

CHAPTER X : Labour Welfare in Tea Industry

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10.1 Welfare Provisions in Plantation Labour Act, 1951

In the early stages of plantation the living conditions of the workers were unhygienic. Medical facilities were very poor. The result is that many workers died after reaching the tea gardens.

The pre-independence legislative measures did not deal with the provisions of labour welfare, and they were more protective of the employers than the workers. The Tea District Emigrant Labour Act of 1932 deals mainly with the regulations of recruitment of workers. The Act does not contain any provision regulating welfare arrangement for plantation workers. It is totally an emigration legislation. The Royal Commission on Labour, in its report published in 1931 revealed that much needed to be done in the sphere of health and welfare for plantation workers. An indirect outcome of the Royal Commission's report was the setting up of the Labour Investigation Committee by the Central Government, in 1946. The Committee too pointed out the wages, housing accommodation and medical services for plantation workers

require substantial improvement and expansion. The Committee suggested the enactment of a separate plantation Labour Act was passed in 1951 which was promulgated largely on the basis of the findings of the labour investigation committee. The Act includes several statutory provisions for labour, such as housing, sanitation, schooling facilities for the children of the plantation workers, medical facilities, drinking water, creches etc. The Act makes it mandatory for the employers to provide facilities. The Act came into effect in 1955. The West Bengal Plantation Labour Rules were framed in 1956.

Housing

The workers generally resides within the territory of tea gardens. The working hours of tea gardens is such that it requires the workers to reside within the tea garden area. The work starts at 7 a.m and closes after 3 p.m.

In earlier days the planters bore no responsibility to construct the housing for the workers. They only distributed home-stead land to workers through the sardars. The sardars gave the workers the necessary materials to build up the houses. The houses had thatched roofs and bamboo walls.

While giving the description of workers' houses, A.J. Das mentioned, "Floors are kutchra and roofing not more than 10 feet high. Ventilation is inadequate as labourers will not tolerate

windows and there is no out let from smoke. The size of each hut is usually about 20 feet by 10 feet ; one half is used for cooking and the other for sleeping although occasionally there is small veranda which is used for cooking. A small plot of land is usually provided by the side of the hut and is used for cultivation, for keeping cattle or as a yard. Estates also give land to their labourers rent free on which they grow food for themselves".¹

The section 15 of the plantation Labour Act of 1951 makes it mandatory for every employer to provide housing accommodation to the resident permanent workers. The State Government made the Plantation Labour Housing Scheme Rules in 1958. The Rules specified the standard of housing and also provided for loans. The standard specified (except in hill areas) in this scheme was,²

- i) two rooms with floor area of 100 sq. ft.
- ii) kitchen and verandah with a total floor area of 100 sq.ft.
- iii) bath and lavatory with floor area of 16 sq. ft. and 12 sq. ft. respectively
- iv) storage space for food and fuel 12 sq. ft. and the houses with ventilation, lighting (if available) drainage and water tap facilities.

The State Government would provide soft loans to the maximum upto 8% of the total cost of construction, but not for acquiring land. The Central Government agreed to help the planters for construction of houses in 1967 through the subsidised Housing Scheme for plantation workers. The Central Government agreed to give 50% soft loan, 37.5% subsidy to the

total cost of a house. The planters had to bear only 12.5% of the total cost. The assistance was closed in 1986.³

According to the rule 47 of the West Bengal Plantation Labour Rules, 1956, every year each garden has to build pucca houses for a minimum of 8% of the resident permanent workers. Therefore, by 1969 all workers should have provided with permanent houses. But till the beginning of 1990, 6345 houses were yet to be constructed. At the end of 1989 the figure of construction of houses worked out to be 72% of the required housing accommodation.⁴

In Table 10.2, we have presented the data on construction of new houses in West Bengal Tea gardens.

Table 10.1
Construction of New Houses in West Bengal Tea Gardens
1985-1989

Year	Total requirement of house to be build as per rule	No. of houses const- ructed	No. of old houses adopted	% house constructed to total requirement (including adoption of old houses)
1985	6848	2863	302	46.22
1986	6839	882	71	13.94
1987	3680	1038	38	29.24
1988	8305	1384	177	18.80
1989	8901	2102	454	28.72

Source : Labour in West Bengal, 1986, p.58, 1987, p.87, 1988, p.63, 1989, p.83.

Table 10.1 shows that the employers commitment to build new houses for workers is very poor. Every year near about 75% of the required houses remained unconstructed. Moreover the percentage of house constructed to total requirement shows decreasing trend. In 1985 the employers constructed 46.22% houses of total requirement. The said percentage decreased to 28.72% at the end of 1989.

In table 10.2 we have estimated the progress regarding construction of standard labour houses of 273 tea estates in three different tea growing regions of West Bengal up to 1991. Data for this purpose ~~are~~ obtained from the return submitted by the individual tea garden to the office of the Assistant Labour Commissioner, Siliguri.

Table 10.2 shows that the tea estates in Darjeeling is much ahead regarding construction of standard houses for labour ^{of the} than that, Dooars and Terai. Out of 64 tea gardens 27 tea gardens (42.19%) completed the construction of houses to the level of 91 to 100% of total requirement. In Dooars 50 tea gardens (32.90%) out of 152 completed the construction to the same level.

Only 15 tea gardens (26.33%) out of 57 in the Terai completed the construction of standard houses for labour to the level of 91 to 100 of total requirement.

Table 10.2

Construction progress of standard labour houses of 273 tea estates of West Bengal
1991

Percentage of construction on total requirement	Terai N=57	Dooars N=152	Darjeeling N=64	All West Bengal N=273
0-10	3 (5.26)	7 (4.64)	2 (3.13)	12 (4.40)
11-20	1 (1.75)	4 (2.63)	1 (1.56)	6 (2.20)
21-30	5 (8.77)	4 (2.63)	3 (4.69)	12 (4.40)
31-40	5 (8.77)	5 (3.29)	2 (3.13)	12 (4.40)
41-50	2 (3.50)	9 (5.92)	1 (1.56)	12 (4.40)
51-60	7 (12.28)	13 (8.55)	2 (3.13)	22 (8.06)
61-70	5 (8.77)	21 (13.82)	8 (12.5)	34 (12.45)
71-80	10 (17.54)	12 (7.89)	7 (10.62)	29 (10.62)
81-90	4 (7.03)	27 (17.76)	11 (17.94)	42 (15.38)
91-100	15 (26.33)	50 (32.90)	27 (42.19)	92 (33.69)
Total	57 (100.00)	152 (100.00)	64 (100.00)	273 (100.00)

Note : Figures in parenthesis are the percentages.

Source : Data personally collected from the Office of the Assistant Labour Commissioner, Siliguri.

In Table 10.3, we have presented the number of tea estates constructed 100 per cent houses on total requirement.

Table 10.3

Construction of 100 per cent houses on total requirement - 1991

Region	No. of tea estates send return	No. of tea estates constructed houses 100 per cent on total requirement	Percentage (%)
Darjeeling	64	11	17.19
Terai	57	04	7.02
Dooars	152	17	11.18
West Bengal	273	32	11.72

Source : Data personally collected from the office of the Assistant Labour Commissioner, Siliguri.

Both the table 10.2 and 10.3 reflect that the progress of construction of standard labour houses in West Bengal tea industry is not very impressive. Only 32 tea estates out of 273 constructed 100% houses of total requirement. In terms of percentage it is only about 12% of total.

Terai was far lagged behind in the construction of standard houses for workers. Only 4 tea estates out of 57 so far constructed 100% houses on total requirement.

As such we may conclude that the employers commitment to the construction of standard houses for the workers in West Bengal tea industry is very much poor. The result is workers are living in thatched, substandard houses without provision of water or latrines. The subsidy scheme are failure. In many

gardens one can see incomplete labour quarters which have been constructed merely to procure the loan and subsidy.

Medical facilities

As the tea plantations are far away from the cities there exist an urgent need for hospitals medical units for the workers. But there are enough cases in tea gardens when workers have died due to non-availability of medical help. Children were born in tea gardens or on the way to hospitals which is far away, with no speedy conveyance to carry the patients. The trade unionists and workers interviewed expressed dissatisfaction over the provision, the chief complaint being non-availability of doctors in time of need. The number of hospitals are less than the minimum prescribed under the Act. In certain cases, dispensaries do not even have certain essential drugs.

In Terai there only 18 hospitals and 32 dispensaries are available for total 94,527 tea garden population. 136 hospitals and 88 dispensaries are available for total 7,57,475 tea garden population in West Bengal.⁵ These figures indicate that the medical facilities in West Bengal tea gardens are very much low.

In table 10.4 and 10.5 we have estimated the different medical facilities available in per 1000 population in Terai and all West Bengal tea gardens respectively.

Table 10.4

Medical facilities available in per 1000 population in the Terai Tea Gardens 1985-89

Year	Doctors	Beds	Midwives	Nurses	Compounders	Health Assistants
1985	0.61	5.35	0.44	0.40	0.50	0.17
1986	0.51	4.54	0.46	0.30	0.55	0.15
1987	0.53	4.52	0.41	0.31	0.48	0.19
1988	0.51	4.12	0.32	0.31	0.46	0.20
1989	0.54	3.89	0.37	0.30	0.45	0.16

Note : Doctors including both visiting and residential.

Source : Data computed from Labour in West Bengal, 1987, p.87, 1988, p.65, 1989, p.85, 1990, p.75.

Table 10.5

Medical facilities available in per 1000 population in the West Bengal Tea Gardens 1985-89

Year	Doctors	Beds	Midwives	Nurses	Compounders	Health Assistants
1985	0.29	5.64	0.35	0.37	0.32	0.16
1986	0.32	5.31	0.39	0.35	0.28	0.15
1987	0.31	5.20	0.36	0.31	0.33	0.16
1988	0.30	4.98	0.32	0.31	0.31	0.17
1989	0.29	4.86	0.33	0.32	0.29	0.16

Note : Doctors including both visiting and residential.

Source : Data computed from Labour in West Bengal, 1987, p.87, 1988, p.65, 1989, p.85, 1990, p.75.

The above two tables show that Doctors, Midwives, Nurses, Compounders and Health Assistants are even less than one for every 1000 population in tea gardens. During the last 5 years (1985-89) the figures do not show any improving condition.

The employers have clearly neglected the medical aspect of the workers. During the course of field survey the workers and trade union representatives alike expressed dissatisfaction over the absence of doctors and medicines. In some estates there is only a compounder. Tea garden areas being far away from the city, the doctors are not keen to stay in the estates as it would limit their career prospects and not all estates can afford them, very attractive salaries. So the employers in many cases employed visiting doctors. They occasionally visit the labour lines. This do not fulfil the actual requirement of the workers. What is needed is the permanent resident doctors in the tea garden. One can not understand, why the doctors can not be paid good salary by the tea garden owners, whose profits are huge, and there is no economic crisis in the industry. Moreover lady doctors are not found in almost all the hospitals where majority of women are employed.

Creches

At the end of 1989 it was reported to the labour office 242 tea plantations of West Bengal provided 554 creches in which 611 ayahs were engaged. All most all creches were mobile. Milk

and snacks were supplied free of cost to the children of the working mothers.⁶

The actual condition of creches in the Terai is not satisfactory. They are generally in the form of tent only and are badly maintained. The miserable conditions of creches is already discussed in chapter VI.

Other Facilities :

Subsidised Ration

During the second world war the entrance of Japan in the war at the end of 1941 brought significant changes. The managerial staff in tea estates was greatly reduced owing to heavy demand in armed forces. A large number of workers who were engaged in tea plantation in Assam and Bengal were diverted for construction of roads, bridges, air fields in various parts of North East India which was the major target of attack by Japan. The work load of managers who remained in the industry, was increased greatly due to shortage of labourers coupled with difficulties in getting transport. Moreover, managers were also faced the problem of making payments to workers. Instead of paying cash for wages alone and leaving the workers to purchase their own requirements of essential commodities from open market, the managers of the estates were compelled to arrange for supply of these commodities to the workers at concessional rates. Since then the tea garden workers have been provided with subsidised ration.⁷

The quantity of weekly ration being supplied is given in Table 10.6.

Table 10.6
Scale of weekly ration-1991

Category	Rice in kg.	Atta in kg.	Total
1. Workers	1	2.260	3.260
2. Adult dependants (in the age group of 12 years and upto 18 years)	1	1.240	2.240
3. Minor dependents (between age group of 2 years to 12 years)	.500	0.720	1.220

Source : Memorandum of settlements (1966 to 1991) published by Tea Association of India (North Bengal Branch area) Siliguri, p.120.

Both rice and wheat are supplied at 40 paise per kg. Non resident Bigha workers are given 82 paise daily as cash compensation in lieu of ration. The resident Bigha workers may also be given cash compensation at their option.

As per notification of the State Government 90 paise daily is taken into consideration against the value of concessional ration for calculating provident fund.

The quality of ration is not always good. They have often expressed their dissatisfaction about the quality of ration.

Fire-Wood

A worker is entitled 2.5 pill fire wood, free of cost per year. One pill is approximately equal to 12.5 maunds. This does not fulfil the need of a worker's family. So, they have to collect fire wood from nearby forests or from other sources.

Dry Tea

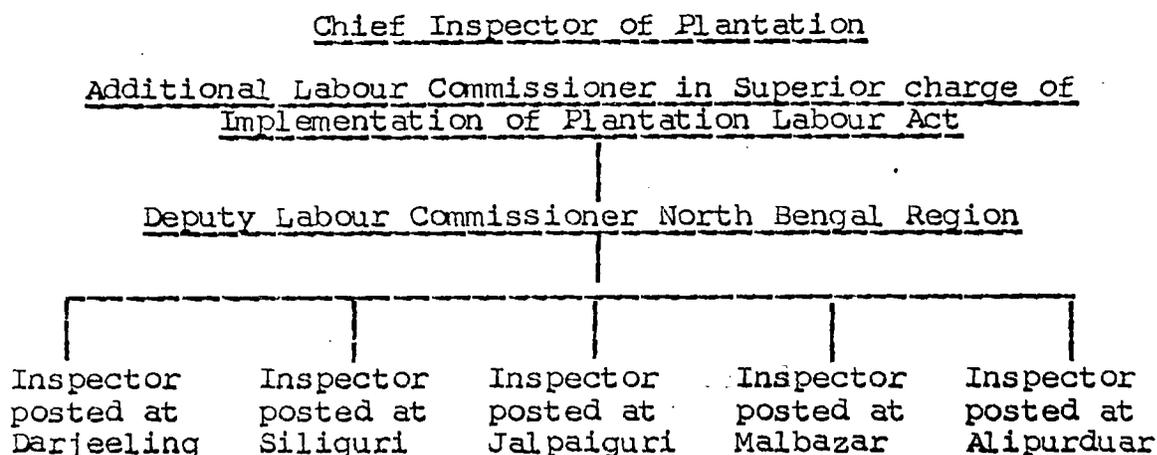
A worker is given 400 gms. of dry tea per head per month.

10.2 Enforcement of Plantation Labour Act (PLA)

The Labour Commissioner is the chief inspector of plantations for the purpose of enforcement of the Plantation Labour Act, 1951. Besides five labour commissioners and one Additional Labour Commissioner posted at the head office to assist the chief inspector of plantations in the implementation of the Act and the rules framed there under. A chart of the organisational set up for the administration of the Act is given in Table 10.7.

Table 10.7

Organizational set-up for the purpose of enforcement of the Plantation Labour Act and rules framed there under



The principal function of the Inspecting staff are aimed at ensuring some basic amenities and welfare measures such as medical facilities, creches, adequate drinking water, housing accommodation etc. which are supposed to be provided for the plantation workers. The Inspectors look after certain other provisions of the Act relating to hours and limitations of employment, leave with wages, overtime etc. The main thrust of the Inspectors' activities is however directed at making the employer comply, as much as practicable, with the provisions relating to construction of houses their repair, supply of adequate portable drinking water, medical facilities, maintenance of creches etc.

Table 10.8 shows the number of prosecution cases launched and the amount of fines realised since 1977 from the tea gardens of West Bengal.

Table 10.8

Prosecutions under the Plantation Labour Act - 1977-1990

Year	Number of cases	Amount of fine realised (Rs.)
1977	101	14,445
1978	131	56,525
1979	173	34,015
1980	171	26,705
1981	64	31,525
1982	92	33,405
1983	34	21,675
1984	40	18,320
1985	32	14,470
1986	34	11,200
1987	36	10,400
1988	70	14,200
1989	53	32,400
1990	60	46,250

Source : Data compiled from Labour in West Bengal, 1979, 1983, 1985 and 1990.

Table 10.8 shows that the prosecutions under the PLA significantly decreased during the eighties. The table also shows that the average fine for each offence is less than Rs. 400/-. So it is cheaper for the management to pay the fines than to comply with the provisions of the PLA. The remedy of this evasion of laws by employers urged for active enforcing

of laws on the part of the Government and the imposition of huge penalties on management against a little violation of the PLA by them. This can only compel the planters to comply with their statutory responsibilities.

It is admitted as to how the rules are flouted in case of housing, medical facilities, creches, drinking water etc. But it is to be noted here that it is not only due to the visits of the inspectors who are not able to travel due to lack of conveyance, who are to travel in the jeeps of the managements and therefore can not give 'surprise visits'. Moreover the Government inspectors in charge of enforcement of the Plantation Labour Act, 1951, hardly had any complaint from the workers or the trade unions to attend to in 1988, as the publication "Labour in West Bengal" - 1988 reveals.

It is also fact that the Inspectors are in league with the managements, do not give proper reports on the basis of which inquiries would be made, and the Manager be punished. There is plenty of material published by the Government as to the small number of cases launched in the court against the employers for the breach of the rules of the Act. And therefore the administrative set up for the implementation is not only faulty, but is to be completely overhauled.

10.3 Summary

The welfare of the labouring classes must be one of the first concerns of every employer. If the labourers are contented, well housed, well fed and generally well looked after, is not only an asset and advantage to the employer, but serves to raise the standard of both the industry and labour.

The concept of labour welfare in tea industry did not exist during the pre-independence period. The working conditions in the tea gardens were unhygienic and medical facilities were poor. With the coming of independence the Government of India enacted the Plantation Labour Act, 1951. The Act includes several statutory welfare provisions for the workers, such as, housing, medical facilities, creches, drinking water, education for the children of workers etc. But even after 40 years of the Act passed the provisions of the PLA have not been fully implemented by the employers. There is huge laxity on the part of the employers on the implementation of the provisions of the PLA.

We have observed that the employers' commitment to the PLA is very poor. Till large number workers are living in kutcha houses. If Rule 47 of the West Bengal Plantation Labour Rule, 1956 had been properly implemented all workers could have been provided with pucca houses by 1969. So far only about 12% tea gardens of West Bengal have constructed 100% houses of total requirements. Escalation of cost of construction, shortage of

cement, lack of sufficient subsidy are all given as reasons by the employers for non construction of houses. The fact remains that, even when the cost of building materials was less and when considerable profit was being made by the owners, there was hardly any inclination among the majority of employers to consider housing important.

The medical aspect is deliberately ignored by the employers. We have observed that the number of Doctors, Midwives, Nurses, Compounders and Health Assistants are less than one in per 1000 population in the tea gardens of West Bengal. Moreover the majority of Doctors are of visiting and they occasionally visit the labour lines. Again the question of Group Hospital has not made much headway. This is obligatory on the part of the employers as per Bengal Plantation Labour Rules 1956.

There are also provisions in the PLA for sanitation and water supply to the labour lines, but usually these are not sufficiently implemented by the management. By focusing only on the provision of housing by the management the other provision get pushed in to the background.

The Adivasi workers are not benefited by the programmes of the State Government for the Scheduled Castes and Tribes which cover education, health and welfare, since the PLA is to cover these. Therefore, in the given situation, the tea garden workers are deprived of both the statutory benefits under the PLA and the Government schemes.

The unions have failed to make the management implement the various provisions of the PLA. The union leaders have taken very little interest in the various needs of the workers, having invariably emphasised the wage aspect alone. The increase in wages is naturally not sufficient to enable the worker to build a better house, repair his house properly, or enable him to have better medical facilities. There are aspects which the trade unions in whom the workers had placed their trust and hopes, should have taken up with zeal and commitment.

Notes & References

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7. Banerjee G.D., "Structural Changes in Tea Plantation Industry", The Assam Review & Tea News, February 1986, p.4.