



## **SOCIAL PROTECTION AND WELFARE MEASURES IN THE TEA ESTATES OF ASSAM: PLANTATION LABOUR ACT REVISITED**

**Dr Upasana Borthakur**  
*Visiting Faculty, NLUO, Odisha.*

### **Abstract**

*Social welfare and social security measures should be provided by the employers or the owners of the tea estates to the workers under the Plantation Labour Act, 1951. These measures ensure the social wellbeing of the workers along with their wages. But after a close look at the plantations and interaction with the workers it was found that the welfare measures are not properly implemented by the employers. The schools, hospitals, crèches, have poor infrastructure and not properly maintained. This affects the women and children most. In this article an attempt has been made to revisit the Plantation Labour Act, 1951 and see its implementation in two tea estates of Dibrugarh district of Assam.*

**Key Words:** *Plantations, Women Workers, Welfare, Security, Social Protection.*

Social protection programs and labour welfare measures includes the measures undertaken by the employer for improving the economic, social, intellectual and moral aspects of the labourers. These measures includes social insurance, employment mandates, universal social allowances, social assistance, fiscal credits and rebates, and other statutory mechanisms that maintain income when wage employment is interrupted or terminated. Labour welfare entails all those activities of an employer which are directed towards providing the employees with certain facilities and services in addition to wages and salaries. Labour welfare implies the setting up of minimum desirable standards and the provision of facilities like health, food, clothing, housing, medical assistance, education, insurance, job security, recreation and so on. Such facilities enable the worker and his family to lead a good work-life, family life and social life. Labour welfare also operates to neutralize the harmful effects of large-scale industrialization and urbanization.

In the context of tea plantations a separate welfare code was necessary to regulate the life and working conditions of the tea plantation workers. Since plantation labour could not be looked at the same perception and cognisance as other industrial labour, therefore a separate welfare code was necessary for them. Tea plantation labour is largely drawn from tribal belts and therefore originates from a very backward social background. They are illiterate and stepped in ignorance and superstitious beliefs. Nearly half of the plantation labour force is female, they require special protection. Moreover, the plantations are generally situated in isolated and remote regions which are cut off from the mainstream of life and modern development. Given these, the plantation workers need special protection. Their exposure to progressive social thought and activity is possible only through special legislative measures. As they have been exploited and suppressed through successive generations, they are not properly aware of their rights, privileges and obligations. Therefore, certain legal safeguards are very necessary for them to have access to a good quality of life and dignity of existence as guaranteed under the law. Social welfare is thus of paramount importance and significance for them.

The conditions of plantation workers are statutorily governed by the Plantation Labour Act, 1951, as also a host of other labour enactments. This Act is Central legislation administered by State Governments through rules framed by them. The Act is applicable in the whole country except Jammu and Kashmir in all plantations like tea, coffee, rubber and cinchona having 25 acres or more land under plantation. The Act was



amended in 1960 to make the Act more effective particularly concerning (a) health and welfare, (b) hours of work, rest, and intervals etc (c) leave with pay and, (d) restrictions on the employment of women workers and children in hazardous work at night. The state governments are required to frame their own rules under the guidelines of the Act. As such both West Bengal and Assam framed their own Plantation Labour Rules in 1956, which are more or less similar in text and context. Thus, the Plantation Labour Act covers both conditions of work and living in plantations. The Act provides for punishment in the form of fines and imprisonment for default and non-compliance with its provisions but there is no competent body to enforce the provisions strictly. When the Labour Officers visit the estates, they are bribed or influenced by the managers while genuine welfare of labour is neglected. That is why even today in many tea estates of Assam the Plantation Labour Act is not implemented properly.

In this paper an attempt has been made to examine the social welfare and social security measures provided to the tea estates of Assam as per the Plantation Labour Act, 1951. As women workers constitute more than 50% of the total workers in the tea estates, therefore these social welfare and social security measures becomes very important for them. Thus the health, education, working and living conditions of the women workers will be highlighted. For this I have selected two tea estates Achabam tea estate and Modarkhat tea estate for doing my empirical research. Both these tea estates are located in Dibrugarh district of Assam. Achabam tea estate is an amalgamated tea estate located in Nahorkotiya town owned by the Tata tea group. It is relatively a big plantation with 819 permanent workers both male and female and during the peak season, it employs an additional 1250 temporary workers and covering 701.83 hectares. Modarkhat tea estate, on the other hand is located in Dibrugarh town and is native owned tea plantation. It is comparatively small then the Achabam tea estate with 491 permanent workers and during peak seasons 652 casual or temporary workers are employed and covering 194.22 hectares.. Thus I plan to highlight whether the tea estate management in both the above mentioned tea estates are providing welfare and security measures to their garden workers or not. For this I will examine the main social welfare and social security measures as laid down in the Plantation Labour Act and then talk about the empirical context in the two tea estates under study.

### **Educational Facilities**

According to Clause 14 of the Plantation Labour Act, 1951, concerning educational facilities, if in any plantation the children between the ages of six and twelve of workers 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.

Education is a prerequisite for the progress and development of human society as it involves the all-around development of human personality bringing out the best in a man. Education refers to the entire social process by which an individual acquires the beliefs and standards of society. In fact, education has been accorded a high priority by Indian planners, as an integral part of the country's development process.

It was in the year 1938 the process of starting primary school began in a few tea estates. After independence, the Government of India emphasized the development of education in the country and provisions were made in Plantation Labour Act, to empower the State Government in this regard. Accordingly, the Government of Assam with the previous approval of the Central Government, in the exercise of the power of Section 43 (1) of the Plantation Labour Act, formulated The Assam Plantation Labour Rules, 1956, which contains detailed provisions about education in the tea estates (Section 43 (1) of the Plantation Labour Act, 1951).



In the post—Independence period most of the tea estates have opened primary schools. However, some gardens (small or medium) still have no schools within their estates. As a measure of improving education, the State Government has constituted a state-level Advisory Board for Education, Labour Department, in 1959 for offering valuable suggestions and proposals pertaining to infrastructure facilities and physical amenities etc. in the schools of tea gardens and ex-tea garden areas in Assam. The State Government also created a Tea Garden Cell under the Directorate of Elementary Education, Assam in the year 1984 for better supervision, administration and imparting the educational facilities to the children of tea and ex tea garden people of Assam (Report of Tea Garden Education Cell, Dated 26<sup>th</sup> February 1999).

### **Educational Facilities in the tea estates under study**

During fieldwork, I found that there is one lower primary school in the Achabam tea estate which was established in 1957. The primary school has classes I to V and a total of 147 students are enrolled. Along with the Headmistress, three other teachers are also there in the school. There is another lower primary school in the Achabam tea estate premises, Achabam Navajyoti established in 1981. Both the schools are located in different labour lines settlements. Uniforms, books and mid-day meal facilities to the students are provided by the Sarva Sikhsa Abhiyan. Sarva Shiksha Abhiyan is a government of India programme aimed at the universalization of Primary Education. Besides these, there are three Anganbari centres in Achabam tea estate premises. On the other hand, in Modarkhat tea estate, there is one primary school in the garden premises which was established in 1946 and the number of students and teachers were found 122 and 3 respectively. Data revealed that although Achabam tea estate is very old as it was established in 1932; as matters stand today it seems that garden management has not paid any heed to the educational facilities for the workers' children. It may be stated here that Modarkhat tea estate though was established later than Achabam tea estate but still they established primary school way back in 1946 for the workers' children.

When I visited the primary schools of both the tea estates, I was surprised to see the state of affairs. In matters of infrastructural facilities, the lower primary school was in better condition than the Navajyoti School. In Navajyoti school in the name of classrooms, there is only one big hall which is divided into five classes. There is no boundary wall and playground for the children. There are fewer teachers as compared to students in the classrooms.

It was also informed to me by the school teachers that despite Government (Sarva Sikhsa Abhiyan) providing free educational facilities to the students there is less enrolment of students in the schools. Besides the drop-out rate is also high among them. Moreover, the parents are not at all aware and concerned about their children's education. Many of the students come to school in the hope of getting mid-day meals. In the case of mid-day meals, one of my informants Suchena, aged 27, a temporary worker and belonging to the Christian community and a teacher in the school informed me that "the mid-day meal is not a regular activity as only twice or thrice in a week mid-day meal is prepared in the school premises. The headmaster of the school is very corrupt as he takes the school ration to his home making the food scarce in the school".

I also found that a section of the parents of the children of tea tribes around 15 per cent who were concerned about their children's education. Renuka, aged 32 years, a permanent worker, even after marriage used to stay in her parent's home in Achabam tea estate and has a seven-year-old daughter. She used to send her daughter to English medium Saint Xavier's school in nearby Naharkotiya town. The tea estate management is providing bus services to the students who are going to the nearby town for studies. It was also found by me that some students both girls and boys who were studying in colleges



and some even doing vocational courses to earn a livelihood besides working in the tea estates. But only a negligible amount of this type of situation can be found in the tea estates.

Regarding the education of the women workers, most of the women are illiterate or can write their names only. The reason for their illiteracy was their parent's indifferent attitude towards their daughter's education. But nowadays most of the women workers send their children to school and as many as 10 per cent parents were found concerned about their children's education. Moreover, there is only one primary school in Achabam tea estate. So, the pattern was generally found that girls generally drop out of school after primary school and look after their younger siblings when their mother's go to work.

In Modarkhat tea estate, there is one primary school in the garden premises. It was established in 1946 and the number of students is 122 and the number of teachers is 3 numbers. Here in Modarkhat tea estate, the school building is in good condition with a total of 5 classrooms. But here also one can see that the student to teacher ratio is very high. In a total of 5 classrooms, how is it possible for 3 teachers to teach? Here also Sarva Sikhsha Abhiyan is taking the initiative in providing books, uniforms and meals to the students free of cost. Electricity is a major problem in the Modarkhat tea estate. There is no electricity in the school. The quality of education is not good at all. It appears that the management is just fulfilling their formality of running a school in the estate premises as per the Plantation Labour Act, 1951. In Modarkhat tea estate also the students came to school for mid-day meals and to play with their peers. They were not concerned about studies at all. Here I did not find any single instance of students doing higher education or being sent outside tea estates to schools. The parents' indifferent attitude was the sole reason for this.

Thus, for this poor state of education in the tea estates and the parent's indifferent attitude has limited the scope of occupation and social mobility among the tea garden workers. The key to such mobility lies in the spread of education. The Achabam tea estate is providing bus facilities for children who are studying in the towns and this is a very good step taken by the management. But only a minority are availing these opportunities and the majority are still illiterate, school dropouts, engage in anti-social activities at a young age, prone to alcoholism at an early age etc. In the case of women workers and girl children, the situation is worse. In most families, in a plantation, both the father and mother are generally employed as wage earners. As a result, a girl child is to look after her younger siblings and also to take care of the domestic chores during the working hours of her parents. Thus, in many families, it has been found that the girls of school-going ages are not sent to school.

### **Health and Welfare facilities**

Health refers to a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Health is an important factor that contributes to human wellbeing and economic growth. Health is important for welfare. To lead a productive life, one needs good health. The factors which influence the general health of the worker can be divided into two broad groups, namely

- a) those which are associated with his working environment and
- b) those which he shares with the rest of the community,

As regards the second, it seems reasonable to hold that the workers should have the facilities for health protection that the state provides for the general population. But as regards the factors in the working environment which tend to produce ill health, the worker has the right to demand special measures for his protection.



Concerning provisions as to health in the Plantation Labour Act, 1951, Clause 10 of the PLA, states medical facilities in the tea estates.

- 1) In every plantation, there shall be provided and maintained to be readily available such medical facilities for the workers [and their families] 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 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.

### **There shall be two types of hospitals in plantation, viz., Garden Hospital and Group Hospital**

Garden Hospitals provide treatment to outpatients, patients not requiring any elaborate diagnosis and treatment, infectious cases, midwifery, simple prenatal and postnatal care of infants and children and periodical inspection of workers.

Group Hospitals shall be capable of dealing efficiently with all types of cases normally encountered but will not be used for routine treatment. Admission to Group Hospitals shall be only on the recommendation of a garden hospital doctor (Provision 35 (i) and (ii) of the Assam Plantation Labour Rules, 1956 amended 1983)

Every employer shall provide a garden hospital in his plantation according to the standard laid down in these rules (Appendix - 8.1). Provided that every employer of plantations ordinarily employing less than 500 workers may, however, provide a garden hospital in his plantation according to the standard laid down in these rules or have a lien on the beds of a neighbouring garden or other hospitals to the scale of 15 beds per 1,000 workers. Provided such hospital is situated within a distance of five kilometres from the garden office (Provision 36 (1) and (2) of the APL Rules, amended 1983).

In case of the lien of hospital beds, the plantation concerned shall provide and run for the benefit of the outpatient a dispensary of its own with at least two standard detention beds, a full-time qualified pharmacist assisted by full time trained nurse-cum-midwife and visited daily at regular hours by the qualified medical practitioner of the hospital. Patients requiring detention at the hospital and treatment there is being removed to it forthwith. (Rule 36 sub-rule 5 of the Assam Plantation Labour Rule 1956). Further, the Act stipulates that a proper diet should be given to patients with regular inclusion of meat, eggs, milk and vegetables. Also, each estate is required to have at least one ambulance for sending patients to district hospitals.

### **Health facilities in the tea estates under study**

In Achabam tea estate the garden hospital was established in 1942 in which the permanent workers get medical facilities free of cost. There are two wards: one for the male and one for the female patients. There is a total of 20 beds for the inpatients. Besides, there is a separate TB ward for the patients. Concerning the composition of the staff, during the present investigation, there was one resident doctor, one auxiliary nurse, one general nurse (GNN), one pharmacist, one health assistant, one dresser and one female attendant. The women workers get maternal health care during pre- and post-delivery. The pregnant women when they come for check-up are given milk to drink and medicines free of cost. So, most of the childbirth has taken place in the hospital. The women workers are suffering from various diseases, anaemia and tuberculosis are the worst hit diseases among the women workers. Besides many women get married at an early age and get pregnant easily as they are not aware of contraceptives. Thus, maternal mortality and infant mortality are common among women workers. There are many superstitious beliefs among the women workers and they rely more on homemade medicines (*jangli*





darab) for full cure of their illness. There are many cases where women workers after completing the medical course take recourse to homemade medicines. Santa Kujjur, aged 50, working as a permanent worker in the Achabam tea estate, told me that she had severe tuberculosis and she was completely cured not by medical treatment but by taking jangli darab (indigenous medicine) given to her by the *Ohja* (traditional priest) who lives in a nearby village of the tea estate. Although she spent quite a sum of money in getting treatment from the *Ohja* she was completely cured and now she is happy.

Besides these, there are Asha Karmi workers who work in the tea estates for the women workers and are engaged to take care of pre- and post-delivery of women workers and the newborn infant. Thus, right from conception till childbirth and immunizations of children the National Rural Health Mission (NRHM) Asha Karmi workers are engaged with women workers. Nowadays, the NRHM has sent directions to the garden authorities to make a Mother's Club consisting of women workers of the tea estates. In Achabam tea estate the Mother's Club is formed consisting of 12 members and besides health, they are engaged in a host of other activities in the gardens. These women are also given a white with blue border sari as their uniform which they wear on occasions of welfare activities undertaken by them.

In Modarkhat tea estate, there is one garden hospital which was established in 1946. The labourers working in the plantation attend the hospital for necessary medical services. There are two wards, one for the male and the other for the female patients. There are 13 beds for the inpatients. Concerning the composition of the staff, during the present investigation, there was one visiting doctor, two nurses, one pharmacist, one health assistant and four health attendants. It is learnt that because of lack of proper infrastructural facilities and absence of resident doctor in the tea estate, all the major cases including delivery cases are referred to the nearest Lahoal Block Hospital or Assam Medical College Hospital, Dibrugarh. There are also 'Ahsa Karmi' workers in the tea estate who are a part of the NRHM Scheme to take care of pregnant women and new born babies. They organize immunization camps every month for the new born babies of the tea estate workers. Besides these, every month health camps are organized in the tea estate by Oil India Limited and the workers come to the camps for free check-ups and medicines.

The standard of health and well-being varies with the environment and living conditions of the population. It has been observed by social scientists that there is a close relationship between health problems and socio-economic and environmental conditions of the people. In both the tea estates it was found that tuberculosis was the deadly disease found among the workers. This disease has taken many lives of the workers. The workers are very casual about their health. They do not take their medicines in time and also do not follow the necessary precautions. As tuberculosis is a contagious disease so it gets spread easily. Sometimes it is seen that the entire family is suffering from TB. I was informed by the general nurse in both the tea estates that the most high-risk disease among the women workers is anaemia (lack of blood) which is mainly caused by malnutrition and high salt intake. The lack of use of contraceptives also makes the health of the women workers worst. In Achabam tea estate there was a case when a fifteen-year-old girl died during delivery. In Modarkhat tea estate, a 16-year girl gave two births in seventeen months. Hence rates of maternal and infant mortality are also high among women workers. Moreover, low birth weight of children is very common among the workers.

### **Welfare facilities for Women Workers**

The PLA Act 1951 provides several welfare facilities for the women workers in the tea estates of Assam according to clauses 11 and 12.



**Canteen:** In every plantation wherein one hundred and fifty workers are ordinarily employed, the employer shall provide and maintain a canteen or canteens with facilities for the sale of tea, snacks and other foodstuffs.

In both the tea estates there are canteens near the factory of the tea estate. The canteens are good, provide affordable and hygienic food to the workers. But when I enquired the women workers whether they go to canteen their answer was in the negative. Most of the women workers bring lunch from home and have that during their lunch break. Moreover, they get only around 45 to 30 minutes lunch break and the canteen is far away from the plantation sites so the women workers do not go to the canteen for lunch. On the other, the men workers who work in the factories generally eat lunch in the canteen as the canteen is located near the factory in both the tea estates.

**Crèches:** 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 any contractor) is twenty or more there shall be provided and maintained by the employer suitable room for the use of such women workers. In the above conditions, the employer shall provide and maintain crèches for the use of the children who are below 2 years of age at suitable sites at the workplaces to the scale of one for every 25 hectares of tea or part thereof.

According to the Act the crèches have to be properly constructed and well ventilated and must meet all the specifications laid out. Each crèche must be placed under a Female Crèche In-charge who is to be provided with a few female helpers. The crèche attendants have to be issued two clean saris, two petty coats and two blouses every year which they must wear on duty. The crèche must also provide some toys etc. The children in the crèche are to be given milk and refreshments every day.

The Achabam crèche is housed in a neat and clean building near the garden hospital and is attended daily by young children of the estate. It was established in 1985 and 253 children in the crèche are in the age group of 2 to 6 years. The crèche has eight staff out of which six are female staff. The crèche attendant and two community health visitors were trained in special training under the Anganwadi System and they kept a daily register of the children in their charge. The crèche children besides being imparted basic education were given a regular medical check-up by the hospital staff. Attendants also regularly maintained registers containing important statistics on the crèche children which included their weight, height, immunisation etc. The crèche classrooms were kept in a clean and neat state and contained proper furniture blackboards, charts and even an LCD television. The female employees in the crèche are provided with a white sari with a blue border as their uniform.

Besides these, they also have to make visits to the labour lines to pick up children for crèche and to increase awareness among people about their children. The children in the crèche were given a glass of milk and snack during the mid-morning and a nutritious meal was served to them at lunchtime. Some mothers whose children are below 2 years come to crèche to feed their children with milk. The only complaint among the permanent crèche attendants in the crèche is that they are getting the same daily rate as that of women plucking in the tea estate. But according to them, they are doing more hard work than the women pluckers. Most of the women workers send their children to school while going to work. Some women leave their children at home as there is someone to look after their children. Thus, the Achabam crèche is properly maintained and functions well.



While in Modarkhat tea estate the crèche was established in 1976 and 50 children in the age group of 2 to 6 years can be accommodated. The crèche consists of four staff out of which three are female staff. Unlike Achabam tea estate the crèche attendants of Modarkhat tea estate are not trained. The infrastructural facilities of Modarkhat creche are also not good and the children are only feed puffed rice and sometimes milk. The crèche is non-functional for most of the days. The daily register of the children is also not maintained. Thus, the Modarkhat crèche is just a building that is not functional. To this one informant Marina Kujjur, aged, 30 years and a permanent worker in Modarkhat tea estate told me “I have a one-year son and it becomes very difficult for me to come for work as in most of the days the crèche is non-functional and even if it is open the crèche closes that 2 pm and we have our duty till 4 pm”.

### **Housing Facilities for Tea Plantation Workers**

Any structure with four walls and a roof qualifies as a house. However, in the changing socio-economic scenario, housing should not be confined to the mere provision of a roof over one's head. It should be treated as a developing concept to facilitate a substantial improvement in the quality of life of the people especially women folk. Housing is one of the basic amenities of human life. In order of importance, it comes next to food and clothing (Patel, 1996).

Shelter and quality of housing are one of the basic needs of an individual for participation in the social development process, which will lead to a reduction of poverty. Housing is the right of tea workers also. Employers are responsible to provide and maintain housing facilities for their workers and their families. Section 15 of the Plantation Labour Act 1951 provides for necessary housing accommodation for every worker including his family residing in the plantation or for every worker (including his family) residing outside the plantation who has put in six months of continuous service in such plantation should be provided and maintained by the employers. Thus, the right of housing of tea estate workers is not only a human right but also a legal right. The usual practice followed by tea estate is that though several persons of the same family worked together in the same tea estate, one house is allotted to each family in the name of the senior member among permanent employees. In nearly all the cases, it was the men who qualified for this entitlement.

The ownership of the house should be given to women because they need the most shelter to bring up children and enjoy privacy. However, in the tea industry, a woman is entitled to ownership of the house only if she is the senior-most member among the permanent employees in the family. Many families not having members working as permanent workers have not been provided housing even though they have worked for more than six months or a year which gives them the right to have industrial quarters legally. But sometimes, managements have supplied basic materials such as bamboo, roof sheet etc to some temporary workers to construct a house themselves in estate land.

The majority of the tea industrial workers of Assam were initially migrants and it was the planters' who had arranged accommodations for them. The housing arrangements for labourers were of two types, barrack lines and clustered as a village. After Independence, the Government of Assam constituted the Housing Advisory Board under section 59 of the Assam Plantation Labour Rules 1956. The Board had recommended specific standards for labour houses for the plantation workers in Assam, which came into effect from December 5, 1968. But the standards were again reviewed and changed by the Board, which came into effect on October 25, 1978. The Board had advised reconstructing the houses of earlier specifications in a phased manner.

The housing accommodation provided by planters can be classified into two parts; standard quarters as per specification made by Housing Advisory Board and *kutchra* (mud) quarters. Standard quarters are again





classified as old specifications and new / latest specifications. *Kutch*a houses are generally constructed by the workers themselves provided that the planters supplied construction materials. According to Plantation Labour Act, 1951, *pucca* (concrete), houses should be constructed by estates at the rate of 8 per cent of the total resident households every year, till they are completed. The standard labour house must have two main rooms, one kitchen, one bathroom, one latrine and a *verandah*. The plinth, size of rooms, the height of walls and type flooring, doors, windows, ceiling, roof and drainage must conform to the specifications laid under the rules drafted following the Plantation Labour Act, 1951.

The permanent labourers along with their families of Achabam and Modarkhat tea plantations are provided with housing facilities by the management under the provision of the Plantation Labour Act (PLA), within the plantation boundary. During fieldwork different types of houses have been observed in different residential clusters or labour lines in the garden premises. These can be classified into three categories based on the quality and content of construction. They are (1) *Pucca* houses, (2) Semi *pucca* and (3) *Kutch*a houses. The *pucca* houses are made of brick walls, cement floors and C.I. Sheet roofing. Most of the labour quarters are now repaired and newly constructed by the workers themselves. The semi *pucca* houses consist of two living rooms and a front *verandah*. The kitchen is generally of *kutch*a structure. Concerning the *kutch*a house, its roof is made of thatch resting on bamboo walls with mud plaster. In Achabam and Modarkhat, tea estate *pucca* labour quarters are provided to the labourers. Most of the labour quarters are now repaired and newly constructed by the workers themselves without prior official approval from the management. It was also informed to me that the Social Welfare Officer does not pay any heed to their demands on repairing their houses. Almost all the informants were unhappy with the conditions of their houses especially concerning repairs. Their houses usually leaked during the rainy season. Some female informants pointed out the lack of proper bathing points. Now almost all the labour quarters have latrines with the initiative taken by the government of Assam and India. Earlier women workers had to walk out in the dark even during heavy rainfall to answer calls of nature at odd hours.

In Modarkhat tea estate, most of the houses provided by the garden authority are *pucca* houses, having a brick wall, corrugated iron sheet roof and unpaved floor. There are only two rooms with a kitchen and a *verandah*. But the houses are in a dilapidated condition with broken windows and doors. Lime washing, painting and varnishing are not done in the houses. The provision of ventilation in the houses cannot be considered sufficient because the rooms, even during the daytime remain dark and the floor damp. Also, there is no electricity in the labour lines barring a few exceptions. During the rainy season, at times through the rotten roof, water enters within the house. The labourers also extend the quarters by using bamboo to cope with the increased size of the family without any prior approval of the management. Some labourers also live in mud houses with corrugated iron sheet roofs. Thus, it is observed that the housing condition is relatively unhygienic.

During the present investigation, it was found that a lot of casual workers have also illegally built their *kutch*a houses in the garden premises. Because of overcrowding, the line houses look shabby and dirty. It is very difficult for the management to identify unauthorized residents or evict them. These houses built by casual workers do not have toilet and latrine facilities and no source of drinking water.

The Plantation Labour Act, 1951, also provides for proper maintenance of drains in the housing sections of the estates. It was noticed in both the tea estates that the labour lines usually had both *kutch*a and *pucca* drains. During the rainy seasons, the drains tend to get blocked and often become breeding grounds for malarial mosquitoes.



### **Safe drinking water**

According to Clause 8 of the Plantation Labour Act, 1951, in every plantation effective arrangement shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

Safe drinking water is very important for the maintenance of good health. Safe drinking water is defined as only water available from a tap, hand pump, tube well etc. Water available from well within the household premises may also be regarded as safe. The water from uncovered sources is prone to contamination. It is reported that due to the insufficient number of water points, labourers often use the water from sources like ponds, pit wells etc. As a result, a few workers die of water-borne diseases every year. The incidence of gastroenteritis in the gardens had become a regular feature that called for earnest efforts at upgrading water supply facilities. The tea garden management must supply clean, wholesome and potable water to their workers which should be fit for drinking as well as for other purposes such as cleaning and bathing. Most of the estates are supplying piped water to labour lines from deep tube wells which are considered ideal but many gardens are using local rivers and streams, reservoirs and open wells, the water of which gets infected during the rainy season.

Water plays a direct as well as an indirect role in the transmission of microorganisms or parasites which cause illnesses. Almost all diseases are linked to unsafe water and a lack of adequate sanitation measures. Drinking water is one of the several routes for transmission of diseases like diarrhoea, cholera etc. The present study found that 100 per cent of the workers in both the tea estate use water from tube wells for drinking purposes. The tube wells are provided by the garden authority in the labour lines, one for every four families, and from these tube wells, the labourers collect water for various purposes. It was also found that few labour families have their tube wells and use their water for drinking purposes. The labourers are prone to various waterborne diseases as they do not purify the water before drinking.

### **Sanitation**

Besides safe drinking water which is a basic requirement of healthy living, proper sanitation facilities are also important for healthy living. The condition of women workers can be considerably improved by providing effective sanitary latrines. According to Clause 9 of the Plantation Labour Act, 1951, 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. And all the latrines and urinals provided shall be maintained in a clean and sanitary condition.

For the tea estates of Assam, the State Housing Advisory Board has approved two types of latrines. Boreholes and Septic tank as approved by the Chabua Health Centre (CHC) or UNICEF for the rural population. But reality shows a different picture. Most of the labour quarters have latrines that are either *kutchra* or not in proper condition. Even today the workers prefer to go to the forests for defecation.

The sanitary provision is not overall satisfactory. Though borehole and septic tank types are constructed according to the specification made by the State Housing Advisory Board for Plantation (SHABP) due to improper treatment and lack of timely maintenance, one in every eight latrines is not functioning. When the management was asked about the matter, they claimed that this is because of regular improper use by workers. The management alone can't keep it clean. Some workers still go to jungles rather than latrines for toilet purposes.

Hygiene and sanitation are fundamental to the health and well-being of a person. Lack of hygiene and sanitation facilities leads to various communicable diseases. Therefore, proper toilet and bathroom



facilities are essential for a healthy society. The garden authorities of the Modarkhat and Achabam along with the Total Sanitation Campaign of the government of Assam has constructed *pucca* latrines to almost all labour quarters in both the tea estates. But there are no proper bathroom facilities for the labourers. Generally, the workers cover their tube well areas and use it as the bathroom as the women cannot bath in the open. So, the women take their bath in the early morning or the evening after coming from work in the dark. Thus, it becomes very unhygienic and inconvenient for women workers because of the lack of bathroom facilities. Concerning latrines, it is only in the last two decades that the constructions of latrines are done by the Assam government. So now almost every labour quarter has a latrine attached to their houses. But the temporary workers do not have latrines or bathrooms either.

### **Electricity**

Electricity was no longer an item of luxury and therefore the garden management should take this matter seriously and ensure electrification of labour quarters without delay. The electrification of labour quarters over the years is progressing at a snail's pace. Even today quarters of workers are not covered by electric lighting use kerosene as a source of lighting. Thus, the majority of workers are still deprived of a modern style of living even though the 21st century has begun.

At the 47th Session of the Assam State Standing Labour Committee held on 2nd February 1990 it was decided that electrification of labour houses should be undertaken forthwith and power was to be made available to tea estates under the Rural Electrification Scheme. It was also decided to follow Kerala and Tamil Nadu as role models in this respect. This matter was taken up again in the August session of the Committee in the same year and it was decided that electrification of line houses should be undertaken immediately. In Assam, an agreement was signed on 6th February 1996 between the representatives of the tea managements and the Assam Chah Mazdoor Sangha (ACMS) at Dibrugarh to supply electricity to labour quarters in about 800 odd tea gardens. But the progress of electrification was slow in the beginning and even today many tea estates labour quarters remain dark.

Regarding the electricity facility, it was found that Achabam tea estate has an electricity facility for the labour quarters also. But in Modarkhat tea estate during the time of investigation, it was found that there is no electricity for the labour quarters. To this one of the informants named Reshma Karmarkar, aged 45 years and working as a permanent worker in Modarkhat tea estate, told me that "Without electricity, it becomes very difficult for me to carry the daily chores like cooking, cleaning etc".

### **Social Security Measures and Women Workers**

The terms social security means the security that society furnishes through appropriate organisations against certain risks to which its members are exposed. Being an essential attribute of modern service norms, article 41 of the Indian Constitution has guaranteed the right to social security to the working classes in India. It has been extended to tea garden workers in various forms conforming to modern social welfare standards. The two major functions of social security are to provide a minimum income so as assure a reasonable standard of living and to maintain the same. When a worker retires, he/she is entitled to a pension, provident fund, gratuity and insurance benefits. These benefits are mostly linked and operated under the Provident Fund Scheme. Hence workers are assured of old age and social security so that they do not become destitute and beggars once they pass the age of retirement. Tea garden workers also get adequate compensation if they suffer from any accidental injury during their employment. The nature and amount of compensation are covered under the Workman's Compensation Act, 1923. Following are the social security schemes provided to the women workers in tea plantations.



### **Maternity Benefit**

The Maternity Benefit Act was passed in 1961 to regulate the employment of women in certain establishments including plantations for certain periods before and after childbirth and to provide for maternity benefit and certain other benefits. The Royal Commission on Labour had recommended that maternity benefits should be provided to women workers in plantations by legislation. A women worker is entitled to maternity benefit for a total period of twelve weeks' worth of wages not exceeding six weeks' worth of wages before delivery and the balance after delivery. To be eligible for this benefit, a woman has to put in qualifying service of 80 days of work in the preceding 12 months from the date of her expected delivery. In the tea plantation industry of Assam, about 53 per cent of workers are women of which about 49 per cent are temporary. But significantly, this large section of (temporary) workers have not been benefited by maternity benefit though most of them are working for more than 80 days as required by the Act, for entitlement to such benefit. The Maternity Benefit Act, 1961 was amended in 2017, in which the duration of paid maternity leave available to women employees has increased from the existing 12 weeks to 26 weeks. Under the Maternity Benefit Amendment Act, this benefit could be availed by women for a period extending up to eight weeks before the expected delivery date and the remaining time can be availed post-childbirth. But in the tea plantations of Assam, this extended maternity leave was given to the women workers only from the last part of 2018.

Concerning the nature and extent of implementation of the Maternity Benefit Act as well as other provisions of medical facilities, the observations during the present research revealed that in both the plantations, an expected mother is generally provided with leave for three months (90 days) with full wages. Besides, free medical services are also provided to pregnant women. They are examined in the plantations at regular intervals and are given adequate anti-tetanus injections, vitamins and iron tonic etc. It was also observed that the medical facilities are more advanced in Achabam tea estate, so most of the deliveries take place in the garden hospital itself. On the other hand, in Modarkhat tea estate because of lack of proper medical facilities even delivery cases are not done in the garden hospital. Besides these, the Asha Karmi and Anganbari workers are very active in both the plantations and go to each house in the labour lines for spreading awareness regarding health and hygiene.

It was generally found during the study that most of the female respondents, especially the older ones, were in favour of childbirth with the help of 'dhai' or local midwives who are untrained but experienced. Because of this widespread practice, complicated deliveries sometimes lead to fatal consequences for both mother and child. Quite often women on the tea estates die of serious post-natal infections which they contract because of unhygienic methods used by 'Dhai'. In both Achabam and Modarkhat tea estates it was found that the younger women were in favour of hospital deliveries as they had realised that they were safer.

### **Provident Fund**

The Assam Tea Plantation Provident Fund and Pension Fund Scheme and Insurance Fund Scheme Act, 1955 was passed to make a compulsory Provident Fund and Pension Fund and Deposit Linked Issuance Fund Scheme for 'the employees employed in tea plantations in Assam. The main object of the Act is to uplift the socio-economic conditions of the tea workers employed in the tea estates of Assam. The Act provides for compulsory contributions to Provident fund from employers as well as from workers' side. The Act provides for payment of pension & provident fund benefit at the retirement age of workers and also family pension as well as insurance benefit to the deceased members of the Provident Fund scheme.

According to section 2, sub-section (f) of the Act, 1955, all the workers, permanent or temporary who complete not less than 60 days during 3 months in a year come into preview, of the P.F. Scheme. But in practice, the majority of the temporary workers have not availed such benefit. During fieldwork, it was





found that only the permanent workers of both the tea estates were beneficiaries of the PF amount. 20 per cent of their salary is deducted and 20 per cent is added from the management to the worker's account.

### **Gratuity**

The Payment of Gratuity Act, 1972 (Central Act No. 39 of 1972) was enacted with the object to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, oil-fields, plantations, ports, railway companies, shop or other establishments and for matters connected therewith or incidental thereto. The Payment of Gratuity (Assam) Rules 1972 has been formulated by the State Government to carry out the provisions of the Act. The employer has to pay 1.5 days wages for every completed year of service at the rate of last drawn wages, subject to a monetary ceiling of Rs. 50, 000. All the permanent workers in both the tea estates were beneficiaries of gratuity.

### **Bonus**

Besides their regular wage and plucking incentives, tea garden workers are also paid a statutory bonus which is given before the Durga Puja festival. Before the passing of the Payment of Bonus Act, 1965, it was a practice on tea plantations during the post-independence period, to pay the bonus to workers following bonus agreements arrived at between the employers and the labour representatives. But there were wide disparities because there was no formula or fixed quantum based on the principle of profit-sharing. After independence when unionism emerged with full force on tea gardens, the demand for statutory bonuses became more vocal. Payment of bonus is governed by the provision of Payment of Bonus Act, 1965. Under the Act, the minimum bonus is 5.33 per cent which is payable irrespective of whether or not the employer has any allocable surplus in the relevant year, and the maximum is 20 per cent. An employee is eligible for the bonus, provided he has put 30 days attendance in the relevant accounting year and he is employed on a salary or wage not exceeding Rs. 2500 per month. However, for the calculation of bonus, the salary is deemed to be Rs. 1600 per month on which only the percentage of bonus is payable.

The upper limit of 20 per cent has become a very sore point in the bonus issue and sometimes when the tea estate incurs heavy losses it becomes difficult for the management to provide a 20 per cent bonus. In most instances, the management is not able to convince the workers and unions that 20 per cent cannot be paid if there has been no profit. Many estates have witnessed trouble often leading to strikes, lockouts, gheraos and violent incidents. Hence bonus payment time is a very tiring one for management, as it can lead to great tensions in the form of serious trouble and agitations.

In both the tea estates under study, the bonus is being paid at the rate of 20 per cent to both permanent and temporary workers during Puja time in October. The Puja period during October is a very festive time for the workers in both the tea estates under study. During this period the women workers usually buy items such as utensils, clothing and shoes for themselves and the children, and invest in woollen garments for the coming winter season. The women workers, both young and old, buy one or two new saris for themselves for wearing on special occasions. During this period young girls and women are seen wearing new dresses and visiting their near and dear ones. Most of the menfolk spend their bonus money mainly on drinking, merry-making and gambling. Some of the men buy items for the use of family and household such as music systems, television sets, cycles, watches, furniture etc. Sometimes they even go to the extent of hiring taxis for the frequent trip to and from the estate to the local towns. I got information about an incident in the Achabam tea estate. Rameswar Tati, a permanent worker in Achabam tea estate after getting bonus he spends all the money in drinking, shopping to a nearby town for shopping in a rented car. When he came back from shopping steeped in alcoholism, he





gave all the money to the taxi driver and told the driver to come the next day with his car as he is going to buy the car.

### **Role of Welfare Officers and Worker's Welfare**

The Plantation (Welfare Officer) Assam Rules 1977 under Plantation Labour Act 1951 narrates that every plantation wherein the number of workers ordinarily employed are three hundred or more shall appoint at least one welfare Officer who should possess a Degree of a University recognized by the state government. Tea gardens were evading this issue for many years. In Assam, the Rules on Welfare Officers were into force only after their implementation on 15th August 1983 by a notification issued by the Assam government. Despite these notifications and measures, it took a long time before the full-scale appointment of Welfare Officers on tea estates became a reality.

The Welfare officers in most of the tea estates are trying to improve the quality of life of tea garden workers, especially the womenfolk. Their main work is to reduce illiteracy, implement the family welfare schemes, and work towards social upliftment of women in particular and see the overall moral and physical progress is achieved among tea garden labour folk who are socially backward. The Welfare officer also provides a useful link between labour and management to maintain a cordial relationship between them. The Welfare officers can guide the management by giving a true picture of the living and working conditions of the workers and suggesting steps for improvement. They are also responsible for conducting motivational drives among the workers on matters such as family welfare, health and nutrition and encourage the workers to lay stress on the education of their children. They are also responsible for organizing suitable recreational activities for the workers.

The Welfare Officers are also responsible for the progress of women and their health by organizing steering committees for the implementation of the institutionalized welfare schemes at the grassroots levels. They have to take initiative in helping the female workers to run the Mothers' Club on the estates. They are to guide and train the members of the Mothers' Club for the performance of various tasks aimed at controlling evils such as alcoholism, wife-beating and gambling etc. Welfare Officers can therefore play a very significant role in tea plantations if they take their job seriously.

In both Achabam and Modarkhat tea estate, there are Welfare Officers appointed by the management in 1990 and 1998 respectively. When I enquired the women workers regarding the role of Welfare Officers, then it was revealed that the workers were not happy with the Welfare Officer. They reported to me that when they requested the Welfare Officer to look into their grievances particularly regarding the repairing of the labour quarters, he did not pay any heed to resolve their issues. But at the same time, I was informed by them that the earlier Welfare Officer in Achabam tea estate was approachable and sympathetic. He used to take action immediately on workers compliance. The earlier Welfare Officer used to hold monthly meetings in the crèche house with the members of the Mother's Club and organise many welfare activities in the labour lines. During my investigation, it was informed to me that for the last one and half years no such meeting has been held and the welfare activities in the labour lines have also been limited. Now the Oil Company comes to Achabam tea estate every Friday and selected 50 women workers are given an education from morning 9 to 12. The workers are given food and also an amount of money. But they are not given leave from the management in the tea estates and so their daily hazira is lost. While in Modarkhat tea estate I interviewed the Welfare Officer and got the following information from him. In Modarkhat tea estate as per the directives of the National Rural Health Mission, the mothers' club was formed with 10 members. They have meetings only two times a year and



no welfare activities are conducted by the Welfare Officer in the labour lines. But frequent anti-alcohol drives are carried out and the result was that the incidence of alcoholism is less than in the Achabam tea estate.

### Conclusion

Thus, the work and living conditions of the tea gardens workers are quite pathetic. Tea garden management is not concerned with the welfare of the tea garden workers. Das (2012) argues that the responsibility to make the workers aware of the inherent situation lies on the state, management of the plantations estates as well as on the workers' unions. The problems of the tea garden workers are not taken into account whenever the policies are designed. The tea garden managements do not provide all the basic amenities as laid down by the Plantation Labour Act, 1951.

From the above analysis based on my field study, it was observed that the condition of health and nutrition of the women workers is very pathetic. The women workers generally neglect their health and do not eat nutritious meals. They generally skip meals in the morning to avoid being late in the morning for work. They generally drink black tea with salt and because of this, they are sufferers of high blood pressure and anaemia. Moreover, maternal mortality and infant mortality are also common among them as they elope at an early age and gets pregnant early. Tuberculosis, diarrhoea, gastric problems are common among them. They do not maintain hygiene and sanitation. There is no proper drainage system in the labour lines and because of which many infectious diseases breed and women become the victims. Moreover, it was also found that even today there is a dearth of doctors in the tea estates. It was found that in Modarkhat tea estate there is a visiting doctor. So, in case of emergencies and especially at night, it is a life risk for the workers. Moreover, in the case of education, it was found that the situation was worse in the case of women workers and girl children. The low level of education and poor quality of teaching affects the education of children. Moreover, the parents are indifferent to their children's education. The girl children generally withdrew from school after primary school as they have to look after younger siblings at home when their mothers go to work. As the Modarkhat crèche is non-functional so it becomes very difficult for mothers of small children to work. Moreover, because of the isolation of the tea estate many children discontinue school after primary school as they have to walk long distances to study in high school. It was found that in Achabam tea estate the management has provided bus services for the students who go outside the garden school for higher education. Concerning housing facilities, it was found that in both the tea estates the management has provided *pucca* quarters to the labourers but they have not been repaired for a long time. The quarters provided by the management of both the tea estates are equipped with sanitary latrines and there is one tube well for four houses. With regards to electricity, it was found that in Achabam tea estate the labour quarters were fully electrified whereas in Modarkhat tea estate there was no electricity in the labour quarters. Social security measures which include Provident Fund, Gratuity, Bonus and Maternity Benefits were provided to all the permanent workers in both the tea estates. The workers in both the tea estates were not happy with the Welfare Officers. The Welfare Officers were not approachable and they did not pay any heed to the grievances of the workers and did not engage in any welfare work.

Thus, the above analysis on labour in tea estates, therefore, throw light on the fact that the overall situation is not very good. Despite several decades of progress and the steady increase in tea prices, plantation workers have remained less developed and isolated. Several factors are responsible for this state of affairs but the most important is the apathetic attitude of the employers towards labour welfare. The management in the tea estates are unable to comprehend the fact that labour welfare is not a drain of their efforts; it could lead to much higher productivity which will be beneficial for the industry to meet the growing demand for tea.



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