

EVALUATING THE EFFICACY OF THE PLANTATION LABOUR ACT, 1951: A STUDY ON TEA PLANTATION WORKERS IN THE PARTS OF NORTH BENGAL

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ABSTRACT

This research paper investigates the effectiveness of the Plantation Labour Act (PLA), 1951, in safeguarding the welfare and regulating the working conditions of tea plantation workers in North Bengal, India. Despite its enactment over seven decades ago with the noble intention of providing statutory facilities and protecting the interests of plantation labourers, persistent challenges related to health, living conditions, economic stability, and overall welfare continue to plague the workforce. This study addresses a critical research gap by empirically examining the implementation status and perceived effectiveness of specific provisions of the PLA, 1951, from the perspectives of both tea workers and estate managers in Darjeeling and Jalpaiguri Districts. Utilizing a mixed-methods approach, combining secondary data from existing literature and primary data collected through surveys and interviews with 225 tea workers and 12 managers across 12 tea gardens, the research provides a comprehensive assessment.

Preliminary findings indicate a significant disparity between the legislative mandates and their on-ground implementation, particularly concerning housing, drinking water, canteens, and child employment provisions. The study highlights structural anomalies within the Act and challenges in its enforcement, contributing to the continued vulnerability of tea workers. The paper concludes with recommendations for policy amendments and enhanced stakeholder collaboration to ensure the PLA, 1951, genuinely uplifts the socio-economic status and quality of life for tea plantation workers in North Bengal.

Keywords: Plantation Labour Act, 1951, Tea Industry, Labour Laws, Worker Welfare, Implementation Effectiveness.

L INTRODUCTION

BACKGROUND OF THE INDIAN TEA INDUSTRY

India, a nation deeply intertwined with the history and culture of tea, stands as one of the world's largest producers and consumers of this ubiquitous beverage. The tea industry in India is not merely an economic powerhouse but a complex socio-economic ecosystem that sustains millions of lives, particularly in its traditional growing regions. West Bengal, a prominent state in Eastern India, plays a pivotal role in this landscape, contributing approximately 24% of the total tea production in the country, making it the second-largest tea-producing state after Assam (Indian Tea Association). This significant contribution underscores the industry's economic importance to the state, providing direct and indirect employment to a vast workforce. The tea industry of West Bengal employs approximately 269,937 permanent workers and over 70,000 casual and contractual labourers, out of a total of 1,124,907 workers across the Darjeeling, Terai, and Dooars regions. This workforce, often residing within the plantation premises, forms the backbone of the industry.

The geographical focus of this study centers on the distinct tea-growing regions within North Bengal. Each region possesses unique characteristics that influence its tea production and the socio-economic conditions of its workers. Darjeeling, nestled in the Himalayan foothills, is globally renowned for its exquisite Darjeeling tea, often hailed as the "Champagne of Tea" due to its distinct flavour and aroma. The region is home to 81 tea gardens (Indian Tea Association; Annual Report 2022-23, Department of Labour, West Bengal; Tea Board of India). In contrast, the Terai and Dooars regions, located in the plains at the foothills of the Himalayas, are primarily known for the production of CTC (Crush, Tear, Curl) tea, which is widely consumed in India and abroad. These regions collectively host 45 and 150 tea gardens, respectively (Annual Report 2022-23, Department of Labour, West Bengal; Indian Tea Association; Tea Board of India). The diverse topography, climate, and tea varieties across these regions contribute to the complexity of the industry and, consequently, to the varied challenges and opportunities for its workforce.

OVERVIEW OF LABOUR LAWS IN INDIA AND THE NEED FOR SPECIFIC LEGISLATION IN PLANTATIONS

The history of labour legislation in India is a tapestry woven with the threads of colonial legacy, post-independence aspirations for social justice, and the evolving

dynamics of industrial relations. Prior to India's independence in 1947, labour laws were fragmented and often inadequate, particularly in sectors characterized by exploitative practices. The plantation sector, with its unique residential labour system and often isolated geographical locations, presented distinct challenges that necessitated specialized legislative intervention. The working and living conditions in plantations were historically marked by harshness, low wages, and a lack of basic amenities, leading to widespread exploitation of workers who were often migrants with limited bargaining power (Tantri, 2017; Tantri, 2018; Tantri, 2019; Thapa, 2016).

Recognizing these systemic issues, and based on the recommendations of various labour committees, including the Labour Investigation Committee, the Indian Parliament enacted the Plantation Labour Act (PLA) in October 1951, which subsequently came into force in 1954 (Plantation Labour Act, 1951, Tea Board of India; Plantation Labour Act, 1951, Government of India). The legislative intent behind the PLA, 1951, was ambitious and multifaceted: to provide for the welfare of labour and to regulate the conditions of work in plantations. Specifically, the Act aimed to ensure statutory facilities related to health, safety, and welfare, thereby protecting the interests and uplifting the socio-economic status of plantation workers (Banerji et al., 2019; Government of India, n.d.; Plantation Labour Act, 1951, Sarkar, 2016).

It was designed to be a comprehensive piece of legislation addressing various aspects of a worker's life, from their working hours and wages to their housing, medical care, and recreational needs. The Act's applicability extends to any land used for growing tea, coffee, rubber, cinchona, cocoa, palm oil, and cardamom plantations, measuring 5 hectares or more, and employing fifteen or more persons (Plantation Labour Act, 1951, Government of India; Annual Report 2022-23, Department of Labour, West Bengal). This broad scope was intended to cover a significant portion of the plantation workforce and ensure a minimum standard of living and working conditions.

II. PROBLEM STATEMENT

Despite the progressive intentions enshrined in the Plantation Labour Act, 1951, the ground reality for tea plantation workers in India, particularly in regions like North Bengal, often presents a stark contrast to the legislative ideals. Decades after its enactment, the industry continues to grapple with persistent challenges that undermine the welfare and dignity of its workforce. These challenges manifest in various forms, including inadequate health infrastructure, substandard living

conditions, economic instability characterized by low wages and irregular payments, and a general lack of access to basic amenities and social security (Biswas, 2016; Chatterjee & Majumdar, 2019; John & Mansingh, 2016; Rai, 2019; Tantri, 2019). The residential nature of plantation labour, where workers often live within the estate premises, further exacerbates their dependence on the employers for essential services, making the effective implementation of the PLA even more critical (Roy, 2017; Roy & Biswas, 2019; Sarkar, 2016; Thapa, 2016). The discrepancy between the legislative mandates and their actual on-ground implementation has been a recurring theme in various studies, leading to industrial disputes and a continued cycle of deprivation for many tea garden workers. This situation raises fundamental questions about the effectiveness of the PLA, 1951, in achieving its stated objectives and whether its provisions are adequately addressing the contemporary needs of the tea plantation workforce.

III REVIEW OF LITERATURE

EVOLUTION AND OBJECTIVES OF THE PLANTATION LABOUR ACT, 1951

The genesis of the Plantation Labour Act (PLA) in India is rooted in the colonial era, where the burgeoning plantation economy, particularly tea, coffee, and rubber, relied heavily on a vast, often migrant, and vulnerable workforce. The unique characteristics of the plantation system – its residential nature, isolated geographical locations, and the inherent power imbalance between employers and labourers–necessitated specific legislative interventions. Early attempts at regulating labour conditions were piecemeal and largely ineffective, often favoring the interests of the planters. Post-independence, with a renewed focus on social justice and worker welfare, the need for comprehensive legislation became paramount. The Labour Investigation Committee (1944-46) played a crucial role in highlighting the deplorable conditions of plantation workers and recommending a dedicated law to address their welfare and working conditions (Plantation Labour Act, 1951; Tantri, 2017; Tantri, 2018; Tantri, 2019; Tea Board of India).

Consequently, the Plantation Labour Act, 1951, was enacted, coming into force in 1954. Its primary objective was to provide for the welfare of labour and to regulate the conditions of work in plantations (Banerji et al., 2019; John & Mansingh, 2016; Sarkar, 2023). The Act aimed to ensure a minimum standard of living and working conditions for plantation workers, recognizing their unique vulnerabilities (Bhowmik, 2015; Majumdar, 2022; Rajbangshi & Nambiar, 2020; Sarkar, 2016; Tantri, 2017). Key objectives included safeguarding health, ensuring safety, and providing essential welfare facilities. The Act applies to any land used for growing

tea, coffee, rubber, cinchona, cocoa, palm oil, and cardamom, measuring 5 hectares or more, and employing fifteen or more persons. This broad coverage was intended to bring a significant portion of the plantation workforce under its protective umbrella, ensuring that employers provided statutory facilities to their employees and their families residing within the plantations (Plantation Labour Act, 1951, Government of India; Tantri, 2017; Tantri, 2018; Tantri, 2019). The PLA was envisioned as a transformative piece of legislation, moving away from the exploitative practices of the past towards a more humane and equitable labour regime.

KEY PROVISIONS OF THE PLANTATION LABOUR ACT, 1951

The PLA, 1951, is a comprehensive piece of legislation that outlines various provisions related to the health, welfare, working hours, and leave entitlements of plantation workers (Plantation Labour Act, 1951, Government of India; Plantation Labour Act, 1951, Tea Board of India). These provisions are designed to ensure a basic standard of living and working conditions, reflecting the state's commitment to worker welfare. The following subsections detail the key provisions as outlined in the Act:

Health Provisions

The Plantations Labour Act mandates plantations to provide wholesome drinking water, conservancy facilities, and medical facilities for all workers, especially in remote areas. Employers must provide separate toilet facilities for male and female workers, ensuring sanitation and hygiene. Medical facilities must be readily available in plantation areas, and employers are responsible for providing compensation for referrals for external healthcare services.

Welfare Provisions

The Plantations Labour Act (PLA) mandates that plantations employing 150 or more workers must provide canteens, creches, recreational facilities, educational facilities, housing facilities, and other essential amenities to support workers' daily needs. Canteens provide hygienic and affordable food options, while creches provide safe environments for women workers' children. Recreational facilities are essential for the social well-being and mental health of workers and their families. Educational facilities are provided for children aged 6 to 12, breaking intergenerational poverty and illiteracy cycles. Housing facilities are also mandated for workers and their families, especially in plantation labour where housing is often tied to employment.

Working Hours & Limitation

The Plantations Labour Act, 1951, outlines clear working hours for general workers and children, with 48 hours a week for general workers and 27 hours for children. Overtime is remunerated at twice the normal wage rate to prevent excessive overtime. Workers are entitled to one day of rest every seven days, and a half-hour rest interval is mandated after every five hours of work. The total working hours should not exceed 12 hours, and employers must display a notice of their working hours. Night work is restricted to 7 PM, and a certificate of fitness is required for child/adolescent employment.

Leave with Wages

The Labour Act of 1951 provides for annual leave with wages, offering one day of paid leave for every 20 days worked by adults and 15 days for children/adolescents. It also requires a qualified medical practitioner's certificate for sickness allowance and maternity leave according to employer or state government rules.

PREVIOUS STUDIES ON TEA WORKERS' CONDITIONS AND PLA EFFECTIVENESS IN WEST BENGAL

The effectiveness of the Plantation Labour Act, 1951, particularly in the tea gardens of West Bengal, has been a subject of considerable academic and policy discourse. Numerous studies have highlighted a significant disjuncture between the legislative intent of the PLA and its actual implementation on the ground, leading to persistent challenges for tea plantation workers.

Implementation Failures: A recurring theme in the literature is the widespread failure to fully implement the Act's provisions. This non-implementation often culminates in industrial disputes, indicating a breakdown in industrial relations and a lack of adherence to statutory obligations by some employers (Biswas 2016; Roy, 2017; Tantri, 2017; Tantri, 2019). These studies suggest that despite the legal framework, the mechanisms for ensuring compliance are often weak or unenforced, leaving workers vulnerable.

Health and Living Conditions: Despite the PLA's explicit mandates regarding health and welfare, tea plantation workers continue to face poor health outcomes. This is largely attributed to inadequate health infrastructure and substandard living conditions within the tea gardens (Bhowmik, 2015; Chatterjee & Majumdar, 2019; Rai, 2019; Rajbangshi & Nambiar, 2020; Majumder, 2022; Sundas & Saha, 2023). Research consistently points to issues such as lack of access to clean drinking water,

poor sanitation, and insufficient medical facilities, which contribute to a high incidence of preventable diseases and overall poor health among the workforce.

Economic and Social Challenges: The economic vulnerability of tea plantation workers is another critical area of concern. Studies reveal that workers often suffer from pervasive poverty and economic instability, primarily due to low wages and irregular payments (Bhowmik, 2015; Biswas, 2016; Rai, 2019; Rajbangshi & Nambiar, 2020; Tantri, 2018). This economic precarity is exacerbated by the residential nature of their employment, which limits their mobility and access to alternative livelihoods, trapping them in a cycle of dependence and deprivation. Social challenges, including limited access to quality education and social security, further compound their marginalized status.

Structural Anomalies: Critics argue that the PLA, despite its initial progressive intent, contains inherent structural flaws that have hindered its effectiveness. These anomalies have reportedly led to institutional exclusion, failing to adequately address the evolving needs and realities of plantation workers (Tantri, 2019). Such structural issues might include outdated definitions, insufficient enforcement powers, or a lack of adaptability to changing socio-economic landscapes.

Implementation Challenges: Beyond specific failures, there's a broader concern about the general non-adherence to many provisions of the PLA. This widespread non-compliance leads to significant criticism regarding the Act's overall effectiveness in protecting workers' welfare (Tantri, 2018; Tantri, 2019). The challenges often stem from a combination of factors, including economic pressures on tea garden owners, weak regulatory oversight, and a lack of awareness or empowerment among workers.

Wage and Employment Issues: The employment structure within the tea plantations has undergone significant changes, characterized by sluggish growth in permanent employment and an increasing casualization of the workforce. This shift towards more precarious forms of employment, coupled with stagnant real wages and earnings, raises serious questions about the PLA's ability to promote workers' welfare. Furthermore, the industry's reliance on lower-paid, piece-rated women workers highlights gender-based disparities and exploitative labour practices (Thapa, 2016). These issues collectively underscore the need for a critical re-evaluation of the Act's relevance and efficacy in the contemporary context.

These previous studies collectively paint a grim picture of the challenges faced by tea plantation workers in West Bengal, despite the existence of the PLA, 1951. They highlight a consistent pattern of non-compliance, inadequate welfare

provisions, and socio-economic vulnerability, emphasizing the urgent need for a deeper investigation into the effectiveness of the Act's specific provisions.

IV. RESEARCH GAP

Previous studies on the Plantation Labour Act, 1951, and the conditions of tea workers in West Bengal have predominantly focused on highlighting the Act's implementation failures and the dire living and working conditions of the labourers. While these studies have been instrumental in drawing attention to the systemic issues and the plight of tea workers, there remains a notable research gap. Specifically, there is a paucity of empirical research that delves into the effectiveness of each specific provision of the PLA, 1951, by incorporating the perspectives of both the planters (tea estate managers) and the workers themselves. Understanding the reasons behind non-implementation, the challenges faced by management in adhering to the provisions, and the workers' perceptions of the adequacy and impact of these provisions is crucial for a holistic assessment. Such a nuanced approach can reveal the underlying factors contributing to the implementation deficit and identify areas where policy interventions or amendments are most needed. Without this dual perspective, the effectiveness of the Act cannot be fully comprehended, and targeted solutions remain elusive.

V. PURPOSE OF THE STUDY

Against this backdrop, the present study aims to contribute to the existing body of knowledge by addressing the identified research gap. The specific purposes of this study are threefold:

- a) To study the provisions of the Plantation Labour Act (PLA), 1951.
- b) To examine the implementation status of each provision of PLA, 1951 in the tea estates of North Bengal.
- c) To assess the effectiveness of each provision of the PLA, 1951 in the tea plantation industry in North Bengal.

VI. METHODOLOGY

This study employs a mixed-methods research design, integrating both secondary and primary data collection approaches to provide a comprehensive and nuanced understanding of the effectiveness of the Plantation Labour Act (PLA), 1951, in the tea industry of North Bengal. This approach allows for a robust investigation, combining broad contextual information with specific, on-the-ground insights from the perspectives of both tea workers and estate managers.

RESEARCH DESIGN

The research design is primarily descriptive and analytical. It aims to describe the current status of implementation of the PLA, 1951, provisions in selected tea estates and to analyse the factors influencing their effectiveness. The study also adopts an empirical approach, relying on direct observation and data collected from the field to draw conclusions about the Act's impact. By comparing legislative mandates with observed realities and stakeholder perceptions, the study seeks to identify gaps and areas for improvement.

SAMPLING TECHNIQUE

The study employed a purposive sampling technique in the study to select the participants. This technique involves deliberately choosing the individuals who are most relevant to the research objectives. In this study, the permanent tea plantation workers and tea estate managers were identified as key participants because, only permanent tea workers entitled for the provisions of the Plantation Labour Act, 1951 and the tea estates managers are representatives of the tea industry managements responsible to ensure the proper implementations of the provisions of the PLA, 1951 in the tea estates.

DATA COLLECTION

Secondary Data

This study utilized meticulously gathered secondary data from reliable sources. Research publications, academic journals, and scholarly databases were examined to understand the PLA's history, legislative goal, prior studies on its implementation, and the socioeconomic conditions of tea plantation workers in India, especially West Bengal. This helps identify research gaps and set goals. To understand North Bengal's tea industry's workforce welfare, industrial disputes, and policy debates, credible national and regional media archives were reviewed. These sources presented direct employee and managerial problems viewpoints and anecdotes. The Ministry of Labour & Employment, the Tea Board of India, and numerous state government ministries provided statistical data, policy recommendations, and official publications on the PLA, 1951, and the tea sector. These defined legal requirements and compliance documents.

Primary Data

The study collected primary data on the implementation and effectiveness of the PLA provisions by engaging tea workers and tea estate managers directly. Structured questionnaires were administered to a sample of tea workers and tea estate managers.

These questionnaires were designed to gather quantitative data on the perceived implementation status of various PLA provisions, in 'yes' or 'no'. The questions were framed to cover aspects related to health, welfare, working hours, and leave entitlements as stipulated by the Act.

Semi-structured interviews were done with a segment of workers and managers. These in-depth interviews collected qualitative data, including rich narratives, personal experiences, and extensive explanations that formal surveys could not capture. This qualitative component was useful for understanding the 'why' behind findings

STUDY AREA AND SAMPLE SIZE

TABLE 1: STUDY AREA AND SAMPLE SIZE DISTRIBUTION

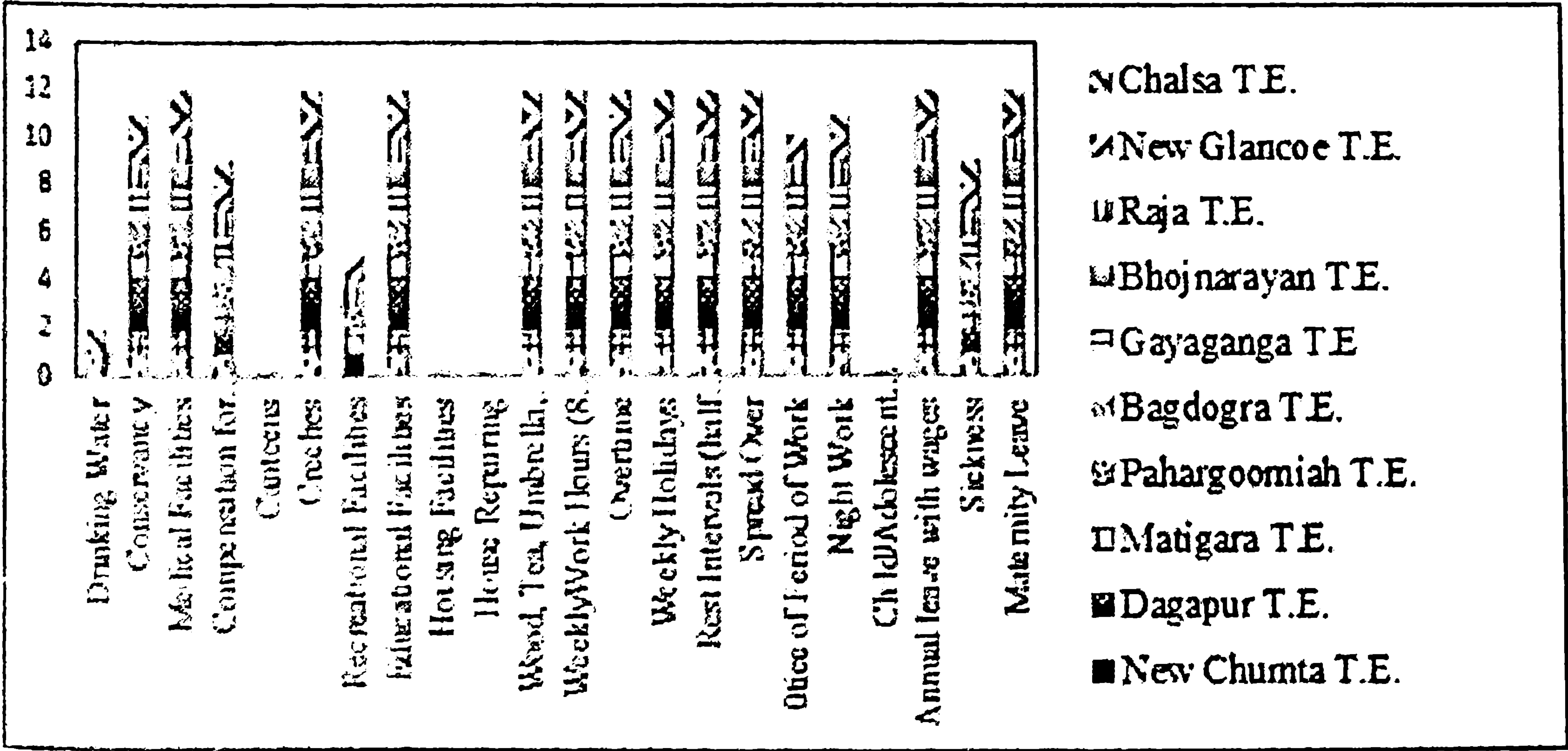
Name of Tea Estates	Total Permanent Tea Workers*	Study Sample (Tea Workers)**	Gender (M)	Gender (F)	Study Sample (Tea Estates Managers)**
Mohorgong and Gulma. T.E (G1)	1654	25	5	20	1
Sukna T.E. (G2)	692	20	10	10	1
New Chumta T.E. (G3)	749	15	3	12	1
Dagapur T.E. (G4)	480	10	4	6	1
Matigara T.E. (G5)	295	15	2	13	1
Pahargoomiah T.E. (G6)	1577	25	10	15	1
Bagdogra T.E. (G7)	395	15	9	6	1
Gayaganga T.E (G8)	1122	20	12	8	0
Bhojnarayan T.E. (G9)	472	10	5	5	1
Raja T.E. (G10)	762	20	4	16	1

12	Weekly Work Hours (8 hours)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
13	Overtime	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
14	Weekly Holidays	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
15	Rest Intervals (half Hours)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
16	Spread Over	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
17	Office of Period of Work	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N
18	Night Work	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
19	Child/Adolescent Employment	N	N	N	N	N	N	N	N	N	N	N	N
20	Annual leave with wages	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
21	Sickness	Y	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y
22	Maternity Leave	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Source: Authors

The data obtained from surveys and interviews with 225 tea workers and 12 tea estate managers across 12 tea gardens in North Bengal unveiled a multifaceted and often contradictory depiction of the implementation and efficacy of the Plantation Labour Act (PLA), 1951. While certain provisions of the Act are being followed, a considerable number are either partially enforced or entirely disregarded, resulting in a significant disparity between legislative intent and practical reality. The analysis of the data, as detailed in the original study, reveals a general agreement between workers and managers regarding the status of several key provisions, especially those pertaining to welfare.

FIGURE 1: STATUS OF IMPLEMENTATION OF PLA, 1951 PROVISIONS IN THE TEA ESTATES FROM THE PERSPECTIVES OF THE TEA WORKERS



Source: Authors

IMPLEMENTATION STATUS OF KEY PROVISIONS**Health Provisions:**

- a. **Drinking Water:** Drinking water availability was generally reported to be adequate and satisfactory by both workers and managers. But there was an important source of disagreement in the interviews. Many of the managers said with most tea estates now under the administrative control of local panchayats, the responsibility of supplying potable water had fallen on the state government with schemes like Swachh Jal Dhara. This suggests a possible overlap of responsibilities that, if not effectively harmonized, could result in shortfalls of implementation of the provision.
- b. **Conservancy:** While the provision of separate toilet facilities for male and female workers is mandated, the study found that most of the tea gardens failed to implement the separate toilets provision. Even for the single toilets for both male and female workers, tea workers expressed dissatisfaction with the maintenance, cleanliness and the hygienic conditions, and highlighted a need for better upkeep and regular maintenance.

TABLE 3: STATUS OF IMPLEMENTATION OF PLA, 1951 PROVISIONS AS PER MANAGERS OF THE TEA ESTATES (G1 TO G12 REPRESENTS GARDENS; Y=YES AND N=NO)

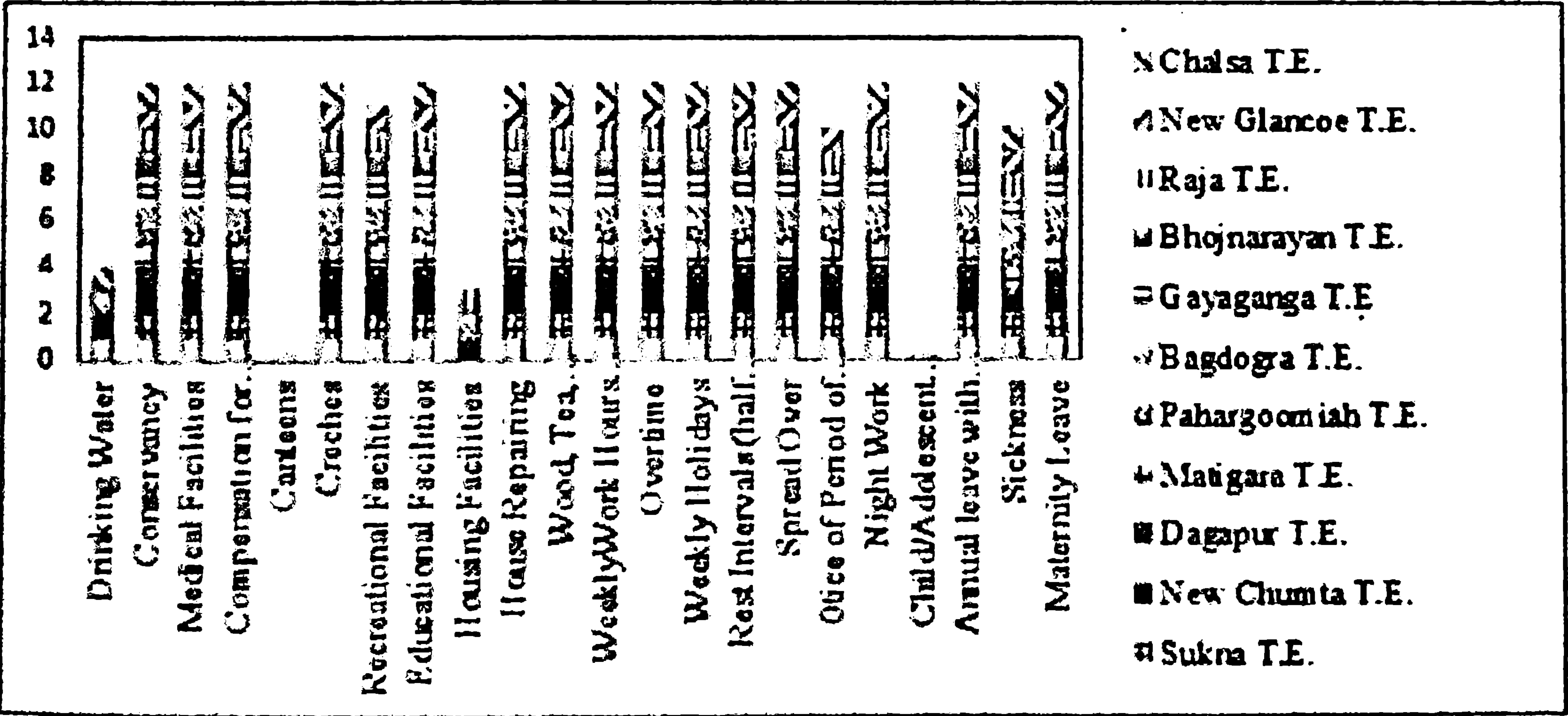
SN	Provisions	G1	G2	G3	G4	G5	G6	G7	G8	G9	G10	G11	G12
1	Drinking Water	Y	N	N	Y	N	N	Y	N	N	N	N	Y
2	Conservancy	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3	Medical Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4	Compensation for Outside Treatment	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5	Canteens	N	N	N	N	N	N	N	N	N	N	N	N
6	Creches	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7	Recreational Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
8	Educational Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
9	Housing Facilities	N	N	N	Y	N	N	Y	N	N	Y	N	N
10	House Repairing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
11	Wood, Tea, Umbrella, Blanket, etc.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
12	Weekly Work Hours (8 hours)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
13	Overtime	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
14	Weekly Holidays	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

15	Rest Intervals (half Hours)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
16	Spread Over	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
17	Notice of Period of Work	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N
18	Night Work	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
19	Child/Adolescent Employment	N	N	N	N	N	N	N	N	N	N	N	N
20	Annual leave with wages	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
21	Sickness	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y
22	Maternity Leave	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Source: Authors

c. **Medical Facilities:** The availability of basic medical facilities within the tea gardens was reported, but their quality and accessibility were often questioned by the workers. The workers expressed concern over the same medicine were given for any ailments. Many workers felt that the on-site dispensaries were ill-equipped to handle serious ailments, and the process of getting compensation for referrals to outside hospitals were followed in only few gardens.

FIGURE 2: STATUS OF IMPLEMENTATION OF PLA, 1951 PROVISIONS AS PER MANAGERS OF THE TEA ESTATES



Source: Authors

Welfare Provisions

a. **Canteens:** None of the surveyed tea estates had functional canteens as mandated by the PLA for plantations with over 150 workers. Instead, planters provided a one-hour lunch break to the workers. This represents a

clear violation of the Act, depriving workers of access to hygienic and subsidized food during their working hours. Though managers during survey said that if they provided the canteens, the workers may not be able to afford the food from the canteens and may find wastage of money of buying the food and, they prefer to get time for lunch.

- b. **Creches:** The provision of crèches for the children of women workers was also found to be largely neglected. Despite the presence of designated rooms in some tea gardens, they frequently lacked proper maintenance, necessary amenities, and trained staff to provide adequate childcare. The situation places an additional burden on women workers, who have to make alternative arrangements for their children while they are at work. During the interview, more than 60% of the workers said that creches are not in good condition, and sometimes big plastic covers are used to make them for the children.
- c. **Recreational and Educational Facilities:** The provision of recreational and educational facilities was found to be minimal. While some tea gardens had basic playgrounds, there was a general lack of organized recreational activities. Similarly, educational facilities were often limited to primary schools with inadequate infrastructure and teaching staff, impacting the quality of education for workers' children. During the survey, many tea workers said that teachers come to their tea garden school, take attendance, and then go home. They said, "If our child can't read or write, why send them to school?" This describes the conditions of education in tea garden schools.
- d. **Housing Facilities:** Housing emerged as a major point of contention. While employers are mandated to provide and maintain housing, the study found that the condition of the houses was often deplorable. Workers reported that no significant repair work had been done for over 15 years, leading to dilapidated and unsafe living conditions. Managers, on the other hand, pointed towards government schemes like "Chaa Sundari" as the intended source for housing provision, again highlighting a potential shift in responsibility and a lack of direct investment by the planters.

Working Hours and Leave Provisions

The provisions related to working hours, overtime, weekly holidays, and rest intervals were generally found to be adhered to, as these are more directly linked to the production process and are easier to monitor. However, some workers reported

issues with the calculation of overtime pay and the timely granting of leave. The restrictions on night work for women and children were also largely followed, primarily due to the nature of tea plantation work, which is predominantly a daytime activity. Only factory workers are allowed to work overtime during the workload period.

Perceived Effectiveness and Challenges

The study uncovered a significant disconnect between workers and managers regarding the perceived effectiveness of the Plantation Labour Act (PLA). Managers frequently attributed the non-implementation of certain welfare provisions to economic constraints—particularly losses in the tea industry caused by worker absenteeism and environmental challenges. In contrast, workers interpreted this inaction as a deliberate neglect of their rights. From their perspective, the PLA, in its current form, has failed to improve their socio-economic conditions, leaving them vulnerable to the discretion of plantation owners.

A critical structural flaw identified in the PLA is the undefined nature of the term "wage." This ambiguity has resulted in ongoing challenges in establishing fair minimum wages, often leaving workers with inadequate incomes that fall short of meeting basic household needs. The absence of a clear wage definition has been a persistent source of industrial disputes and continues to hinder the economic advancement of tea plantation workers.

VIII CONCLUSION

This empirical study on the effectiveness of the Plantation Labour Act, 1951, in the tea industry of North Bengal has brought to light the persistent and multifaceted challenges that continue to undermine the welfare and rights of tea plantation workers. The results, which are derived from the viewpoints of managers and employees, show a notable discrepancy between the PLA's actual execution and its legislative aim. Although the Act was intended to serve as a safeguard for a vulnerable workforce, a combination of implementation issues, structural anomalies, and lax enforcement have seriously limited its efficacy.

The study confirms that while some provisions of the PLA, particularly those related to working hours and basic health facilities, are being partially adhered to, the more substantive welfare provisions, such as housing, canteens, and creches, are largely neglected. The deplorable condition of housing, the absence of canteens, and the inadequacy of childcare facilities point to a systemic failure to provide a decent standard of living for workers and their families. The recurring argument

from management about economic unviability and the shifting of responsibilities to government schemes highlights a need for greater accountability and a more sustainable model for financing worker welfare.

While the decline in child labour or no child labour policy adopted all the surveyed gardens is a positive trend, it also underscores the need to re-evaluate and update the provisions of the PLA to address contemporary issues, such as the quality of education for children, skill development for young adults, and alternative livelihood opportunities. The undefined nature of “wage” in the Act remains a critical structural flaw, perpetuating low wages and economic insecurity among workers. This ambiguity has not only hindered the economic progress of workers but has also been a major source of industrial unrest (Tantri, 2018; Tantri, 2019),

In conclusion, the Plantation Labour Act, 1951, in its current form and with its present level of enforcement, has proven to be largely ineffective in achieving its core objective of uplifting the socio-economic status of tea plantation workers in North Bengal. The Act, while historically significant, has not evolved to meet the changing needs of the industry and its workforce. The results of this investigation indicate that a superficial modification will be inadequate. An extensive revision of the Act, along with a strong and transparent enforcement mechanism, is vital to guarantee that the rights and welfare of tea plantation workers are not merely safeguarded in theory but are actualized in their everyday existence.

REFERENCES

- Banerji, S., Willoughby, R., & Nandy, A. (2019). *Addressing the human cost of Assam tea: An agenda for change to respect, protect and fulfil human rights on Assam tea plantations*. Oxfam GB for Oxfam International. <http://hdl.handle.net/10546/620876>
- Bhowmik, S. K. (2015). *Living Conditions of Tea Plantation Workers*. *Economic and Political Weekly*, 50(46/47), 29–32. <http://www.jstor.org/stable/44002859>
- Biswas, D. (2016). Wage determination machinery of tea industry in India: A case of West Bengal state. *Journal of Tea Science Research*. <https://doi.org/10.5376/jtsr.2016.06.0008>
- Chatterjee, I., & Majumdar, A. (2019). An Empirical Study on Economic Development of Tea Industry in West Bengal. *International Journal on Recent Trends in Business and Tourism (IJRTBT)*, 3(4), 12-18.

- Darjeeling. teaboard.gov.in. (n.d.).
<https://www.teaboard.gov.in/TEABOARDCSM/NQ==>
- Dooars-Terai. teaboard.gov.in. (n.d.).
<https://www.teaboard.gov.in/TEABOARDCSM/MTA=>
- John, J., & Mansingh, P. (2016). Plantation labour act 1951 and Social Cost. *Globalisation, Development and Plantation Labour in India*, 131–166.
<https://doi.org/10.4324/9781315620510-6>
- Labour-in-west-bengal-2022-23.PDF. (n.d.).
<https://wbic.gov.in/sites/default/files/labour-in-wb/labour-in-west-bengal-2022-23.pdf>
- Majumder, T. B. (2022). Health care practices among the tea plantation labourers: a sociological study in the tea gardens of North Bengal. *Indian JL & Just.*, 13, 154.
- Plantations labour act, 1951. (n.d.-a).
http://www.teaboard.gov.in/pdf/policy/Plantations%20Labour%20Act_amended.pdf
- Plantations labour act, 1951. (n.d.-b). <https://labour.gov.in/sites/default/files/The-Plantation-Labour-Act-1951.pdf>
- Rai, P. C. (2019). An empirical study on the socio-economic conditions of the plantation workers in the tea industry of Darjeeling. *International Journal of Applied Science and Engineering*, 7(1), 83–93.
<https://doi.org/10.30954/2322-0465.1.2019.7>
- Rajbangshi, P. R., & Nambiar, D. (2020). “who will stand up for us?” the social determinants of health of Women Tea Plantation Workers in India. *International Journal for Equity in Health*, 19(1).
<https://doi.org/10.1186/s12939-020-1147-3>
- Report on the working of the Plantations Labour Act, 1951 for ... (n.d.).
https://www.labourbureau.gov.in/assets/images/pdf/Report_PLA_Act_2012.pdf
- Roy, N. C. (2017). Factors affecting industrial relations in Indian Tea Industry: A study on the North Bengal region of West Bengal. *Asian Journal of Management*, 8(3), 375. <https://doi.org/10.5958/2321-5763.2017.00059.2>
- Roy, N. C., & Biswas, D. (2019). Labour welfare practice and ownership pattern of tea plantations in west bengal, india. *A Journal of Composition Theory*, 12(7), 344-350.
- Sarkar, K. (2016). Wages, mobility and labour market institutions in tea plantations. *Globalisation, Development and Plantation Labour in India*, 27–50.
<https://doi.org/10.4324/9781315620510-2>

- Sarkar, N. (2023, January 27). *Bitter brew: Darjeeling's tea garden workers are paid poorly, have no land rights*. Indiaspend. <https://www.indiaspend.com/assam/bitter-brew-darjeelings-tea-garden-workers-are-paid-poorly-have-no-land-rights-850456>
- Sundas, S., & Saha, S. (2023). Tea Plantation Worker's Access to Sanitation Services and Their Health Condition: A Case of Tea Plantation Workers of Kurseong Tea Estates, Darjeeling, West Bengal. *International Research Journal of Economics and Management Studies IRJEMS*, 2(3). <https://doi.org/10.56472/25835238/irjems-v2i3p155>
- Tantri, M. L. (2017). *India's Plantation Labour Act – a critique*. Working Papers. 398 <https://ideas.repec.org//p/sch/wpaper/398.html>
- Tantri, M. L. (2018). India's Plantations Labour Act, 1951–Need a Revisit. Institute for Social and Economic Change. <https://www.isec.ac.in/>
- Tantri, M. L. (2019). India's Plantations Labour Act and inherent structural anomalies. *Review of Development and Change*, 24(2), 224–241. <https://doi.org/10.1177/0972266119886982>
- Tea growing regions. (n.d.). https://www.indiatea.org/tea_growing_regions
- Thapa, N. (2016). Employment status and human development of Tea Plantation Workers in West Bengal. *Globalisation, Development and Plantation Labour in India*, 82–108. <https://doi.org/10.4324/9781315620510-4>