers and not for the casual workers.

**Table 5.19**  
**Allowances, Bonus and Pension**

<b>Tea Garden</b>	<b>Drinks</b>	<b>Festival allowances</b>	<b>Sick leave and maternity leave</b>	<b>Pension</b>	<b>Sufficient Pension</b>
Sewpur Tea Garden	No	Yes	Yes	Yes	Yes
Bherjan Tea Garden	No	Yes	Yes	Yes	Yes
Padumani Tea Garden	No	Yes	Yes	Yes	Yes
Betjan Tea Garden	No	Yes	Yes	Yes	Yes
Daisajan Tea Garden	No	Yes	Yes	Yes	Yes
Nalini Tea Garden	No	Yes	Yes	Yes	Yes
Khubong Tea Garden	No	Yes	Yes	Yes	Yes
Shankar Tea Garden	No	Yes	Yes	Yes	Yes
Brahmajan Tea Garden	No	Yes	Yes	Yes	Yes
Tengapani Tea Garden	No	Yes	Yes	Yes	Yes

*Source: Primary data collected from the field work.*

Table 5.19 above is about the allowances, pension and bonus available to the workers of tea gardens. All the tea gardens are paying for festival allowances including bonus and pension to the retired workers. The workers are also availing sick leave and maternity leaves. However, these leaves are not paid in terms of wages. When enquired about the sufficiency of pension, the respondents opined that it is sufficient for two people to lead a simple life like survival, but for other expenses the pension is not sufficient enough.

### 5.3.19 Medical and recreation facilities

Under this category the main common health related issues were diarrhea, fever, headache, even tuberculosis.

#### Health Check-up Point

The table-5.20 below shows the health check up tea garden wise , where hospital gardens are provided, along with that garden dispensary for the workers, ambulance were provided for the garden workers when the need of an emergency, or when visiting the government civil hospital. Crèche were also provided.

**Table 5.20**  
**Health Checkup Point**

Tea Garden	Garden hospital/ Doctor	Labour welfare centre	Govet Hospital Clinic(Distance)	Pvt Hospital/Clinic (Distance)
Sewpur Tea Garden	Yes	Yes	500m	500m
Bherjan Tea Garden	Yes	No	7km	7km
Padumani Tea Garden	Yes	No	8km	8km
Betjan Tea Garden	Yes	No	9km	9km
Daisajan Tea Garden	Yes	No	40km	40km
Nalini Tea Garden	Yes	No	12km	12km
Khubong Tea Garden	Yes	No	39km	10km
Shankar Tea Garden	Yes	No	10km	10km
Brahmajan Tea Garden	Yes	No	18km	18km
Tengapani Tea Garden	Yes	No	12km	12km

Source: Primary data collected from the field work.

All the tea gardens have provided the health centre within the tea garden, this shows the authority is concerned with the health of their workers. There is a fixed doctor provided in each garden along with two nurses who assist the **doctor**. During the field visit, it was observed few gardens have provided resident doctors for the workers. There were also some resident nurses available inside the garden hospital in a few of the study areas. Every garden had a small garden hospital for any immediate emergency purpose along with free medicines and for the emergency purpose, each garden had one ambulance. For any advanced treatment, workers visit the Tinsukia Civil Hospital. For severe cases workers are referred to Guwahati Medical College. Number of other private hospitals are also available within the range of 500 metres to about 40 km. In case of Daisajan tea garden the nearest private hospital is located at a distance of about 40 km, where as for Betajan tea garden the nearest government and private hospital is located at the distance of 7 km.

### 5.3.20 Treatment cost

Regarding the treatment cost the company pay the whole expenses, provide the ambulance and if the produce the hospital bills of all the expenses incurred, the company refunds all the money. Even the transportation money is refundable provided they produce the bill. Table-5.21 below shows that even labour welfare centre facilitates the payment of treatment cost and the worker need not to pay either treatment cost or the transportation cost for health treatment.

**Table 5.21**  
**Health Treatment Covered**

Tea Garden	Treatment Cost			Transport Cost	
	Tea Garden authority	Self	Labour welfare centre	Company	Self
Sewpur Tea Garden	Yes	0	Yes	Yes	0
Bherjan Tea Garden	Yes	0	Yes	Yes	0
Padumani Tea Garden	Yes	0	Yes	Yes	0
Betjan Tea Garden	Yes	0	Yes	Yes	0
Daisajan Tea Garden	Yes	0	Yes	Yes	0
Nalini Tea Garden	Yes	0	Yes	Yes	0
Khubong Tea Garden	Yes	0	Yes	Yes	0
Shankar Tea Garden	Yes	0	Yes	Yes	0
Brahmajan Tea Garden	Yes	0	Yes	Yes	0
Tengapani Tea Garden	Yes	0	Yes	Yes	0

Source: Primary data collected from the field work.

### **5.3.21 Health Insurance Card Benefits**

The workers working in a company need not make any health insurance card. They are already entitled for the benefit once when they are the workers of a particular tea garden. Apart from this the respondents had made health insurance cards under government scheme “Atal-Amrit Abhiyan”, so overall the workers were aware of the schemes and even benefitting from such schemes. Apart from this they get the labour welfare facilities too where they can come up with any issue to the welfare office and they will look after the issue and resolve it within.

### **5.3.22 Children get EPI facilities/vaccination**

Here the children get EPI vaccination, and awareness programs are organised in regard to this among the workers to tell them about the importance of vaccination

### **5.3.23 Maternity benefit**

The female workers were getting this benefit along with paid leave, they get maximum of 280 days leave, during the field survey the investigator observed, in the month of September 2018, that there was a programme organised by the state government where it was announced that the maternity leave for the tea garden workers was raised for 280 days and they would be paid a cash of rupees twelve thousand.

### **5.3.24 Recreation facilities**

Recreational facilities provided to the workers especially in the form of sports or cultural events, table 5.28 shows that sports like football, cricket are organised more as compared to cultural events. During the survey witnessed one of the sports events, the cricket match played among the workers, the team spirit and enthusiasm, coordination, unity and dedication were seen among the players. There were a few gardens where they have small sports team groups, a club sort of where these members were already categorized in the sports category, so this way selection process was easy. Usually, the Assistant Manager was seen involved in the selection and as well as organizing of any such events. There were playgrounds in every tea garden, where the events usually took place.

During the festive seasons of Bihu and durga puja, holidays are given in all the tea gardens, and in Durga puja events they were provided with extra bonus. Tea gardens



like Padumani build huge pandals. Vishwakarma Puja was witnessed during the field survey.

### 5.3.25 Digital payment towards PF benefits

The table 5.22 below shows the range of mobile being used by the respondents and the PF benefits that they get.

**Table 5.22**  
**Electronic and PF Benefits**

<b>Tea Garden</b>	<b>Using mobile phone</b>	<b>PF benefits</b>
Sewpur Tea Garden	Yes	Yes
Bherjan Tea Garden	Yes	Yes
Padumani Tea Garden	Yes	Yes
Betjan Tea Garden	Yes	Yes
Daisajan Tea Garden	Yes	Yes
Nalini Tea Garden	Yes	Yes
Khubong Tea Garden	Yes	Yes
Shankar Tea Garden	Yes	Yes
Brahmajan Tea Garden	Yes	Yes
Tengapani Tea Garden	Yes	Yes

*Source: Primary data collected from the field work.*

### 5.3.26 Monsoon and winter facilities

Table 5.23 below shows the monsoon and winter facilities they get, it's mostly the umbrella, rain boots and sometimes raincoat every year. During winter they were provided with blankets. But for the casual workers these facilities were provided in every alternative year.

**Table 5.23**  
**Monsoon facilities**

<b>Tea Garden</b>	<b>Umbrella</b>	<b>Rain Boot</b>	<b>Raincoat</b>
Sewpur Tea Garden	Yes	Yes	No
Bherjan Tea Garden	Yes	Yes	No
Padumani Tea Garden	Yes	Yes	No
Betjan Tea Garden	Yes	Yes	No
Daisajan Tea Garden	Yes	Yes	No
Nalini Tea Garden	Yes	Yes	No
Khubong Tea Garden	Yes	Yes	No
Shankar Tea Garden	Yes	Yes	No
Brahmajan Tea Garden	Yes	Yes	No
Tengapani Tea Garden	Yes	Yes	No

*Source: Primary data collected from the field work.*

### **5.3.27 Crèche facilities**

As per The plantation Labour Act of 1951, section 12, the tea garden should provide crèche facilities to the female workers infant children while they are on their tea garden work. These crèches should facilitate adequate accommodation with adequate light and ventilator and well maintained with clean sanitization apart from a nanny trained in the care of children and infants.

As per the respondent's response, all these gardens were providing facilities like nanny, heating, mattress, cradles and drinking water. Along with a mattress facility some gardens even provided milk for the infants and the children. Well sanitised room with sufficient space is available in these tea gardens.

### **5.3.28 Awareness of the economic, political and legal rights**

The respondents were quite aware about their economic rights, but very few were aware about what the Plantation Labour Act of 1951 is about and was only few knew that it provided them with all the rights, all were members of the trade union and

some respondents were even the president of the union, were not fully aware of the same. The respondents were satisfied from the work of their trade union, who would always speak up for the workers, being their voices, still few respondents were taking out their grievances with regard to their work, as the union goes biased and work only for their benefit and ignore their major pertinent issues and lastly they were much aware about child rights and knew that children below the age of 18 should not indulge in any work activity. Below table 5.24 and 5.31.1 shows the figure.

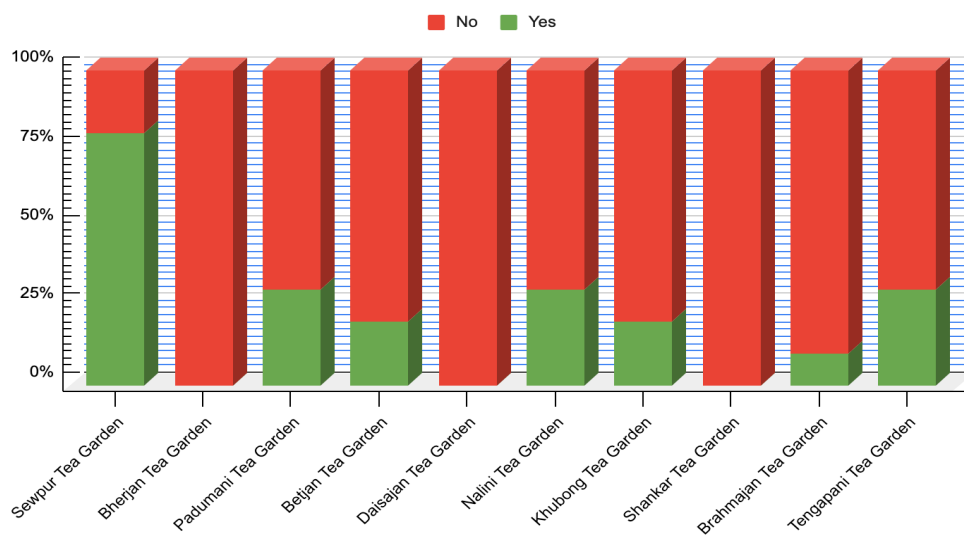
**Table 5.24**  
**Awareness about the Economic Rights (in %)**

Tea Garden	Aware of Economic rights		Aware of Plantation Labour Act		Trade union participants	
	Yes	No	Yes	No	Yes	No
Sewpur Tea Garden	80	20	60	40	100	0
Bherjan Tea Garden	0	100	100	0	100	0
Padumani Tea Garden	30	70	60	40	100	0
Betjan Tea Garden	20	80	80	20	100	0
Daisajan Tea Garden	0	100	100	0	100	0
Nalini Tea Garden	30	70	100	0	100	0
Khubong Tea Garden	20	80	100	0	100	0
Shankar Tea Garden	0	100	100	0	100	0
Brahmajan Tea Garden	10	90	100	0	100	0
Tengapani Tea Garden	30	70	80	20	10	0
<b>Total</b>	<b>22</b>	<b>78</b>	<b>88</b>	<b>12</b>	<b>100</b>	<b>0</b>

*Source: Primary data collected from the field work.*

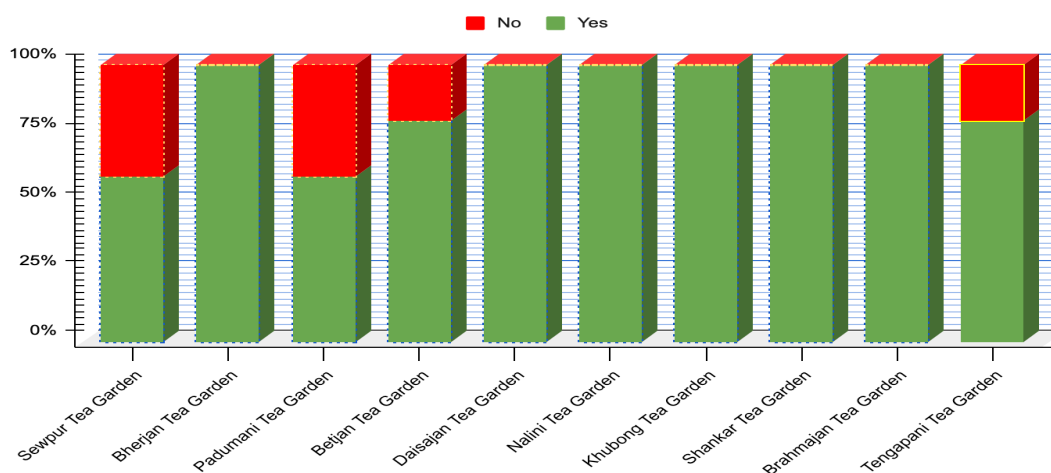
Table 5.24 above shows that only 22 percent of the surveyed workers are aware of the economic rights and 78 percent of them are not aware of the same. At the same time

all of them participate in the trade union activities and member of the trade union. About 88 percent of the workers are aware of the existence of the Plantation Labour Act but during the field work it was observed that majority of them including the leaders of the trade unions are not aware of the contents of the Act. About 12 percent workers reported they are not aware of the existence of the Act. These figures also indicate that majority of the workforce do not know their economic rights and supportive legal provisions. As they have been working in these tea gardens for generations, it may be the case that they did not bother to know and avail the same. The levels of awareness about economic rights are given in the following figure.



**Figure 5.9: Tea garden workers awareness of economic rights**

The awareness about the Plantation Labour Act, 1951 is given in the following figure. However, it cannot reflect the awareness about the contents of the Act and indicates mere awareness about the existence of the Act.



**Figure 5.10: Tea garden workers awareness of political rights**

Apart from the economic rights it is important to have awareness about the political rights. This awareness for the workers comes from the political participation and political awareness. The political participation is in terms of their membership in the trade union, participation in meetings, negotiations with the management and so on.

**Table 5.25**

**Awareness about the political rights**

Tea Garden	Satisfaction from trade union		Member of the trade union		Aware of Child labour	
	Yes	No	Yes	No	Yes	No
Sewpur Tea Garden	100	0	100	0	100	0
Bherjan Tea Garden	10	0	100	0	100	0
Padumani Tea Garden	100	0	100	0	100	0
Betjan Tea Garden	100	0	100	0	100	0
Daisajan Tea Garden	100	0	100	0	100	0
Nalini Tea Garden	100	0	100	0	100	0
Khubong Tea Garden	100	0	100	0	100	0
Shankar Tea Garden	100	0	100	0	100	0
Brahmajan Tea Garden	100	0	100	0	1000	0
Tengapani Tea Garden	100	0	100	0	10	0

Source: Primary data collected from the field work.

Table 5.25 above indicates the political awareness of the tea plantation workers. This awareness is in terms of their political participation in general, in the activities of trade union. When enquired about the membership in the trade union, all the workers

are the members of a trade union and have expressed their satisfaction over the working of these trade unions. The workers are even aware about the Child rights and child labour related laws.

#### **5.4 Conclusion**

From the foregoing pages it can be said the tea garden labourers in these tea Gardens have migrated to Tinsukia from different geographical regions like Bihar, West Bengal, Uttar Pradesh, Orissa etc(mentioned in chapter 2). The present generation expressed the view that they are the fourth generation in these tea gardens. The reason for migration was mainly due to poverty and employment as told to them by their grandparents. They had the impression that they could earn more money and use agricultural land for cultivation besides the work in the garden. The tea garden communities now constituted an ethnic, linguistic, religious and socio-cultural group. They have been separated from their natal and traditional socio-cultural settings for a long time and have no contact with their original homes. Visits to their native places are very rare.

The functional role of the family has changed as the traditional mode of production has changed to a new type of production relation in the plantation economy. Work in the plantation has changed their economic activity from self-supporting peasant cultivations to wage labourers. Thus, the family has changed from a unit of production to a unit of consumption. Traditionally, joint family was the custom but under the present situation in tea plantations, joint families are discouraged and support nuclear families.

They now send their children to schools. That is why the literacy rate is satisfactory in the age group of 6-14 years. However, most of them are illiterate, as the older people did not feel the need for education. The medium of instruction in the schools is Assamese and English. After schooling, some go to the nearby towns for higher education. After completion of their education, these people do not like to join the garden as wage earners thus disturbing the traditional family pattern of employment in tea gardens so because of this the work culture is lacking among the tea gardens. Besides agriculture, they have now taken up Pisciculture, horticulture, cash crops and rearing domesticated animals like cow, buffalo, goat, duck, pig, poultry farming etc

for livelihood. It was found that among one of the respondents, her husband was working in Singapore to support the family financially while wife along with her children were staying in the tea garden and working as the tea garden worker.

It can be said that the living conditions of living in the tea gardens compelled the labourers to give up their traditional norms and customs. A new cultural group has emerged after inter-mixing with different ethnic groups in and outside the tea Gardens. There is very little sign of original identity in the new environment. The cultural and ethnic composition of the workforce has given rise to workforce diversity. As most of the labour forces are immigrant workers, they never want to maintain their own cultural identity in the new environment and thus follow the common rituals, norms, and values at the workplace.

## Chapter 6

### Findings, Suggestions, and Conclusion

The study has focused on understanding the socio-economic conditions of tea garden workers in Darjeeling district of West Bengal and Tinsukia district of Assam. It also examined whether the provisions of the Plantation Labour Act, 1951 are being implemented in the tea gardens located in these two districts. Samples of 10 tea gardens each were selected randomly to understand the scenario in these districts. The study also looked into the prospects and problems in the tea industry, both of which are interrelated to develop the socio-economic conditions of the workers associated with the tea gardens. A change in one sector almost invariably brings about a change in another.

The study also gave an overview of the historical developments in the evolution of both tea gardens as well as the workers migration, on how these communities during the colonial period had settled in the plantation area. Setting up of the plantation necessarily involved large scale settlement of labour and as these labourers had to be migrated from outside, came to take up residence on the Garden, this created all the problems involved with the establishment of the community life in completely new surroundings. New problems to adjustment had to be faced and attention had to be directed to housing, food, education, health and sanitation. “This kind of establishment of the plantation was not basically created for the social unit but for the agglomeration for the pursuit of profit”. Further to this, Hencock report found that (survey of the British Commonwealth Affairs) attitude towards labour practices and welfare have developed and become more enlightened with changing times (National Labour Commission 1969:11). In comparison with the condition of the urban industrial workers and general agricultural workers in India in matters of working conditions, housing and medical facilities substantiates the statement. In the statement above where it has mentioned that the creation of settlement of labour is mostly for profitable pursuit rather than social unit is something pertinent to the report, where we see other enterprises established with the intention of making profit rather than forming social unit (Report of the study group of Plantation 1969:12). Plantations are not serving the country as a social unit, overlooking the most formidable welfare



enactment, its role as the largest employer of labour and the largest foreign exchange earner and a substantial contribution to the Central and State taxes through central income tax, Excise duties and Sale taxes, agricultural income taxes etc. it's probably the only industry on which a number of obligations have been imposed by the Parliament which are probably the responsibility of the State to provide. The study also tried to see from the context of their socio-economic aspects their involvement in the day-to-day activities including the plantation.

The constitution of India provides economic and political rights and privileges for all the people in the country. Despite having the constitutional support through these provisions, there have been difficulties in enhancing the working conditions and socio-economic status of the workers in the tea plantations in both Darjeeling and Tinsukia districts.

The constitutional right of the freedom of speech provides people to right to raise their voice during the times of discrimination, suppression and intimidation by the authorities. This guarantee of free speech is critical to any well-functioning democracy. It could be observed in the field where the voices of the workers were side-lined, the trade unions were the voices for the workers and speak on behalf of the workers. Still half of the main issues were not highlighted, and only those issues were raised which the union think was more important from their perspective and the workers were subjugated to speak up for their grievances.

There was a female respondent of the field study area of Assam, who has been working for more than 20 years as a casual worker *faltu*. In spite of having such a vast experience, she was not considered for the post of permanent worker, she had spoken with the Union leader several times in regard to this, but still they never considered her issue and were busy with other issues which were benefiting them from other aspects. As we see, “union” word matters in class relations because they serve as a worker's self-organisation, a vehicle for mobilising resources in class struggles in the workplace and beyond. In particular, the Union matters because they

- Offer some protection against blatant workplace despotism, that is, arbitrary and capricious actions by employers.

- Contribute to societal well-being by increasing economic equality.
- Struggle to improve the quality of working conditions and the right of workers as citizens and
- Give workers a collective voice than can foster dissent, the cornerstone of democracy.

Fernand Braudel Center has made a comprehensive measure of “Labour unrest” as an important indicator of the class conflicts, the measures of labour unrest as “all the observable resistance and reactions by human beings to being treated as a community, both as the point of production and in the labour market. It includes all consciously intended, open acts of resistance and wage work, or between the fortunes of the stock market and those of average workers are only the more obvious signs that the ‘free’ market economy heavily favours capital over work. It is seen that in most of the developing countries, labour movements are struggling to emerge in an area in which capital has penetrated. The battle for basic human rights in general and workers’ rights in particular are the general phenomenon in this situation. He says that these rights can be achieved in one or two ways, either through orderly global politics that enlist the power and authority of the core nation’s states or through the road that takes decades of bloody conflicts.

Chapter two of the dissertation discussed the history of the tea plantations and the migration of the workers. It observed that the history of tea plantations, and the migration of the workers are different in the districts of Darjeeling and Tinsukia. In Darjeeling, the workers were the ‘one who came along with the land’. If a person of Nepali descent settled in India before the adoption of the 1950 Indian Constitution, that person was declared a natural citizen. The treaty of Peace and Friendship of July 31, 1950 between India and Nepal grants citizens of Nepal and India the same rights in each other country. The treaty allows free movement of people and goods between the two nations and a close relationship and collaboration in the matter of defence and foreign policy. Still there is the issue regarding the identity crisis and a demand for a separate state for recognition has made the plantation workers in Darjeeling insecure of their identity. During the field work it was found that this insecurity of identity, has

played an important role in an inactive political solution to the problems faced by the workers as the political attention is largely on the identity issue of the whole region. In Tinsukia district, the migrants were largely brought by the British planters from other regions of the country. Though these workers have been living in the gardens for generations, the identity issue is still a major problem for them. The terms 'tea tribes' has undermined their political identity; the workers were neither included in the local communities nor treated as belonging to the Tribal communities.

Chapter three discusses about the Plantation Act of 1951, whether or not the workers get all the facilities according to the Act, however there were many tea companies which were not following certain sections of the Act. This can facilitate a kind of exploitation of the workers and their family members as they depended upon the Act and the company for their existence.

According to the Plantation Labour Act of 1951 an adult is a person who has completed eighteen years of age and an adolescent is a person who has completed the fifteenth year of age. Under this Act no adult can work on any plantation more than fifty-four hours a week and no adolescent can work for more than forty hours a week. The tea factories are however governed by the provisions of the Factories Act of 1948, under which adults, adolescents have been defined in the same manner as in the Plantation Labour Act of 1951, but the hours of the work for which the workers can be employed in the tea factories under the Factories Act are less than those prescribed in the adult workers hours of 48hours in a week. As seen in the field there were no workers below the age of 18, all were above of that, which means they follow the age group factor. Regarding the hours of work in some factories the workers were working more than fifty-four hours in a week, which was against the Plantation Labour Act of 1951. There has always been a difference in wages among the factory workers and the field workers. In Assam, the system of payment is with the daily wage rate and plucking tasks vary from garden to garden.

In West Bengal the system of payment in Terai and *Dooars* is different as compared with Darjeeling. In Terai and *Dooars* a task is fixed for earning 'hazri (daily wage) and dearness allowance on it. The extra work (*doubli*) performed is paid according to

the rate per kg and dearness allowance for the *doubli* or extra work. In Darjeeling there were no complications of *hazri* and *doubli* as the workers are paid the minimum wage on the completion of a given task and for extra work they get paid according to the rate, as it varies from garden to garden.

The Plantation Labour Act requires the plantation to which the Act is applicable to provide housing for the workers residing on the Garden according to the prescribed standard, free medical aid, sickness and maternity leave benefits, weather protectives such as umbrella, water boots, blankets etc, education facilities, recreational facilities, creche, canteen etc. Under the provision of the Act the workers get annual leave with pay, at the rate of one day for every twenty days of work. Along with this they get seven -eight days of leave for festival holidays along with the wage. Under Employees' Provident Fund Act of 1952 where the plantation workers are entitled to get benefits of provident fund are paid at a different scale in different states, where the rate was 8 percent in West Bengal, 6.5 percent in Assam, 8.5 percent in Tamilnadu and 8 percent in Kerala. However, the workers in the selected tea gardens for the field survey were not happy with the provident fund and wanted an increase in it. They get the annual bonus under the Bonus Act, under the present 20 percent, but most of the factories are not giving the actual percentage of bonus to the workers as observed during the field work. The Gratuity was never on time as was the complaint from the workers side as they have to wait for it for too long, they complained that they were doing the duty on time but when it comes to get their rights, they are never treated that way.

Beside the general question of adequacy of wage in the tea plantation, the workers raged their thoughts on account of increase in their cost of living as the wage has gone down. They considered the existing wage is inadequate in the current living standard and lower than the prevailing rate of wage in other industries such as cotton, textiles etc. compared to them their wage was too low. They demanded for a minimum wage where a male worker can manage to look after himself along with him, his wife and children. These were the arguments and an outrage from the worker's side.

Though the study did not adopt a comparative method to compare the socio-economic conditions of tea garden workers in Darjeeling and Tinsukia districts located in West Bengal and Assam respectively, certain obvious comparisons based on the field as well as interview observations appear. Based on the data and findings discussed in chapter four and chapter five following similarities and dissimilarities and findings could be made.

#### Demography and general information

1. The Tinsukia district lies in a lower elevation as compared to Darjeeling, Tinsukia gardens are famous for the CTC (cut, tear and curl) mostly where as Darjeeling gardens are famous for the orthodox authentic Darjeeling tea. Darjeeling tea is marketed with a special logo which has a special recognition of Geographical indication, where the Tea board gives license to the factory which falls under the Darjeeling zone. It is difficult to avail the registration for the small tea growers. In Assam there were no such tough process for the small tea growers and there was no such Geographical indication, but as per the historical background, Assam tea has enshrined with its taste and name worldwide.
2. Male workers were dominant in Tinsukia district, have the major role in factory work. The women were only seen in the field as pluckers in majority, they only indulge in factory work during the off season when there are no leaves to be plucked, i.e. during the month of December, January and February, even in the field they indulge in pruning, planting, cutting etc. In Darjeeling district, the things were opposite, the females were seen as the dominant to male counterparts, they were seen actively participating in both fields and as well as in the factories, there were females working as clerks whereas this was not visible in Tinsukia. Darjeeling district workers were active participants in any of the meetings organised by the trade union, and have supported the state agitation where there was a demand for separate statehood.

One similarity was “the tribal status” both had a different motive but the aim was to get the tribal status. The workers of Tinsukia districts and other districts of Assam have been demanding for the tribal status, as the tea plantation workers were under the ‘tea tribe’ status under the state list, but fall under OBC category in the central list. Though the state government has listed the tea garden workers in the category of ‘tea tribe’, but in real sense workers were not assured of what kind of status is this, as they were not getting any caste reserved facilities, there were provided with whatever they get through the tea garden (company). When questions were raised whether they belong to scheduled tribes or scheduled caste, there was confusion in them, as they had never heard of it. There was an agitation and protest from youth of different regions of Silchar district regarding give tribal status to the tea tribes back in 2007 but their voices were suppressed. However, here the workers were unaware of such issues.

The scarcity of labour was the reason for the migration of labours from other regions during the colonial period in Assam. The backward and the tribal Hindus from central and eastern India were recruited by the planters to employ as the indentured labour in the region. Whereas in Darjeeling, the plantation workers belong to various religious backgrounds and different social communities.

3. In Darjeeling the plantation workers are active in political agitations. Ethnic and caste organisations became increasingly powerful, and these ethnic organisations began agitating for the Schedule Tribe status. Late Subhash Ghising , founder of the Gorkha National Liberation Front was the supporter of the Sixth Schedule to include various ethnic groups in Darjeeling, including various Nepali communities such as Tamang, Gurung, Rai, Sherpa etc under the sixth schedule of the Indian Constitution, which grants the status of Schedule Tribe to the whole region and all the ethnic communities would be treated as STs. However, the agitation failed and in 2007 a renewed statehood demand under the leadership of Bimal Gurung began. This movement resulted in gaining Gorkha Territorial Administration, an arrangement of autonomous administrative unit for the Darjeeling Hills, which includes Darjeeling district and Kalimpong district. Again in 2014 and 2017 similar agitation demanding

statehood followed and in 2017, there was a strike of 104 days, where the tea garden workers were at huge loss as they went on strike and they didn't get any wage as they were not there for the work. This resulted in severe decline of the economic status of the tea garden workers in Darjeeling hills.

4. In Tinsukia district the workers, living and working at present were the fourth or fifth generation workers and belonged to the different regions with different cultures, caste, class and languages. They are born with different cultures and lack of a common identity was found. As a common linguistic identity has been absent, as they spoke in the language that is spoken by the majority, the children were learning Assamese in their government schools. During the field survey, it was found that the workers in these plantations, though they speak their own language and more importantly Assamese, but with a mixed word of other languages. Whereas in Darjeeling this linguistic identity is not an issue as Nepali has been the language spoken by the inhabitants of the hill and surrounding areas including plains.
5. In both the districts the managerial cadre were the people from outside, no one got that post from within the factory members or from the same communities which they belong. When enquired about the same, the management said that if the managerial post is given from the same community, there may be a biased attitude towards the workers affecting the efficiency at the production level.
6. It also can be observed from the field work in the tea gardens of Darjeeling district, the workers can indulge in farming apart from plantation work, or in the free timing they would cultivate crops and green vegetables and even sell in the market during off days. This way they were finding a source of income to sustain their family. Apart from that poultry farming, animal husbandry is to be found common activities. The same could be found in Tinsukia, but less in comparison to Darjeeling district.
7. It was found in the tea gardens of the Tinsukia district, many male members or workers indulge in drinking local rice beer (hariya) once when they are over

with the plantation work. Alcohol consumption has been found on frequent basis which would have affects on the health conditions of the workers in a longer time. These health issues would have been a main cause for not finding elderly work force in the tea gardens of Tinsukia district, particularly in the selected households for the survey. These trends are not found in Darjeeling tea gardens.

8. The Plantation Labour Act, 1951 stipulates a number of guidelines for the workers working and living conditions. One of the main important features was providing basic education to the garden children through primary education. During the survey it was found that there exists primary schools in all the tea gardens in both Darjeeling and Tinsukia districts. It was also found that it is the first-generation school going kids attending the classes, though the school facilities were there earlier, the workers did not use the same in the those times, there was a frequent dropout, but the same trend is found to be changing as per the changing times.
9. The education system should be encouraged and ensured that all the children avail the school facilities provided by the garden authority. In the earlier times the lack of education has been the reason for the low-income levels to the family.
10. Regarding the education facility, the authority has provided the primary school level of education to the plantation workers' children. In every tea garden there is a school provided and there are buses available to the students and college going students of the plantation workers in the gardens of Tinsukia district. The tea board provided schemes for education purposes where the plantation workers would apply for scholarships to their children for education. Whereas in Darjeeling there was a lack of proper school facilities provided by the authorities and mostly the workers had to send their children to private schools for education and there was no help from the authorities to avail those Tea Board education schemes.



11. In the tea gardens of both the districts, holidays and leaves are the same as mentioned in the Plantation Labour Act 195, however there is a difference in their annual bonus where the Tinsukia district workers were getting 20% of their total wage where as in Darjeeling there is a controversial regarding tis 15% or 18% only. The same can be found in the pension and provident fund paid to the workers. In the bonus payments also there exist differences.
12. Regarding the housing facilities, the Tinsukia district workers have been getting better facilities than the workers in Darjeeling district. Tinsukia tea gardens provided spacious houses to the workers along with their family members. The repairs are taken care by the garden authorities on information through the workers union. In tea gardens in Darjeeling district, though the garden authorities provided the accommodation, its maintenance and repairs have to be done by the workers themselves. These houses are passed to the workers from one generation to another generation. In the process, they had repaired or constructed their own houses. There were few workers who had availed assistance from the garden authorities, but it is on case-by-case basis. Some workers received benefits from the State Government's various development boards. Workers union has a very limited role in it.
13. In Tinsukia the workers were getting all the drinking water facilities provided by the companies, hand pumps were there in all the housing residential areas and in few gardens the workers were also provided with the water filter as there is a huge contains of iron in the water. Whereas in Darjeeling the scenario was the opposite as there was huge water crisis in few of the tea gardens where they had to carry water from far off places. There were no such facilities provided to the workers.
14. In regard to the toilet facilities again in both the areas there were more or less the same figures can be seen in case of *Kutchha* or *Pucca* toilets. Toilets were built by the companies in Tinsukia, as compared to that in Darjeeling the majority of the toilets were built by the workers themselves. Regarding hygiene, the Darjeeling workers were well maintained with cleanliness. But in

comparison there was health, hygiene awareness provided to the workers of Tinsukia gardens, from time to time, whereas these kinds of awareness programmes were less seen in Darjeeling district tea gardens.

15. Electricity facilities were there in both the districts and provided by the companies. The electricity charges were to be paid by the workers themselves in both the districts. But in rare cases there were few gardens in Tinsukia where these charges were subsidised, half of the amount was paid by the worker and the remaining was endorsed by the garden authority.
16. The firewood is provided by companies to their workers, but as there is scarcity of firewood, the workers are provided with the cash to buy firewood, in both the districts.
17. The workers of Tinsukia district gardens were not availing the facility of Pradhan Mantri Ujjwal yojana, and few were still using firewood or biomass in their cooking account. Some of the respondents had submitted the paper formalities to avail the Pradhan Mantri Ujjwal yojana. In a few gardens the company had helped their workers to avail this facility; they took the initiative to fulfill all their required procedures to be the beneficiaries of the scheme. This was something really positive to be seen from the company side towards the gesture to their workers. Whereas, this was not seen with the workers of the Darjeeling district, they were availing this facility by themselves, no help or assistance from the management, and some workers still depend upon the firewood.
18. Workers from both the districts were availing the Public Distribution System facilities where sugar, wheat and rice were available. As per the department of Food, Civil Supplies & Consumer Affairs, Government of Assam a family member is eligible for 5kg per month but the respondents claimed they were getting only 2 kg per month at rupees 3 per kg. They also get kerosene oil on a rare basis.

19. In the Tinsukia district gardens, the workers as well as the dependents (children till the age of 18) are provided the PDS facility, whereas in Darjeeling district tea gardens the dependents are not given the food supplies from the tea garden authorities. The workers have to pay for the extra food grains.
20. The minimum wage in all the studied tea gardens in Darjeeling and Tinsukia districts is the same where they get Rs 176 as daily wage which is paid in every 14 days.
21. Management workers proximity is higher in Tinsukia than Darjeeling as the management is approachable to listen to recurring grievances of the workers as respondents expressed. In Darjeeling district, the workers access to the management to express their grievances is rare.
22. A 55-year-old female respondent from a tea garden in Darjeeling district, explained

*“My husband was very sick and wasn't able to go to work, he was completely unable to move. I wanted to take him to Siliguri for a proper check-up and was in need of financial assistance. I approached the manager several times but he denied and did not give an ear to my words, because of this negligence I lost my husband. Later the manager was saying “why didn't you tell me regarding this”.*

She said with sobbing with tearful eyes 'like this there were several other grievances regarding the medical facilities from different respondents. But the case as said above was totally different in Tinsukia, ambulance was available in most of the tea gardens only for the workers for any time in a day and for a whole week. So, the medical facilities, the workers of the Tinsukia district have better medical facilities, ambulance were seen in each and every garden that was served, the nurse and the doctors were available and few of the doctors and nurses were staying there as resident staff, medicines were available in the dispensaries and money were refunded if bills were submitted. Whereas in Darjeeling district the workers were getting medical facilities

and ambulances were not available in few of the gardens, the workers were half paid if they were absent because of health issues, plus the doctor visited the garden just once a week.

23. Regarding the maternity benefits of the workers of the Tinsukia district, the Assam Government has declared in September 2018, that the permanent female workers will be given a leave of six months, transport facilities, and a cash of Rupees 12000. Whereas the Darjeeling workers were not availing these facilities, they were getting leave facilities for six months without paid leaves.

One of the respondents a female age 32 years from one of the field visit gardens of Tinsukia claimed that “

*“I am very happy with this new scheme ‘Wage compensation Scheme for Pregnant Women of the Tea Garden Areas of Assam’ where I’ll be getting all the benefit of pregnancy scheme and along with that paid with leaves and extra 20000, so it will be a tension free even after my post pregnancy, thanks to the present government who is thinking of us”*

She was in her two months of pregnancy. There was a kind of spark among the female as well as the male respondents with the launching of this particular scheme. This scheme was launched during the particular field survey time of the research.

24. There were recreational facilities actively provided to the workers, and had witnessed a few of the sports events during the field survey, whereas these facilities were not much available in Darjeeling District as by the garden authority.

During the survey there was a football match which was organised by one of the tea gardens in Tinsukia district, to give workers encouragement, refreshment from their daily routine. The male players were playing with full spirit and for their encouragement and teamwork, trophy for the winner and consolation prize were kept. The large audience were mostly the female workers as well as the family members of

the tea garden along with the staff and managers were present. One of the players explained

*“ how such kind of events keeps us motivated and encourages to work as a team, such kind of events are kept on daily basis to keep for us, and provides us opportunity to participate and show this sportsman spirit intact in us ”*

There was a kind of happiness seen in the face of the players. This kind of recreational programme was mostly witnessed in almost all the tea gardens of Tinsukia.

25. Monsoon and winter benefit the same in both the districts where they get umbrellas, raincoats (in few gardens), monsoon boots in Darjeeling and normal slippers in Tinsukia gardens, blankets are provided during the winters. But for casual workers these facilities are available only after every alternative year.

These were the findings from both the districts during the survey, there is a huge gap seen in the Plantation Labour Act of 1951, the managers (Tinsukia) had a complain that the workers have no work culture as there is high absenteeism of workers the very next day when they get their wage, or they are absent for a few days too. This hampers the production level which is not good for the factory. There was a similar complaint from the Darjeeling gardens as there was lack of work culture. After all, it's a business where there is a “give and take policy” which one of the Managers of the garden stated as they provide their service and in return get the monetary allowance as their wage, whatever was given in return it's their duty to fulfil their demand.

26. In the tea gardens the women were mostly engaged in plucking, pruning and picketing, whereas the male was engaged in other work like weathering. The women are very professional in the plucking and that plucking can be done by the male counterpart. The women have outnumbered many men workers. So there always has been an increase in women workers as the plucking requires a lot of labour-intensive force.

27. Working condition of Women labour in tea gardens is often analysed with phenomena those divide the working life-world into two spheres of activities, production and reproduction, productive aspect related with wage labour, while reproductive deals with cultural aspect that is the natural aspects of women for their existence.
28. As the women equally works with the male counterpart, the plantation women workers consider their work as part of their life though economic motivation is central to their work and it determine their status. Their income was contributed for the family expenditure. It was seen that their economic motivation as the result of obligation toward their family and other dependents. It was noticeable that in the plantation the female equally shares the same amount of prestige as much that of their male counterparts. On observation, Women workers other than the tea garden sectors are found to face much of hardship in both home and in the workplace. In tea plantation, they have work scheduled which matches and adjusted with their domestic duties. These adjustments are there mainly because both working and residential are in the same area. This can also be seen as the long-term, socio-economic survival is a product of worker's collective strategies. Husband and wife both are engaged in the plantation for the livelihood survival.
29. In the managerial category there was hardly a woman manager seen in for this post, it was only the male who were as courageous to take this post and as there was a generalisation that managerial post was mainly for the masculine figure so the women were not fitted into this category. In 2018 there was a drastic change in this discourse and where women as managerial staff post was no more subjugated, for the first time in the history of plantation, since the colonial time after the set up the tea plantation for two centuries since the 1830's , a lady was appointed as the manager name Manju Baruah, age 43 under Apeejay Tea's Hilika Tea Garden in Dibrugarh district, it was the "*bade sahib*" who have been heading the tea garden but now there is the "*bade madam*" these were the reaction of the workers who had never seen a woman

handling this post, this even gave encouragement and inspiration to the other woman.

30. Findings of the study show that the socio-cultural norms of tea plantation worker communities allow women to participate in the family decision-making process. According to respondents when enquired most family decisions were made jointly by both husband and wife. The family economy is managed by the women workers in some instances. Few men workers opined that their wives are contributing to the family equally although sometimes the wife earns more than her husband, regarding the education of their children, they both are equally indulgent with the articulation of the decision.
31. There are four categories of plantation labourers those who work on a full-time basis and on a permanent basis (Resident labourers); those who work full time and on a permanent basis but non-resident outside labourers; those who work full time but on a temporary basis; seasonal labour (casual). It is interesting to note that there is a high demand for seasonal labourers during the tea leaf plucking seasons during autumn and winter. This way they were categorised.
32. Scarcity of water was a matter of great concern, as they had to travel far from places to collect the drinking water. There were few tea gardens where scarcity of water was not the issue, but the majority tea garden was seen facing the water crisis issue. Housing facilities were also not provided to most of the workers in the given study area and proper toilet facility was also lacking. Medical assurance was only present in the PLA but in practice it was missing, there was no ambulance facility given in most of the tea garden and there was one tea garden where the ambulances were burnt out during the ethnic separate Gorkhaland Movement agitation of 2017.

### **Suggestions**

1. As there were medical facilities, it was observed that especially in Tinsukia, the workers still prefer the traditional method of treatment, which could lead

to other complications. Despite providing such huge facilities they did still not trust new technology as traditional medicine gives them psychological satisfaction. So, it's nevertheless not always to blame the government policies or the scheme, even the people to be blamed.

2. There are still some gardens where workers prefer home deliveries of babies in a familiar environment with trained midwives, and skip those hospital admissions, but these are something risky in today's scenario and can turn out to be unsafe, these should be looked into and proper counselling should be given to the workers from time to time.
3. There were houses in resident areas where cowsheds are just close by and this could cause great health issues at its unhygienic for the health system. The authorities should look into this and arrange health awareness programmes from time to time.
4. Even the young girls should be given awareness programmes regarding all health issues and about their menstruation cycle issues as well as awareness regarding AIDS, HIVS as they can be aware of these issues rising in the society and regarding different issues related to health.
5. In an initiative to boost the tea industry, the Government of India should propose to introduce many innovative schemes in the near future. Seeing the situation, the governments in both the states of West Bengal and Assam should be committed to revive the sick tea gardens, particularly, through workers cooperatives, trusts, societies and women's self-help groups
6. Although the tea plantation industry has taken several steps for its revival, such as enhancement of productivity, improvement in quality, and cost competitiveness, a campaign for promotion in the domestic market and lots more, the government has to give the tea industry more space within which it can shape its future. If this does not happen quickly the Indian tea industry will be sinking permanently into a morass of problems and lose its firm hold in the world market. Therefore, suitable strategies and a proper agenda are very



essential to boost up the industry once again to its erstwhile paramount position. There is no alternative as tea industry has got its recognition and fame globally.

7. There should be an alternative way to find ways to amend the Plantation Labour Act of 1951 or scrap the Act. As per the Act the daily wage is too low and this wage should come under the Minimum Wage Act of 1948. So that the plantation workers come under this Act.
8. The workers should get the property right called the “*prajapatta*” or some alternatives to them so that they feel secure about their staying in the company property so the assurance should be given as its kinship chain they are following and it's been many generations that have been staying., this might help them to work more in a secured manner. The governments should look into such issues. The people of the plantations like to talk about their houses where they want to die peacefully, the plantation is something their children will inherit along with the job, so they are very emotional when it comes to the plantation.
9. Most of the tea workers in these regions are Adivasis, the” tea tribes” and other tribal communities; there should be extended welfare schemes and statutory benefits available for scheduled castes and scheduled tribes. The government should look into this issue.
10. The trade union should also play an active role to be the voices of the plantation workers, as they their voices, should come up with the pertaining issues the workers are facing and come up with a meeting with the workers to know what their problems are, because what was seen in the field was different, there were many workers whose voice was unheard.
11. To provide food relief the Public Distribution System (PDS) should be activated and strengthened. Moreover, the government should distribute food grains fresh and of good quality available at the Food Corporation of India (FCI) at concessional rates to the starving workers. Since the health system in

tea Gardens has completely collapsed, it is necessary to arrange weekly visits by specialist doctors to the tea plantations.

12. Regarding drinking water facilities, the Government should look into those issues and check whether they are getting purified drinking facilities in the garden areas. In Tinsukia there is a huge container of iron in water which is not good for your health. The government should look into these issues.
13. As there is a fair trade in the plantation, they are the meaningful force but the money that's the profit which should be given to the workers through various means, the government should talk with the company authority and look into such issues and make sure that the workers are getting this profit on their share.
14. Policy makers should look into the education and health sectors of the plantations as plantations lack some of these basic facilities. Many of the gardens do not have ambulances, doctors and other staff.
15. This is something which was observed during the study of tea plantation, though India is the largest producer of tea globally but still till date it has not got its Sanskrit name for it.
16. The plantations under the PLA are duty bound to provide basic facilities to the workers. In case of failure on the part of the employers, the Central and State Governments should initiate a process of penalising the defaulting employers. Some of these tea Gardens could be taken over by the State Government Tea Development Corporation and restored to working condition.
17. There is no alternative but for the central and state governments, the Tea Board of India, tea producers, research associations, workers, trade unions and local communities to work together to achieve common goals. Tea industry makes a significant contribution to the economy and the local communities such cooperation can only be in the interest of the country. A cohesive and long-term approach should be adopted so that the Indian tea industry once

more reaches the heights it enjoyed as a world leader in tea, quantitatively, qualitatively, and in terms of competitiveness.

In a world where ecological degradation is reaching alarming proportions and the management of the environment is now a primary concern of the policy makers around the world, the Tea Industry provides a non-polluting atmosphere through miles and miles of lush green plantations. A thorough study of the tea Gardens of these regions reveals that gardens are located in remote, rural and underdeveloped areas away from the glamour of the city lights. The places where these gardens are situated tea cultivation and manufacturing is the only activity that supports the economy of these areas. Many developmental programmes and strategies have been introduced in the area since independence, for the development of tea production and the socio-economic condition of the labourers. In the course of study various problems and their origin have been identified and the problems have been categorized on the basis of their origin and extent of effectiveness. The strategies to overcome these problems have their own identity and they should be tackled individually. In the formulation of strategies both tea plantation and the people have been considered as both are integral parts of the development process.

In the study there are two types of integration. The problems and prospects of the tea industry both of which are co-related-to develop the socio-economic conditions of the people associated with the tea industry. A change in one sector almost invariably brings about a change in another. The study has covered all aspects of problems related to the tea industry and has formulated suggestions for development of not only the tea gardens and tea industry but also for the people associated with this industry. Thus, installing different functions and opening new activities, each part of the study area can be developed. In this way when all the proposed planning, functions and services will start operating the study area will be a model for the development of tea industry. This study will help the tea organisation and tea producers. It will also help the tea gardens to develop by overcoming the problems faced due to various reasons. This study looked into the deep disconnection between global and national justice, which is recognised worldwide is not valued in one's own homeland where justice is not adequate, a farm which is an ethnic homeland which is approved as global

consumption, but the workers are slightly aware that for justice to prevail the plantation market is not going anywhere.

The focus of the study was to examine the changing role of the workers in the tea plantation with the change of time. How their communities during the colonial period had settled in the plantation area. The basic objective of the study was to see from the context of their socio-economic aspect of these communities and their involvement in the day-to-day activities including the plantation. It also focused on the changing role and status of the workers in the tea industry after their migration from a poor rural agricultural background.

“Through this dread shape the suffering ages look  
Time's tragedy is in the aching stoop;  
Through this dread shape humanity betrayed,  
Plundered, profaned, and disinherited,  
Cries protest to the Powers that made the world.  
A protest that is also a prophecy.” (Man with the hoe: Edwin Markham)

This poem talks about how humans should be treated. According to Marx, the most fundamental thing that must be fulfilled by humans to continue life is survival. For example, by working with people who need workers to help them reach their well-being. It becomes a social phenomenon where human beings are needed and depend on each other. In this poem ‘The Man’ represents many people who still suffer from exploitation.

This poem is here to represent the tea workers of Darjeeling, despite their hardship and determination, they get the least result or reward, live in adversity with low wage and apart from that, most of the provision of the Plantation Labour Act in 1951, are not followed or implemented in Darjeeling district tea gardens selected for the study, which contrasts with Tinsukia district tea gardens. It is also observed during the field work that Tinsukia Tea gardens are in better position.

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## APPENDIX I

### Questionnaire

[Respondents may kindly note that the information provided in the schedule will be treated with utmost confidentiality and in no way the personal information of the respondents will be revealed. The purpose of this study is to know about the socio-economic conditions of tea garden workers in general only and not a study on a particular tea garden. Your cooperation will be highly solicited]

#### Section 1: Demographic and general information

Tea garden:

GPU/Locality: \_\_\_\_\_ District: \_\_\_\_\_ State: \_\_\_\_\_

1) Name: \_\_\_\_\_ Age: \_\_\_\_\_

2) Gender: Female [ ] Male [ ]

3) Religion: Hindu [ ] Muslim [ ] Christian [ ] Budhist [ ] Others [ ]

Category: GEN [ ] OBC [ ] SC [ ] ST [ ]

4) Number of family members:

Children (below 14)		Children (14-18)		Age group 18-58		Age group- 58 and above	
Male	Female	Male	Female	Male	Female	Male	Female
<b>Total</b>							

4. a) Number of dependents in the family 2 [ ] 3 [ ] 4 [ ] 5 [ ] 6 [ ] more [ ]

5. Residing since (Year) 5 years [ ] 6 to 8 years [ ] 9 to 10 years [ ] more [ ]

#### Section 2: Housing facilities and living condition

6) What type of house you live in?

Pucca [ ] Kutcha [ ] Others [ ]

7. Types of ownership. Own [ ] Tenant [ ] Others [ ]

8) The house is provided by tea estate authority?: (a) Yes [ ] (b) No [ ]

9) Is allotted house sufficient for your family? (a) Yes [ ] (b) No [ ]

- 10) What is the source of your drinking water?  
 a) Hand Tube well [ ] b) Spring water [ ]  
 c) Government supplied [ ] d) Surface well [ ] e) Other [ ]
- 11) Do you have any toilet in your dwelling? (a) Yes [ ] (b) No [ ]  
 11 a) If yes, Structure of toilet is  
 (a) sanitary [ ] (b) kutcha [ ] (c) open [ ] (d) other [ ]
- 12) Does garden authority provide any assistance for setting up a sanitary latrine?  
 (a) Yes [ ] (b) No [ ]
- 13) Do you have access to electricity at your home? (a) Yes [ ] (b) No [ ]
13. a) If yes, who pay for this bill?  
 a) Tea garden authority [ ] b) Self [ ]  
 c) Subsidy by garden authority [ ] d) Government subsidy [ ]
- 14) What are the electric items do you have in your household? (Please tick)  
 a) Television [ ] b) Fridge [ ] c) Electric stove [ ] d) Fan [ ]  
 e) Water boiler [ ] f) Mobile phone [ ] g) Rice cooker [ ] h) Music system [ ]
- 15). Does the garden authority supply fuel/allowance for cooking?  
 (a) Yes [ ] (b) No [ ]
- 16) What type of fuel do you use for cooking?  
 a) Gas [ ] b) Kerosene oil [ ] c) Firewood [ ] d) Charcoal [ ]  
 e) Others [ ]
- 17) Are you covered under the Public Distribution System (PDS)?  
 (a) Yes [ ] (b) No [ ]
- 17 a) If Yes, what are the items do you get through PDS  
 a) Kerosene [ ] b) Wheat [ ] c) Rice [ ] d) Sugar [ ]  
 e) Others [ ] (describe).....
- 18). Does the garden authority supply any food items?  
 (a) Yes [ ] (b) No [ ]
- 18 a.) if Yes, what are the items? Please describe\_\_\_\_\_

19) Your ration per month:

Item	Quantity (Kg/ Ltr)

20) Does your dependants also get ration? (a) Yes [      ] (b) No [      ]

21) Do you have safe drinking water facility in your locality?

(a) Yes [      ]      (b)No [      ]

If Yes, who provided you that facility?

a) Tea garden authority [      ]      b) Government [      ]      c) Private [      ]

### Section 3: Literacy and Education

22. Educational qualifications of the household members

Educational qualifications of the family members	No of Adults (above 18 years)			No of Children (below 18 years)		
	Male	Female	Total	Male	Female	Total
No education						
Primary (upto 4 <sup>th</sup> class)						
Secondary (5-10 class)						
Higher Secondary (11-12 class)						
Graduation						
Post Graduation						
Above						

23) Is there any school inside the garden?      (a) Yes [      ]      (b) No [      ]

a) If yes...Primary [      ] Secondary [      ] Higher Secondary [      ]

b) What kind of school/s is it? Government [      ] Private [      ] Tea garden [      ]

c) If no, why and where does (any of) your family members attend the school?

24) Distance between home and nearest school (in km)

25) Your children go to school: a) Regularly [ ] b) Irregularly

25 a) If Irregular in school, why?

a) Far from home [ ] b) Not able to bear expenses/transport cost [ ]

c) Does work rather going to school [ ] d) Others [ ]

26) Who bear the educational expenses of your children?

(a) Garden authority [ ] (b) Yourself [ ]

(c) Government/NGO [ ]

#### **Section 4: Wage, income and expenditure**

27) How many months/years have you been working in this tea estate?

(a) 0-1 years [ ] (b) 1-2 years [ ]

(c) 3-4 years [ ] (d) above 4 years [ ]

28) Nature of your job in this garden:

(a) Permanent [ ] (b) Contractual [ ]

(c) Temporary [ ] (d) Daily wage [ ]

29) Are you a:

(a) Skilled worker [ ] (b) semi skilled [ ] (c) technical worker [ ]

(d) Un-skilled worker [ ]

30) What is your minimum wage per day? \_\_\_\_\_

31) What is your working hour?

(a) 5-6 hours [ ] (b) 7-8 hours [ ] (c) 9-10 hours [ ]

(d) Above 10 hours [ ]

32) Payment of salary/wage? (a) Regular [ ] (b) Irregular [ ]

33) Overtime (a) Compulsory [ ] (b) Optional [ ]

34) How many Kg's of tea leaf you do pluck in a day?

Less than 5 kg [ ] 5-6 kg [ ] 7-8 kg [ ] 8- 10 kg [ ] more [ ]

35) How many days you work in a week?

(a) less than 5 days [ ] (b) 5 days [ ] (c) 6 days [ ] (d) 7 days [ ]

[36) How many members of your family are engaged in tea garden activity?

2 [ ] 3 [ ] 4 [ ] 5 [ ]

37) What is your monthly average income (per family)? (in Rupees)

a) 1500-2000 [ ]

- b) 2100-2500 [     ]
- c) 2600-3000 [     ]
- d) 3100-3500 [     ]
- e) 3500-4000 [     ]
- f) 4100 and above [     ]

38) What are your major parts of expenditure?

- a) Food [     ]                      b) Clothes [     ]    c) Education of children [     ]
- d) Medical treatment [     ]        e) All of above [     ] f) Other (please describe)

39) Who pay for your drink?

- (a) Tea garden authority [     ] (b) from your own income [     ]

40) Does your authority provide any festival allowances? (a) Yes [     ] (b) No [     ]

41) Sick leave and maternity leave is available with pay?

- (a) Yes [     ]                      (b) No [     ]

42) Is there any provision of pension?

- (a) Yes [     ]                      (b) No [     ]

42 a). If Yes, is it sufficient to sustain the family needs?

- (a) Yes [     ]                      (b) No [     ]

### **Section 5: Medical and recreation facilities**

43) What are the diseases you commonly suffered from? \_\_\_\_\_

44) Where from you get health services?

- (a) Garden hospital/ Doctor [     ] (b) Garden dispensary [     ] (c) Crèche [     ]
- (d) Government hospital [     ] (e) Labour welfare centre [     ] (f) Private clinic [     ]

45) Who pays for your treatment/cost of medicine?

- (a) Tea estate authority [     ] (b) Yourself [     ] (c) Labour welfare centre [     ]

46) Who bear for transport cost if you need to go for government or private hospital?

- (a) Your company [     ] (b) Yourself [     ]

47) Does company give any assistance for going health complex/hospital?

- (a) Helping attendant [     ] (b) Cash [     ] (c) Both [     ]

48) Do you have health/ insurance card? (a) Yes [     ] (b) No [     ]

If yes, describe.....

49) Is there any pharmacy inside the garden? (a) Yes [     ] (b) No [     ]

50) Do you get free medicine? (a) Yes [     ] (b) No [     ]

51) Do you get the health insurance benefits? (a) Yes [     ] (b) No [     ]

52) Do you have any labour welfare centre in the garden area? (a) Yes [ ]  
(b) No [ ]

53) What kinds of facilities are provided by the labour welfare centre?

a) Health and medical services [ ] b) Free medicine [ ] c) Legal support [ ]  
d) Family planning and maternity services [ ] (e) All of above [ ]

54) Do your children get EPI facilities/vaccination? (a) Yes [ ] (b) No [ ]

55) Is there any recreation facility for your children? (a) Yes [ ] (b) No [ ]

56) What kinds of recreation facilities are given?

Sports: Cricket [ ] Stadium [ ] Jersey for cricket [ ]

Tournaments [ ] Team [ ] kits [ ]

Foot ball [ ] Stadium [ ] Jersey for cricket [ ]

Tournaments [ ] Team [ ] kits [ ]

Festivals: Cultural programmes [ ] competitions [ ] allowances/ bonus [ ]

Drinks [ ] holidays [ ] celebrations [ ]

57) Do you use any mobile phone/radio/television? (a) Yes [ ] (b) No [ ]

58) Do you get after PF benefits? (a) Yes [ ] (b) No [ ]

59) Are any Monsoon facilities provided?

(a) Umbrella [ ] (b) Rain Boot [ ] (c) Raincoat [ ]

(e) No [ ] (f) Others (describe).....

### **Section 6: Awareness of the legal rights**

60) Are you aware of any kind of economic rights? (a) Yes [ ] (b) No [ ]

61) Do you know about the Plantation Labour Act? (a) Yes [ ] (b) No [ ]

62) Whether you participate in trade union activities? (a) Yes [ ] (b) No [ ]

63) Are you satisfied with the trade union work? (a) Yes [ ] (b) No [ ]

64) Are you the member of the trade union? (a) Yes [ ] (b) No [ ]

65) Do you know about child labour? (a) Yes [ ] (b) No [ ]

**APPENDIX II**  
**Plantations Labour Act, 1951**  
**[Act No. 69 of 1951 as amended by Acts Nos. 42 of 1953, 34 of 1960,**  
**53 of 1961, 58 of 1981 and 61 of 1986]**

**CHAPTER I PRELIMINARY**

**1. Short title, extent, commencement and application-**

- (1) This Act may be called the Plantations Labour Act, 1951.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

<sup>1</sup>[(3) It applies to the following plantations, that is to say,-

- (a) To any land used or intended to be used for growing tea, coffee, rubber [, cinchona or cardamom]<sup>2</sup> which admeasures [5]<sup>2</sup> hectares or more and in which [fifteen]<sup>2</sup> or more persons are employed or were employed on any day of the preceding twelve months
- (b) To any land used or intended to be used for growing any other plant, which admeasures [5]<sup>2a</sup> hectares or more and in which <sup>2a</sup>[fifteen] or more persons are employed or were employed on any day of the preceding twelve months, if after obtaining the approval of the Central Government, the State Government by notification in the Official Gazette, so directs.

<sup>3</sup>[**Explanation.** --- Where any piece of land used for growing, any plant referred to in clause (a) or clause (b) of this sub-section admeasures less than 5 hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of the same employer. then, for the purposes of this subsection, the piece of land first mentioned shall be deemed to be a plantation, if the total area of both such pieces of land admeasures 5 hectares or more.]

- (5) The State Government may, by notification in the Official Gazette declare that all or any of the provisions of this Act shall apply also to any land used or intended to be used for growing any plant referred to in clause (a) or clause (b) of sub-section (4), not with standing that ---

- (a) It admeasures less than [5]<sup>2a</sup> hectares, or
- (b) The number of persons employed therein is less than [fifteen]<sup>2a</sup>:

Provided that no such declaration shall be made in respect of such land which admeasured less than [5]<sup>2a</sup> hectares or in which less than <sup>2a</sup>[fifteen] persons were

employed, immediately before the commencement of this Act.]

**1 Subs. by Act No. 34 of 1960.**

**2. Subs. by Act No. 58 of 1981 (w.e.f. 26-1-1982).**

**2a. Ibid.**

**3. Ins. by Act No. 58 of 1981 (w.e.f. 26-1-1982).**

**2. Definitions.** - In this Act, unless the context otherwise requires-

(a) "Adolescent" means a person who has completed his <sup>1a</sup>[fourteenth] year but has not completed his eighteenth year,

(b) "Adult" means a person who has completed his eighteenth year,

(c) "Child" means a person who has not completed his <sup>1a</sup>[fourteenth] year,

(d) "Day" means a period of twenty-four hours beginning at midnight;

(e) "Employer" when used in relation to a plantation, means the person who has the ultimate control over the affairs of the plantation, and where the affairs of any plantation are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person shall be deemed to be the employer in relation to that plantation;

<sup>2</sup>[(ee) "Family", when used in relation to a worker means-

(i) His or her spouse, and

(ii) The legitimate and adopted children of the worker dependent upon him or, who have not completed their eighteenth year And includes, where the worker is a male, his parents dependent upon him;]

"Inspector" means an inspector of plantations appointed under subsection (1) of Section 4 and includes an additional inspector of plantations appointed under subsection (I-A) of that section;]

<sup>4</sup>[(f) "Plantation" means any plantation to which this Act, whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools, and any other premises used for any purpose connected with such plantation, but does not include any factory on the premises to which the provisions of the Factories Act, 1948 (63 of 1948), apply]

(g) "Prescribed" means prescribed by rules under this Act,

<sup>4</sup>[(h) "Qualified medical practitioner" means a person holding a qualification granted by an authority specified or notified under Section 3 of the Indian Medical Degrees Act, 1916 (7 of 1916), or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956), and includes any person having, a certificate granted under any Provincial or State Medical Council Act;]



(i)“Wages” has the meaning assigned to it in clause (h) of Section 2 of the Minimum Wages Act, 1948 (11 of 1948)

(j)“Week” means a period of seven days beginning at midnight on Saturday night or such other night as may be fixed by the State Government in relation to plantations in any area after such consultation as may be prescribed with reference to the plantations concerned in that area

<sup>5</sup>[(k)“Worker” means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work skilled, unskilled, manual or clerical, but does not include-

(i)A medical officer employed in the plantation

(ii)Any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed [rupees seven hundred and fifty]<sup>6</sup> ;

(iii)Any person employed in the plantation primarily in a managerial capacity, notwithstanding that his monthly wages do not exceed [rupees seven hundred and fifty]<sup>6</sup> ;

(iv)Any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, or canals ;]

(l)“Young person means a person who is either a child or an adolescent the extent of permanent partial disablement is expressed in percentages of loss of earning capacity. These percentages are percentages of the compensation which would be payable in the case of permanent total disablement.

**1a Subs. by Act 61 of 1986.**

**2. Ins. by Act No. 34 of 1960.**

**3. Ins. by Act No. 58 of 1981 (w.e.f. 26-1-1982).**

**(4) Subs. by Act No. 34 of 1960.**

**(5) `Subs. by Act No. 34 of 1960.**

**6. Subs by Act No. 58 of 1981 (w.e.f. 26-1-1982).**

**3.Reference to time of day.** -In this Act, references to time of day are references to Indian Standard Time being five and a half Hours ahead of Greenwich Mean Time: --

Provided that for any area in which the Indian Standard Time is not ordinarily observed, the State Government may make rules-

(a)Specifying the area

(b)Defining the local mean time ordinarily, observed therein; and

(c)Permitting such time to be observed in all or any of the plantations situated in that area.

## **REGISTRATION OF PLANTATIONS**

### **1. Chap. I-A ins. by Act No. 58 of 1981 (w.e.f. 26-1-1982).**

**3-A. Appointment of registering officers.** -The State Government may, by notification in the Official Gazette,-

- (a) Appoint such persons, being Gazetted Officers of Government as it thinks fit, to be registering officers for the purposes of this Chapter, and
- (b) Define the limits within which a registering officer shall exercise the powers and discharge the functions conferred or imposed on him by or under this Chapter.

### **3-B. Registration of plantations. –**

(1) Every employer of a plantation, existing at the commencement of the Plantations Labour (Amendment) Act. 1981 shall, within a period of sixty days of such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days of the coming into existence of such plantation, make an application to the registering officer for the registration of such plantation

Provided that the registering officer may entertain any such application after the expiry of the period aforesaid if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

(2) Every application made under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an application under sub-section (1), the registering officer shall register the plantation.

(4) Where a plantation is registered under this section, the registering officer shall issue a certificate of registration to the employer thereof in such form as may be prescribed.

(5) Where, after the registration of a plantation under this section, any change occurs in the ownership or management or in the extent of the area or other prescribed particulars in respect of such plantation, the particulars regarding such change be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.

(6) Where as a result of any intimation received under sub-section (5), the registering officer is satisfied that the plantation is no longer required to be registered under this section, he shall, by order in writing, cancel the registration thereof and shall as soon as practicable, cause such order to be published in any one newspaper in the language of, and having circulation in, the area where the plantation is situated.

### **3-C.Appeals against orders of registering officer. -**

(1)Any person aggrieved by the order of a registering officer under sub-section (6) of Section 3-B may, within thirty days of the publication of such order in the newspaper under that sub-section, prefer an appeal to such authority as may be prescribed:

Provided that the appellate authority may entertain an appeal under this sub-section after the expiry of the aforesaid period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period.

(2)After the receipt of an appeal under sub-section (1), the appellate authority may, after giving the appellant, the employer referred to in sub-section (5) of Section 3-B and the registering officer an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

### **3-D.Power to make rules. -**

(1)The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

(a)The form of application for the registration of a plantation, the particulars to be contained in such application and the fees to be accompanied along with such application;

(b)The form of the certificate of registration

(c)The particulars regarding any change in respect of which intimation shall be given by the employer to the registering officer under sub-section (5) of Section 3-B and the form in which such change shall be intimated

(d)The authority to which an appeal may be preferred under Section 3-C and the fees payable in respect of such appeal;

(d)The registers to be kept and maintained by a registering officer.]

### **INSPECTING STAFF**

#### **4 Chief inspector and inspectors-**

(1)The State Government may, by notification in the Official Gazette, appoint for the State duly qualified person to be chief inspector of plantations, and so many duly qualified persons to be inspectors of plantations subordinate to the chief inspector as it thinks fit.

[( I-A) The State Government may also, by notification in the Official Gazette, appoint such officers of the State Government or of any local authority under its control as it thinks fit, to be additional inspectors of plantations for all or any of the purposes of this Act]

(2)Subject to such rules as may be made in this behalf by the State Government, the chief inspector may declare that local area or areas within which or the plantations with respect to which, inspectors shall exercise their powers under

this Act, and may himself exercise the powers of an inspector within such limits as may be assigned to him by the State Government.

(3)The Chief Inspector and if inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

**1. Ins. by Act No. 59 of 11, I(w.e.f. 26-1-1982)**

**5.Powers and functions of inspectors.** - Subject to any rules made by the State Government in this behalf, an inspector may within the local limits for which he is appointed--

(a)Make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made there under are being observed in the case of any plantation;

(b)With such assistants, if any, as he thinks fit, enter, inspect and examine any plantation or part thereof at any reasonable time for the purpose of carrying out the objects of this Act;

(c)Examine the crops grown in any plantation or any worker employed therein or require the production of any register or other document maintained in pursuance of this Act and take on the spot or otherwise statements on any person which he may consider necessary for carrying out the purposes of this Act;

(d)Exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

**6.Facilities to be afforded to inspectors.** - Every employer shall afford the inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

**7.Certifying surgeons. -**

(1)The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such plantation or class of plantation as it may assign to them respectively.

(2)The certifying n shall carry out such duties as may be prescribed in connection with-

(a)The examination and Certification of workers;

(b)The exercise of such medical supervision as may be prescribed where adolescents and children are, or are to be, employed in any work in any plantation which is likely to cause injury to their health.

**PROVISIONS AS TO HEALTH**

**8.Drinking water.** -In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for allworkers.

**9.Conservancy. -**

(1)There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.

(2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.

**10. Medical Facilities-**

(1) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers [and their families]<sup>1</sup> as may be prescribed by the State Government.

(2) If in any plantation medical facilities are not provided and maintained as required by sub-section (1) the chief inspector may cause to be provided and maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

(3) For the purposes of such recovery the chief inspector may certify the costs to be recovered to the collector, who may recover the amount as an arrear of land revenue.

**1. Ins. by Act No. 34 of 1960.**

**WELFARE**

**11. Canteens. —**

(1) The State Government may make rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(2) Without prejudice to the generality of the foregoing power such rules may provide for-

(a) The date by which the canteen shall be provided;

(b) The number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteen;

(c) The foodstuffs which may be served therein and the charges which may be made therefor;

(d) The constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;

(E) The delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).

**12. Crèches. —**

(1) In every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by the employer suitable rooms for the use of children of such women workers.

**Explanation.** - For the purposes of this sub-section and sub-section (1-A), “children” means persons who are below the age of six years.]

(I-A) Notwithstanding anything contained in sub-section (1), if, in respect of any plantation wherein less than fifty women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of such women workers is less than twenty, the State Government, having regard to the number of children of such women workers deems it necessary that suitable rooms for the use of such children should be provided and maintained by the employer, it may, by order, direct the employer to provide and maintain such rooms and thereupon the employer shall be bound to comply with such direction.

(2)[The rooms referred to in sub-section (1) or sub-section 1-A] 1 shall-

- (a) Provide adequate accommodation;
  - (b) Be adequately lighted and ventilated;
  - (c) Be maintained in a clean and sanitary condition; and
  - (d) Be under the charge of a woman trained in the care of children and infants.
- (3) The State Government may make rules prescribing the location and the standards of <sup>3</sup>[the rooms referred to in sub-section (1) or sub-section (1-A) in respect of their construction and accommodation and the equipment and amenities to be provided therein.

**1.Subs. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**2. Ins. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**3. Subs. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**13.Recreational facilities.** -The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therein as may be prescribed.

**14.Educational facilities.** -Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules, requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed.

**[15.Housing facilities.** -- It shall be the duty of every employer to provide and maintain necessary housing accommodation-

- (a) For every worker (including his family) residing in the plantation;
- (b) For every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation:

Provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family, of a deceased worker

who, immediately before his death, was residing in the plantation.]

**1.Subs. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**16.Power to make rules relating to housing.** -The State Government may make rule for the purposes of giving effect to the provisions of Section 15 and, in particular providing for--

- (a)The standard and specification of the accommodation to be provided;
- (b)The selection and preparation of sites for the construction of houses and the size of such plot;
- (c)The constitution of advisory boards consisting of representatives of the State Government, the employer and the workers for consultation in regard to matters connected with housing and the exercise by them of such powers, functions and duties in relation thereto as may be specified;
- (d)The fixing of rent, if any, for the housing accommodation provided for workers;
- (e)The allotment to workers and their families of housing accommodation and suitable strips of vacant land adjoining such accommodation for the purposes of maintaining kitchen gardens, [\* \* \*]<sup>1a</sup> and for the eviction of workers and their families from such accommodation;
- (f)Access to the public to those parts of the plantation wherein the workers are housed.

**1a.Omitted by Act No. 34 of 1960.**

**16-A. Liability of employer in respect of accidents resulting from collapse of houses provided by him. -**

- (1)If death or injury is caused to any worker or a member of his family as a result of the collapse of a house provided under Section 15, and the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural, calamity, the employer shall be liable to pay compensation.
- (2)The provisions of Section 4 of, and Schedule IV to, the Workmen's Compensation Act, 1923 (8 of 1923), as in force for the time being,, regarding the amount of compensation payable to a workman under that Act shall, so far as may be, apply for the determination of the amount of compensation payable under sub-section (1).

**1. Sections 16-A 16-G ins. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**16-B. Appointment of Commissioners.** - The State Government may, by notification in the Official Gazette, appoint as many persons, possessing the prescribed qualifications, as it thinks fit, to be Commissioners to determine the amount of compensation payable under Section 16-A and may define the limits within which each such Commissioner shall exercise the powers and discharge the functions conferred or imposed on him by, or under this Act.

**16-C. Application for compensation. -**

(1)An application for payment of compensation under Section 16-A may be made to the Commissioner-

(a)By the person who has sustained the injury;or

(b)By any agent duly authorised by the person who has sustained the injury; or

(c)Where the person who has sustained the injury is a minor, by his guardian; or

(d)Where death has resulted out of the collapse of the house, by any dependant of the deceased or by any agent duly authorised by such dependent or, if such dependant is a minor, by hisguardian.

(2)Every application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3)No application for compensation under this section shall be entertained unless it is made within six months of the collapse of the house:

Provided that the Commissioner may, if he is satisfied that the applicant was prevented by sufficient cause from making the application within the aforesaid period of six months, entertain such application within a further period of six months.

**Explanation. -** In this section, the expression “dependant” has the meaning assigned to it in clause (d) of Section 2 of the Workmen's Compensation Act, 1923 (8 of 1923).

**16-D. Procedure and powers. -**

(1)On receipt of an application under Section 16-C, the Commissioner may make an inquiry into the matter covered bythe application.

(2)In determining the amount of compensation payable under Section 16-A, the Commissioner may, subject to any rules that may be-made in this behalf, follow such summary procedure as he thinks fit.

(3)The Commissioner shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely: -

(a)Summoning and enforcing the attendance of any person and examining him on oath;

(b)Requiring the discovery and production of any document;

(c)Receiving evidence on affidavits;

(d)Requisitioning any public record or copy thereof from I any court or officer;

(e)Issuing commissions for the examination of witnesses or documents;

(f)Any other matter which may beprescribed.

(4)Subject to any rules that may be made in this behalf, the Commissioner may, for the purpose of determining any claim or compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist him in holding the inquiry.



**16-E. Liability to pay compensation, etc., to be decide by Commissioner. -**

(1) Any question as to the liability of an employer to pay compensation under Section 16-A, or as to the amount thereof, or as to the person to whom such compensation is payable, shall be decided by the Commissioner.

(2) Any person aggrieved by a decision of the Commissioner refusing to grant compensation, or as to the amount compensation granted to him, or to the apportionment thereof, may prefer an appeal to the High Court having jurisdiction over the place where the collapse of the house has occurred, within ninety days of the communication of the order of the Commissioner to such person:

Provided that the High Court may entertain any such appeal after the expiry of the period aforesaid if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period:

Provided further that nothing in this sub-section shall be deemed to authorise the High Court to grant compensation in excess of the amount of Compensation payable under Section 16-A.

(3) Subject to the decision of the High Court in cases in which an appeal is preferred under sub-section (2), the decision of the Commissioner under sub-section (1) shall be final and shall not be called in question in any court.

**16-F. Saving as to certain rights. -**The right of any person to claim compensation under Section 16-A shall be without prejudice to the right of such person to recover compensation payable under any other law for the time being in force; but no person shall be entitled to claim compensation more than once in respect of the same collapse of the house.

**16-G. Power to make rules. -**

(1) The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of Sections 16-A to 16-F (both inclusive).

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(i) The qualifications and conditions of service of Commissioners;

(ii) The manner in which claims for compensation may be inquired into and determined by the Commissioner;

(iii) The matters in respect of which any person may be chosen to assist the Commissioner under Section 16-D and tile functions that may be performed by such person;

(iv) Generally for the effective exercise of any powers conferred on the b Commissioner.]

**17. Other facilities. -**The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of

umbrellas, blankets, rain coats or other tile amenities for the protection of workers from rain or cold as may be prescribed.

**18.Welfare officers. -**

- (1) In every plantation wherein three hundred or more workers are ordinarily employed the employer shall employ such number of welfare officers as may be prescribed.
- (2) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section(1).

**STATE AMENDMENT**

**Kerala. -** In Section 18, after sub-section (1) add the following:

(1-A) If in any plantation, welfare officers are not employed as required by the rules made under sub-section (1), the chief inspector may appoint the required number of welfare officers and thereupon such officers shall be deemed to have been employed by the employer under sub-section(1):

Provided that before appointing welfare officers under this sub-section the employer shall be given an opportunity of being heard. -Kerala Act 25 of 1969, S. 2 (1-12-1969).

**SECTION 18-A**

**Kerala. -**After Section 18, add the following section:

**18-A. “Chief Inspector to provide facilities on default by employer. -**

(1) If in any plantation, facilities are not provided or maintained by employer as required by Section 8 or Section 9 or Section 12 or Section 15 or the rules made under Section 11 or Section 14 or Section 17, the chief inspector may cause to be provided or maintained therein such facilities and recover the cost thereof from the defaulting employer:

Provided that before providing or maintaining such facilities the employer shall be given on opportunity of being heard.

(2) For the purpose of all recovery, of the cost under sub-section (1) the chief inspector may certify the amount to be recovered to the Collector, who may thereupon recover such amount as an arrear of land revenue. --Kerala Act 25 of 1969, S. 2(1-12-1969).

**HOURS AND LIMITATION OF EMPLOYMENT**

**19.Weekly hours. -**

<sup>1a</sup>[(1)] Save as otherwise expressly provided in this Act, no adult worker shall be required or allowed to work on any plantation in excess of <sup>2</sup> [forty-eight hours] a week and no adolescent or child for more than <sup>2</sup>[twenty-seven hours] a week.

<sup>3</sup>[(2)] Where an adult worker works in any plantation on any day in excess of the

number of hours constituting a normal working day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to twice the rates of ordinary wages:

Provided that no worker such shall be allowed to work for more than nine hours on any day and more than fifty-four hours in any week.

(3) For any work done on any closed holiday in the plantation or on any day of rest, a worker shall be entitled to twice the rates of ordinary wages as in the case of overtime work.]

**1a. Renumbered by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**2. Subs. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**3. Ins. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**20. Weekly holidays. -**

(1) The State Government may by rules made in this behalf -

(a) Provide for a day of rest, in every period of seven days which shall be allowed to all workers;

<sup>1</sup>[(b) Provide for the conditions subject to which, and the circumstances in which, an adult worker may be required or allowed to work overtime.]

(2) Notwithstanding anything contained in clause (a) of subsection (1) where a worker is willing to work on any day of rest which is not a closed holiday in the plantation, nothing contained in this section shall prevent him from doing so: Provided that in so doing a worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

**Explanation I. -**Where on any day a worker has been prevented from working in any plantation by reason of tempest, fire, rain or other natural causes, that day, may, if he so desires, be treated as his day of rest for the relevant period of seven days within the meaning of sub-section (1).

**Explanation 2. -**Nothing contained in this section shall apply to any worker whose total period of employment including any day spent on leave. is less than six days.

**1. Subs. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**21. Daily intervals for rest. -**The period of work on each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest for at least half an hour.

**22. Spread-over. -**The period of work of an adult worker in a plantation shall be so arranged that inclusive, of his interval for rest under Section <sup>1a</sup>[21] it shall not spread over more than twelve hours including the time spent in waiting for work on any day.

**1a. Subs. by Act No. 42 of 1953, S. 4 and Sch. 111, for “ 19”.**

**23. Notice of period of work. -**

- (1) There shall, be displayed and correctly maintained in every plantation a notice of periods of work in such form and manner as may be prescribed showing clearly for every day the periods during which the workers may be required to work.
- (2) Subject to the other provisions contained in this Act, no worker shall be required or allowed to work in any plantation otherwise than in accordance with the notice of periods of work displayed in the plantation.
- (3) An employer may refuse to employ a worker for any day if on that day he turns up for work more than half an hour after the time fixed for the commencement of the day's work.

**24.** <sup>1</sup>[\*\*\*\*\*].

**1. Omitted by Act 61 of 1986.**

**25. Night work for women and children. -** Except with the permission of the State Government, no woman or child worker shall, be employed in any plantation otherwise than between the hours of 6 a.m. and 7 p.m.

Provided that nothing in this section shall be deemed to apply to midwives and nurses employed as such in any plantation.

**26. Non-adult workers to carry tokens. -**No child <sup>1</sup>[\* \* \* \*]and no adolescent shall be required or allowed to work in any plantation unless-

- (a) A certificate of fitness granted with the reference to him under Section 27 is in the custody of the employer; and
- (b) Such child or adolescent carries with him while he is at work a token giving a reference to such certificate.

**1. Omitted by Act 61 of 1986.**

**27. Certificate of fitness. -**

- (1) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the employer or any, other person on his behalf at such person will be employed in the plantation if certified to be fit for work, or on the application of the employer or any other person on his behalf with reference - to any young person intending to work, “amine such person and ascertain his fitness for work either as a child or as an adolescent.
- (2) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.
- (3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian.

**28. Power to require medical examination. -**An inspector may if he thinks necessary so to do, cause any young person employed in, a plantation to be examined by a certifying surgeon.

## LEAVE WITH WAGES

**29. Application of chapter.** -The provisions of this chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service:

Provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in this chapter the worker shall be entitled only to such longer leave.

**Explanation.** -For the purpose of this chapter leave shall not, except as provided in Section 30, include weekly holidays or holidays for festivals or other similar occasions.

### **30. Annual leave with wages. –**

(1) Every worker shall be allowed leave with wages for a number of days calculated at the rate of.

(a) If an adult, one day for every twenty days of work performed by, him, and

(b) If a young person, one day for every fifteen days of work performed by him:<sup>1</sup>[\* \*

\*

\*]

<sup>2</sup>[**Explanation-(1)**]<sup>3</sup> for the purposes of calculating leave under this sub-section, -

(a) Any day on which no work or less than half a day's work is performed shall be counted, and

(b) Any day on which half or more than half a day's work is performed shall be counted as one day.]

<sup>3</sup> [**Explanation.** -(2) The leave admissible under this subsection shall be exclusive of all holidays, whether occurring during, or at either end of, the period of leave.)

(2) If a worker does not in any one period of twelve months take the whole of the leave owed to him under sub-section (1), and leave not taken by him shall be added to the leave to be allowed to him under that subsection in the succeeding period of twelve months.'

(3) A worker shall cease to earn any leave under this section when the earned leave due to him amounts to thirty days.

<sup>2</sup>[(4) If the employment of a worker who is entitled to leave under this section is terminated by the employer before he, has taken the entire leave to which he is entitled, the Employer shall. Pay him the amount payable, under Section 31 in respect of the leave not taken, and such payment shall be made before the expiry of the second working day after-such termination.]

**1. Proviso omitted by Act No. 58 of 1981 w.e.f. 26-01-1982.**

**2. Ins. by Act No. 34 of 1960.**

**3. Ins. by Act No. 58 of 1981 w.e.f. 26-01-1982. 31.**

### **31. Wages during leave period. –**

<sup>1</sup>(1) For the leave allowed to a worker under Section 30, he shall be paid, -

- (a) If employed wholly on a time-rate basis, at a rate equal to the daily wage payable to him immediately before the commencement of such leave under any law or under the terms of any award, agreement or contract of service, and
- (b) In other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months.

**Explanation.** - For the purposes of clause (b) of sub-section (1) the average daily wage shall be computed on the basis of his total full-time earnings during the preceding twelve calendar months, exclusive of any overtime earnings or bonus, if any, but inclusive of dearness allowances.

(I-A) In addition to the wages for the leave period at the rates specified in sub-section (1), a worker shall also be paid the cash value of food and other concessions, if any, allowed to him by the employer in addition to his daily wages unless these concessions are continued during the leave period.]

(2) Worker who has been allowed leave for <sup>2</sup>[any period not less than] four days in the case of an adult and five days in the case of a young person under Section 30 shall, before his leave begins, be paid his wages for the period of the leave allowed.

**1.Subs. by Act No. 34 of 1960.**

**2.Subs. by Act No. 42 of 1953, S. 4 and Sch. III, for “any period less than”.**

**<sup>1</sup>[32. Sickness and maternity benefits. –**

(1) Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer-

- (a) In the case of sickness certified by a qualified medical practitioner, sickness allowance, and
- (b) If a woman, in the case of confinement or expected confinement, maternity allowance,

At such rate, for such period and at such intervals as may be prescribed.

(2) The State Government may make rules regulating the payment of sickness or maternity allowance and any such rules may specify the circumstances in which such allowance shall not be payable or shall cease to be payable and in framing any rules under this section the State Government shall have due regard to the medical facilities that may be provided by the employer in any plantation.]

1. On the enforcement of the Maternity Benefit Act, 1961 (53 of 1961) in a State in relation to establishment, in that State referred to in S. 1(3) thereof, S. 32 will stand amended as follow

(a) In sub-section (1), the letter and brackets, “(a)” before the words “in the case of sickness”, the word “and” after the words “sickness allowance” and clause (b) shall be omitted,

(b) In sub-section (2), the words “for maternity” shall be omitted.

## **ACCIDENTS**

### **1.Ins. by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**32-A. Notice of accident.** -Where in occurs which causes death or which causes any reason of which the worker injured is prevented from working for a period of forty- eight hours or more immediately following the accident, or which is of such a nature as may be prescribed in this behalf, the employer thereof shall send notice thereof to such authorities, in such form, and within such time, as may be prescribed.

**32-B. Register of accidents.** -The employer shall maintain a register of all accidents, which occur in, the plantation in such form and in such manner as may be prescribed.

## **PENALTIES AND PROCEDURE**

### **33.Obstruction. –**

(1) Whoever obstructs and inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorized by or under this Act in relation to any, plantation, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**34.Use of false certificate of fitness.** -Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under Section 27 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or allows an attempt to use it to be made by another person, shall be punishable with imprisonment which may extend to one month, or with fine which i-nay extend to fifty rupees, or with both.

**35.Contravention of provisions regarding employment of labour.** -Whoever, except as otherwise permitted any or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restrict in or regulating the employment of persons in a plantation, shall be punishable with

imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**36.Other offences.** -Whoever contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**37.Enhanced penalty after previous conviction.** -If any person who has, been convicted of any offence punishable under this Act is again guilty of an offence involved a Contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance taken of any conviction made more than two years before the commission of the offence which is being punished.

<sup>1</sup>**[37A.Power of court to make orders. –**

(1)Where an employer is convicted of an offence punishable under Section 36, the court may, in addition to awarding any punishment by order in writing, require him within such period as may be specified in the order (which the court may, if it thinks fit and on an application made in this behalf by the employer, from time to time, extend to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(2)Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, as the case may be, specified by the court, but if, on the expiry of such period or extended period, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and he shall, on conviction, be punishable with imprisonment for a term which may extend to six months and with fine which may extend to three hundred rupees for every day after such expiry.]

**1. Ins. by Act. No. 58 of 1981 w.e.f. 26-1-1982.**

**38.Exemption of employer from liability in certain cases.** -- Where an employer charged with an offence under this Act alleges that another person is the actual offender, he shall be entitled upon complaint made by him in this behalf to have, on giving to the prosecutor in this behalf three clear days' notice in writing of his intention so to do, that other person brought before the Court on the day appointed for the hearing of the case and if, after the commission, of the offence has been proved, the employer proves to the satisfaction of the Court that-

(a)He has used due diligence to enforce the execution of the relevant provisions of this Act; and



(b) That the other person committed the offence in question without his knowledge, consent or connivance,

The said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be acquitted:

Provided that-

(a) The employer may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges to be the actual offender and by the prosecutor, and

(b) If, in spite of due diligence, the person alleged as the actual offender cannot be brought before the Court on the day appointed for the hearing of the case, the Court shall adjourn the hearing thereof from time to time so, however, that the total period of such adjournment does not exceed three Months, and if, by the end of the said period, the person alleged as the actual offender cannot still be brought before the Court, the Court shall proceed to hear the case against the employer.. 431

**39. Cognizance of, offences.** -No. Court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the chief inspector and no Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act.

**40. Limitation of prosecutions.** - No Court shall take cognizance of an offence punishable under this Act unless the complaint thereof has been made or is made within three months from the date on which the alleged Commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

## MISCELLANEOUS

**41. Power to give directions.** -The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

**42. Power to exempt.** -The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may think fit to impose, any employer or class of employers from all or any of the provisions of this Act:

Provided that no such exemption [other than an exemption from Section 19] <sup>1</sup> shall be granted except with the previous approval of the Central Government.

**1. Ins. by Act No. 34 of 1960.**

**43. General power to make rules.** -

(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act:

Provided that the date to be specified under clause (3) of Section 23 of the General

Clauses Act, 1897 (10 of 1897), shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for-

- (a) The qualifications required in respect of the chief inspector and inspector;
- (b) The powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;
- (c) The medical supervision which may be exercised by certifying surgeons;
- (d) The examination by inspector or other persons of the supply and distribution of drinking water in plantations;
- (e) Appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;
- (f) The time within which housing, recreational, educational or other facilities required by this Act to be provided and maintained may be so provided;
- (g) The types of latrines and urinals that should be maintained in plantations;
- (h) The medical, recreational and educational facilities that should be provided in plantations;
- (i) The form and manner in which notices of period of work shall be displayed and maintained;
- (j) The registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act;[\* \*\*]<sup>1</sup>
- (k) The hours of work for a normal working day for the purposes of wages and overtime.

<sup>2</sup>[(1) Any other matter which is required to be, or may be, prescribed.]

(3) All rules made under this Act shall, if made by any Government, other than the Central Government, be subject to the previous approval of the Central Government.

**1. Omitted by Act No. 58 of 1981 w.e.f. 26-1-1982.**

**2. Added by *ibid*.**

### APPENDIX III

#### Some glimpse of the Field Survey



Picture: Creche provided by the Okaiti Tea Garden (Field Survey)



Picture: Interview with the worker in Rohini Tea Garden.(Field Survey)



Picture: A worker age above 60 expertise in making tea chest box for Giddha Pahar Tea Garden. (Field Survey)



Picture: A board which speaks about the views of tea garden worker, which says “*Our future is not Kolkata or Delhi but its here in North Tukvar Tea Garden*” (Field Survey)



Picture: Primary school in Sewpur Tea Garden. (Field Survey)



Picture: Manager, doctor, nanny and nurses of Padumani Tea Garden. (Field Survey)



Picture: Witnessing the football match of the Nalini Tea Garden. (Field Survey)



Picture: Pakka house provided to the tea garden worker by the Nalini Tea Garden. (Field Survey)



Picture: Glimpse of kacha house of Brahmajan Tea Garden. (Field Survey)