

Tea Workers – Distressed in the Organized Industry in North Bengal

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Many workers died of starvation since January 2014 in the tea gardens in the Dooars (North Bengal), several of which are closed or sick. There is disagreement on the number of gardens, on how many workers are affected or on the cause of the deaths. The administration and even some trade unions, deny starvation, but acknowledge malnutrition. Tea is one of the oldest industries in India and does have some problems of obsolescence. But production, domestic consumption and auction prices of tea in India have all steadily increased. Ironically tea workers are unionized, get wages through tripartite collective bargaining and various benefits under the Plantation Labor Act, 1951. Worker distress is not confined to closed gardens alone, but extends to intermittently open and running gardens also, due to the poor wages and working conditions.

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Introduction

The distress of tea workers ranges from subsistence wages and various deprivations to death from malnutrition and starvation. Ironically tea workers get wages through tripartite collective bargaining and various benefits under plantation legislation. Reports of about 100 starvation deaths since January 2014 in the tea gardens in the Dooars, North Bengal (plains lapping the Himalayan foothills) appeared in newspapers (TOI, 7 July 2014; Gupta & Bhattacharya, 29th July 2014). A decline in tea production during October 2013 and in 2014 due to drought was noted in Assam and West Bengal (Tea board, Jan 2013; Indian Tea Association Press Release, 26, 04, 14). The issue was serious enough to be raised in Parliament [TOI, 5th August, 2014: 8), claiming 1000 starvation deaths since 2002, with media claiming closure of 28 gardens (TOI, 12/8/14). The Supreme Court appointed Special Commissioner on Right to Food, also commented on the

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deaths when he visited Bengal on 5th August (TOI, 6th August 2014). But do workers of other organized industries die if there are some closures or production decline?

The tea industry is one of the oldest in India (first garden established in 1839) and has some problems of obsolescence and low productivity. Many employers claim non-viability. But total production of tea in India has increased from 874 million kgs in 1998 to 1200 million kgs in 2013, domestic consumption from 650 million Kgs to 926 million kgs., and average auction prices from Rs 77 to Rs 128, according to the Indian Tea Association. The emergence of thousands of small growers in North and South India also vouch for a growing market. Working and living conditions and benefits for workers in tea plantations are governed mainly by the Plantation Labor Act, 1951 (PLA), under which, tea workers are entitled housing and house maintenance, drinking water, sanitation, canteen (replaced by subsidized food grains/rations), medical facilities and maternity leave, weekly off, paid annual leave, crèche, welfare officer, recreation and educational facilities.

There is disagreement over how many gardens are closed or sick (6 and 30-40, according to union leaders). The Tea Board was not unduly concerned, the Chairman remarking that “thousands, such deaths may occur” (TOI, 26th July 2014: 17). Interestingly, the welfare programs and schemes of the Tea Board (Tea Board Report, Labor Welfare: 61), do not address issues of sickness, clo-

sure, worker distress or starvation, although Rs 3.34 crores on account of defaulted dues of employers have been written off. There is controversy on the cause of deaths as well. While several NGOs, working in the area and the media term them as ‘hunger deaths’, the administration, over several years and even some trade unions, deny starvation. However, all admit that poor diet and malnutrition are chronic, leading to anemia, TB, diarrhea, dengue and malaria (TOI, 1 August 2014: 7). Not surprisingly, there have been several violent incidents, with workers venting their frustration on management. For instance, in March 2014, the Assistant Manager, Dalmore TE (Birpara) was hacked to death and on 22 November 2014, the owner of Sonali TE was killed (Telegraph, 23/11/14: 1).

After these reports, the Government of West Bengal decided to extend MGNREGA to closed gardens, give rice and wheat at Rs 2 per kg, under the Antodyay Scheme and pay Rs 1500 monthly under the FAWLOI (Financial Assistance to Workers in Locked Out Industrial Units) scheme (TOI 17 Jul 2014, 18:11 IST). But the payments have been neither universal nor regular.

Worker deaths are not confined to the last two years. Talwar (2005: 7) writes that the Dooars crisis started during 2002-04, when 22 plantations closed down, and in response to a writ petition, the Supreme Court appointed Commissioners to suggest relief measures. The then state government made special efforts to revive the gardens or find new employers, or to form Operating and

Management Committees (OMCs) with members from all operating unions, for plucking and sale of green leaf, maintenance and payment of wages, as well as provide monthly payments from FAWLOI. As a result, 18 gardens were reopened by September 2005 (Talwar, 2005: 9). However many workers suffered severely. In one garden, a worker of 42 years had a body weight of 29 kgs., and 48 other families were in similar condition (Talwar, 2005:20).

The role of the Government (State and Centre) in this continuing crisis has been inadequate. For instance, action to recover the huge dues of workers has been almost absent, with just a single case for recovery of PF. Schemes for alternative employment provided a maximum 6 days per month. The OMCs generally functioned only during the plucking season and many workers did not receive minimum wages (Talwar, 2005 : 22). During 2013-14, the attitude was more lackadaisical, with ministers rushing to the gardens only after newspaper reports and United Tea Workers Federation (UTWF) commenting, “the administration simply has no idea of what is going on” (TOI, 29th July 2014).

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This study is based on field visits in November 2014, which found 5 gardens closed and several others sick, with in-

termittent closures. The distress of tea garden workers is not confined to closed gardens, extending in fact to the entire industry, including the gardens which are running well. The ninth conference of the All India Plantation Workers’ Federation (AIPWF) held in Agartala in November, 2013, emphasized that plantation workers were among the poorest and most exploited, but the owners of plantations were reaping huge benefits. A ‘March to Parliament’ on December 12, 2013 was decided.

Dooars Plantations & Industrial Sickness

The 1.7 million strong plantation sector in India, is dominated by tea with more than a million workers. While Assam and Bengal (Dooars, Terai [foothills] and Darjeeling mountains) have the heaviest concentration of large tea plantations in the country, tea is also spread over Tamil Nadu and Kerala (Sivananthiran & VenkataRatnam, 2002: 12). Darjeeling provides the more famous aromatic teas. The gardens in the Dooars have been prone to sickness from the 1960s-70s (Wikipedia), two characteristics having a bearing on this feature. First, these plantations each have hundreds of hectares of land, leased from the government on payment of land revenue, each lease to be renewed every 30 years, subject to the condition that it will be used for tea production alone. The boundaries of tea estates therefore include, in addition to plantations and nurseries, paddy land, labor villages or lines, worker family cultivations, waste and unused land (Sen, 1996: 53). Management can easily aban-

don a garden. At the same time, workers of such gardens have little access to alternate employment, because of their isolation. The second characteristic is the labor intensity of tea production, which depressed wages. In the early years British tea planters opted for migrant labor (mainly tribals from Chhotanagpur and Singhbhum districts of Bihar) and a captive labor force on low wages (Sivananthiran & VenkataRatnam, 2002 :16] who were not allowed to unionize (Rege Commission, 1944). However, skilled, technical and machine jobs as well as office work is usually done by local employees with some education. Unionization gained only in the post- Independence period and today the industry has dense unionization.

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The sick gardens survive mainly on institutional finance from banks and the Tea Board. However, there are other reasons for closure – conversion of land under tea to urbanization, as happened to Chandmoni TE, near Siliguri in 1998 (Biswas, 2013) or liquidation, like Looksan TE in 2003 (Talwar, 2005: 10). Researchers view the situation as an “artificial crisis created by tea garden owners including a distinct strategy of casualization ... to deprive workers and weaken the trade union movement” (Roy, 2015).

The approximately 150 Dooars gardens employ about one lakh permanent

workers, with women (52%), being the backbone of plucking operations. According to unions, another one lakh casual workers (mostly from worker families) or from adjoining villages are also employed (Interviews, Chitta Dey, Rabin Rai, Anisur Haq). Many gardens have their own factories (two main processes – orthodox and CTC) involving basically simple technology for withering, fermenting, drying, sorting and packing. Employers claim that labor cost accounts for 50 - 60%, and is higher than in Assam. But union leaders (Interview of Rabin Rai, CBMU) say, labor cost is not uniform, and depends on maintenance, pruning, manuring and watering. Tea Statistics 2000-01 puts labor per hectare for the Dooars at 2.35, while Talwar (2005:21) found that average land labor ratio in 19 sick gardens was just 2.27. She attributed the ‘crisis’ to :-

1. Age of bushes - more than 50 years in 17 gardens, and 100 or more in 3,
2. Heavy average dues of Rs.75 lakhs per garden for electricity, land revenue, etc
3. Large dues per worker of about Rs.21,340 in unpaid wages and benefits and Rs.8440 in PF
4. Frequent change in ownership, managerial failure to manage gardens and abandonment or sale

But abandonment is illegal, since Sec 3 B (5) of the PLA requires any change in ownership or management or in area, etc, to be intimated to the registering officer within thirty days. Such compliance is rare. Chitta Dey, AITUC, was caustic

(Interview), “These owners do not have the capability to run tea gardens.... Recently...even black-marketers or smugglers have become owners of tea gardens”. In most cases of closure, the patterns are similar over many years - first default in bonus and provident fund payments, then in rations, then in wages. The Dooars gardens can now be categorized as,

- Closed legally, (with due notice) or illegally abandoned, where existing owners disappeared, citing law and order or financial problems. In both, workers are left completely helpless
- Sick, being closed and reopened intermittently or defaulting in various payments
- Running, being those operated without closures and fair degree of success

Worker Distress in Closed Gardens

There are several gardens where management are nowhere to be found, latest being BUNDAPANI TE (field visit on 17/11/14), 11 kms from Birpara town. The nearby Gram Panchayat said that the Panchayat Pradhan was visiting the family of DaluOraon, who had died in the morning. At the entrance, the signboard of the garden was dilapidated, almost covered with overgrown tea bushes. Tall weeds gave the garden an unkempt look. Worker lines were in severe disrepair. The factory was closed, though a few workers loitered in front. The primary school (up to class IV) just outside, presented a different picture altogether, with

at least 50-60 small children in uniforms, teeming around, playing, or eating their mid day meal (khichri). Other primary and junior high schools deeper inside the garden were also running, according to the workers.

The convener of the Coordination Committee of Unions in the garden, Raju Thapa and several others narrated their troubles. The Pradhan, Sarwan Sahani, was present but silent. The 550 hectare garden, employed 1250 workers, including casuals. The factory output before closure was about 600,000 kgs annually. There had been 3 changes in ownership, the last being in 2011 to Sarada Pleasures & Adventures Ltd., a chit fund company, with clearly no experience in tea. The land lease had expired in 2006. The Coordination Committee even filed an RTI application to clarify ownership status.

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Sickness started in 2012 with irregular rations and default in annual bonus. By January 2013, wages fell due. Workers became restive since they had to buy wheat and rice from outside at steep prices (Rs 20 to Rs 24 per kg, compared to rations at Rs 2.50 to Rs 3.50). The garden was closed twice, for short periods. Workers demonstrated, management assured payment, but no wages were paid for weeks at a time. Workers continued to work full time, with occasional wages, till on 13th July 2013, the

managers disappeared altogether on the plea of going to the bank. Workers had no access to them, and they never returned. Unpaid dues include provident fund for retiring workers, two months wages and 36 weeks rations. Even an aged factory worker, William Xalxo, had Rs 12,000 due to him. The workers were left completely helpless till a social activist visited the garden in October, and helped workers get rations from Antodyay scheme of the state government. By then 15 had died of starvation. A newspaper report said several women had been trafficked, and one woman sold her 2 daughters, one of whom was rescued by the father (TOI, 7, July 2014).

Raju and the others were vehement, when they said, that the central unions did not come, or if they did, only created rivalries, and the administration prevaricated, with the Birpara Labor Office referring them to the Jalpaiguri DM, then to the Alipurduar DM. With no pay, no transport and poor road conditions, it is difficult for workers living in gardens 11-12 kms from town, to keep visiting the authorities. Desperation led some workers to leave the garden. Initially, workers tried to keep the garden clean with free labor but had to fall back on collecting stones in the nearby riverbed, payment for which is meager. In 2014, they heard of some gardens being put up for auction, and desperately hoped for something similar for Bundapani. They also regretted that OMCs during the earlier regime, were not being considered as an option.

After the media reports in 2014 and some ministerial visits, FAWLOI pay-

ments were extended to the workers. But out of 1250 workers, only 975 got the payments from July, though not very regularly. Ramesh Lakhra, another aged worker, received FAWLOI for only 2 months. From October, beneficiaries further reduced to 930. Some work outside the garden, amounting to less than 50 days is available under MGNREGA.

DHEKLAPARA TE (field visit on 17 November 2014), adjoining Bundapani, has been closed for 14 years, with only 500 of the original 656 workers, including casuals remaining. But the appearance of Dheklapara is quite different from Bundapani, since it is under an OMC. There were usual problems over ownership, with three changes in twenty years. The factory is in a complete shambles. The approach to both these gardens is through 3 normally running gardens. Dasarath Sahani, a senior worker and several others narrated a similar story of abandonment. But the state government had ordered the formation of the OMC in 2004. Plucked leaf is sold mainly to adjoining gardens, at the garden gate. The workers claimed that they were getting FAWLOI, wages from the OMC, as well as work under MGNREGA, though some workers said they did not have job cards. But Ramlal Tanti, a senior worker, said he got FAWLOI for one year only and some retirement dues. His son now collects stones in the river bed. Many of the women work in nearby gardens during plucking season. One medical van was observed leaving the garden, which workers said happens thrice weekly.

3 other tea gardens in the Dooars are closed for many years, all belonging to the Red Bank Group - RED BANK, SURENDRANAGAR and DHARANIPUR (located between Birpara and Malbazar) with total employment of 2200 workers when they closed down (TOI, 7 July 2014). Ownership changed 6 times in the past 40 years (Talwar, 2005: 17-18). Surendranagar and Red Bank, were abandoned during the 2002-04 crisis, and were being run by OMCs controlled by the Cha Bagan Majdoor Union and Tea Employees Association of West Bengal (both affiliated to CITU), and an independent staff union, West Bengal Tea Gardens Employees Association [WBTGEA]. The OMC members had informed Talwar in 2005, that they were paying Rs.40 per day as wages, which was disputed by some workers saying political discrimination reduced their wage. Newspaper reports in 2014 indicate that, worker houses are dilapidated and broken, PDS rice is unfit for human consumption, and there is no electricity. Many have travelled to Bhutan for work or to other gardens, or collect stones from the Diana and Dhumchi river beds. Workers are emaciated. Some work is available under MGNREGA, but payments are delayed by 2-3 months. Children get at least one meal at school. Many have dropped out. Death and disease are common. Government doctors come 3 times weekly

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in mobile units, but medicines, tests and surgery have to wait for want of money.

Intermittently Closed Gardens

Starvation deaths however are not confined to closed gardens, occurring also in those which close intermittently. The 2400 acre RAIPUR TE, closed during the earlier crisis, opened on 10 March 2005 but was closed again on July 5th. 12 workers or their family members had died by September (Talwar, 2005:22). It reopened for some time in 2011. 12 Kms from Jalpaiguri town, it had 550 permanent workers and 3000 casual workers. There have been several starvation deaths over these years. Apparently it has reopened on 10th July 2014 under a new Chennai based owner, but workers are confused about its future, since activity is sporadic and wage payments irregular. The DM and ALC are unaware of the development (TOI, 31 July, 2014: 7). On Eid 2014, there was a demand for unpaid wages, which the manager refused. Some workers had come prepared with daggers and lathis, thus persuading him to pay up.

DALMORE TE (field visit on 17th November) belongs to the Malnady Tea Company Group, owning 7 other gardens in the Dooars, from 2011. In an interview, Manager, Ajay Singh said that though the garden (1197 hectares) had 550 hectares under tea, only 250 hectares was productive. Annual output was 14 lakh kgs., sent to factories of its other gardens. 125 hectares more was being laid. This garden too had changed hands frequently, but land lease had been renewed till 2027. The garden has 1128 daily rated workers, 80

sub-staff and 6 unions. Minimum plucking standard is 22 kgs, with Rs 1.00 – Rs 1.50 per kg as payment for extra plucking. Singh claimed that average plucking was much higher and earnings reached over Rs 2200 monthly. However, the assistant manager was murdered in March 2014. Garden rations were being supplied through Antodyay scheme according to Rai of CITU. Reasons for worker frustration and tension became clearer when Singh admitted that:

- The factory, which had earlier run 15 – 20 days in a month, had been closed down (capacity too large) and factory workers were transferred to daily rated garden jobs
- The garden was closed intermittently - for some weeks immediately after takeover in July 2011, again in Sept 2011 till Jan 2012, again in August 2012 till May 2013, and after the murder till June 2014

Worker distress existed in 2004 - 05 as well in the reopened gardens, according to Talwar (2005: 15-17) who found inadequate or poor quality rations, absence of occupational health and safety, absence of drinking water sources or dependence on visibly unsafe sources, totally dilapidated workers' housing, almost non-existent or inadequate medical facilities, absence of latrines in labor lines and factories.

Running Gardens (located near Malbazar town)

Workers may not be starving but they live at subsistence level even in running gardens. For instance, Gurjanhora, 4 kms

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from Mal (field visit to Nepali and Balidhura Lines on 18th Nov), with 548 permanent workers and 300 – 400 casual workers, was never closed. There are 4 unions. Madhu Oraon (chowkidar) of Nepali line and several other workers pointed out their deprivations though wages and PF were paid regularly and rations were consumable. Casual workers from adjoining villages were engaged in clearing weeds in one section. All children were studying either in garden schools or at Mal schools, transport being provided by the employer. The major problems faced by workers were observed to be:

1. Housing (Section 15 of the PLA requires the employer to provide and maintain necessary housing accommodation) as in other gardens, was mostly brick or mud plinth, with rattle walls and tin roofs. Very few full brick houses (also tin roofed) were seen. Most houses were dilapidated, except those which had been repaired or extended by workers themselves. Employer supplied housing materials occasionally. Brickwork almost everywhere, was in utter disrepair. Much of the tin roofing was rusted and leaked heavily during rains. The ICDS centre had a broken plinth and little plaster, and adjoining open, filthy and utterly dilapidated toilets. The Balidhura Line, far

inside the garden, was in worse condition, with all roofs of rusted tin. Only one or two pieces of new tin sheets put in by workers themselves.

2. Drinking water and sanitation (required under Section 8 and 9 of the PLA) were limited to just two tube wells in the Nepali line, one of which produces undrinkable reddish water. There is no other source of water, except for a few tube wells installed by the workers. Several women were observed tapping underground water lines (for tea irrigation) with rubber hoses to collect the trickling water in flat utensils, used for bathing, washing and cleaning. No latrines were provided and workers either constructed their own toilets or used the fields.
3. For medical treatment (required under Section 10 of the PLA) workers are provided a garden vehicle for going to Mal government clinics, where minor medicines are provided in small amounts. For anything extra, like pathological tests or major illnesses, workers have to spend their own money.
4. Women pluckers of Balidhura line showed their self-stitched patched bags in which plucked tea is gathered

Baintgoorie TE (Diana Group), 7 kms from Mal (field visit on 19th November), has 1056 hectares gross, and 657 hectares under tea. Manager, R B Singh said (Interview) new planting was on. They had 1400 daily rated garden workers and 150 in the factory, working in 3 shifts. 700 casuals, all from garden families, worked

throughout the year, though mainly during July-October for plucking. Minimum plucking quantity was 23 kgs for women and 25 kgs for men, with extra leaf price per kg. The management claimed that rations, and all statutory benefits, including a 10 bedded hospital were provided apart from daily wages. The factory manager, Pradip Chowdhury (Interview) claimed that 50-55 casuals worked in the factory throughout the year. 4 unions existed.

However, hospital worker Gandhi Oraon and senior garden worker, Jhariya disagreed. According to them, casuals had no work during January to April. Housing repairs or extensions were done mostly by workers themselves. Firewood was irregular. The hospital sufficed only for minor illnesses and some standard medicines. Daily wage was provided for absence due to injury at work but not for illness, and there was no paid leave. Retirees were getting PF but gratuity was delayed. Roads were in very poor condition and deterred visits to nearby towns. No garden source for drinking water existed except those provided by Panchayat tube wells or workers' own tube wells. Other water came from streams. Boots, masks, aprons were not given.

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Naqgaisure TE [Duncan Group] near Mateli Bazar (visited on 19th November), had a gross area of 900 hectares 750 being under tea. However, production

was not good. Casuals were mostly from garden families, getting daily wages, rations and PF only. Ramchandra Oraon, special grade worker of Dokan Line, Jai Hind, a senior worker, and the latter's daughter (18 year-old, casual worker) showed the situation in the line. Total 10 worker 'lines' had just 4-5 wells for water. Some tube wells had been sunk by the Panchayat. While PF per worker amounted to about Rs 1.2 lakhs Gratuity about Rs 60 -70,000. Most aged workers were not being retired for last 10 years and were continuing in work.

Wages were occasionally delayed from 2007-08, rations were irregular (pending for 6 weeks in November 2014), housing material for cement houses was provided occasionally, though about 50% garden families lived in them. Other housing observed was similar to that in Gurjanjhora TE. Only those with extra income (two or 3 members working, retirement benefits of parents etc) could get their houses repaired or extended or

painted. No latrines were provided by the garden. The Hospital had 10 beds (5 for women) but was good only for fever, and one or two strips of tablets. Even child delivery had to be done outside. Only ambulance was provided by the garden. Roads were almost everywhere observed to be potholed.

Wages & Benefits of Tea Workers

It is clear from the above that Tea workers in all three kinds of gardens in the Dooars are in distress, varying only in degree of deprivation. The real reason lies in the subsistence level of wages and inadequate benefits in an organized industry. Government inspectors are supposed to visit gardens to ensure compliance with the PLA, but the lacunae have already become clear. Ironically, the wages in North Bengal are determined through industry wide wage negotiations every 3 years. Under the last agreement in 2011, garden workers daily earned as follows :-

Year	Wages for Tea Workers in Dooars, Under Industry Level Collective Agreement	Statutory Minimum Wages (without food) Declared by State Government	MGNREGA Wages Declared by Central Government for West Bengal
From April 2011	Rs 85	Rs 112.50	Rs 130
From April 2012	Rs 90		Rs 136
From April 2013	Rs 95		
Continuing in November 2014	Rs 95, Factory & Special Grade workers Rs 99, Sub-staff Rs 97	Rs 206 (from April 2014)	Rs 169

Source: 2011 Agreement, Wb.gov.in/portal/WBLabour/LabourDir [accessed 3/12/14], and Gazette Notification of Ministry of Rural Development

Employers claim that the lower level of wages is offset by many other benefits. But employers in the organized sector are expected to provide subsi-

dized canteens. A calculation of the actual food grain subsidy against market prices prevailing in 2013-14 amounts to approximately Rs 20 -23 per day

worked. Even with this amount, tea workers were still getting lower wages than unskilled agricultural workers in 2011, with the gap growing over the years. A relevant question is whether tea workers are unskilled. If not, the gap would be higher.

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Comparison to other large organized industries, tea wages and benefits amount to a pittance, and reduces their survival power in times of closure. The daily wage system deprives them of a paid weekly off. Traditional entitlements of tea leaves and firewood are almost absent. Aprons, blankets, protective footwear, umbrellas were provided since garden work is performed in the open, which saves electricity expenses for the owner. The absence of recreation facilities has led to greater dependence of workers on substance abuse. Despite the new agreement becoming due in April 2014, 7 sessions of negotiation and a two day strike on November 11-12, 2014, it is still pending. The Joint Action Committee of Trade Unions has demanded the minimum agricultural unskilled wage of Rs 206 in the interim, and Rs 320 daily (not annually graduated) comprising daily rate of Rs 285 and a Variable Dearness Allowance (Interviews, Rabin Rai, AnisurHaq). But employers representatives were adamant and had offered just Rs 18, Rs 11 and Rs 11 increases for the coming 3 years.

The Tri-partite agreement on tea garden wages was finally signed on 20th February 2015, belying the effectiveness of collective bargaining. It allowed just Rs 17.50 as daily wage increase, taking the daily wage from the current Rs 95 to Rs 112 per day from 1st April 2014 to March 2015, then to Rs 122 from 1st April 2015 and to Rs 132 from 1st April 2016. The workers in the hills (Terai and Darjeeling) would get a bigger hike to bring their wage rate at par with that of the Dooars workers (PTI, 20th Feb, 2015, *indiatvnews*). The workers representatives apparently agreed to this arrangement, as the Government and tea garden owners agreed to implement Minimum Wages Act in the tea gardens before the end of 2 years, to be worked out by a tripartite committee of 27 members. However, the Progressive Plantation Workers Union (PPWU), refused to sign the agreement (*Dawn*, 20th Feb, 2015)

A scathing indictment comes in a report prepared by a Human Rights Institute, through field visits and worker interviews during 2010-13 in 15 of the 24 gardens (Assam and Dooars) of the Tata Group. These gardens employing 31,000 full time workers put under an Amalgamated Plantations Private Ltd (APPL) in 2007, with help from the International Finance Corporation. The findings show:

1. Abusive conditions for APPL workers, widespread malnutrition, illiteracy, and various diseases at rates higher than other rural poor (*Columbia Law School*, 2014: 8).

2. Widespread violations of the PLA in health care (poorly trained and frequently absent medical staff), housing (crowded quarters with cracked walls and broken roofs), and sanitation (latrines turned into cesspools) (Ibid: 9).
3. Offsetting of small wage increases with higher daily work quotas, and substantial and arguably unjust deductions. From 2007 to 2013, daily plucking standard had increased by 40%. On many plantations, workers said that they had to get unpaid family help to complete quotas (Ibid: 9).
4. Refusal of APPL to negotiate with any union except the Assam ChahMazdoor Sangha (ACMS), a largely discredited union (Ibid: 10).
5. Deception and coercion in the sale of APPL shares to workers (Ibid: 15).

Conclusion

The institution of collective bargaining has clearly eroded significantly over the years for the following reasons:-

1. The contents and clauses of tripartite industry-wide agreements have been reduced substantially. In 2011 (Memorandum) only 2 substantive clauses on wage rates and arrear wages were observed. Earlier agreements included region wise minimum plucking quantity, extra leaf price, numbers of brick housing to be provided under the PLA, appointment of *Badli* workers, implementation of welfare provisions of the PLA. *Badli* refers to a system where the son or daughter of a retired worker was inducted.
2. Union proliferation has weakened bargaining. While the main unions were Cha BaganMazdoor Union (CITU), Zilla Cha Bagan Workers' Union (AITUC), National Union of Plantation Workers (INTUC), the 2011 agreement was signed by 35 unions clustered in 3 groups with more pronounced political linkages – Coordination Committee (earlier unions), Defence Committee (ruling Trinamool Congress), and Progressive Group (ABAVP factions). The Coordination Committee called a strike in August 2011 for better wages, but was opposed by the Progressive Group (Zeenews, August 12, 2011). The agreement was finally signed in November 2011. The proliferation appears to have reduced unions' check on managerial arbitrariness.
3. Managerial discretion has increased substantially, with individual garden owners deciding on working conditions, workload, basic remuneration and welfare benefits, leading to significant variations in them.
4. Excessive presence of government – frequent meetings with several ministers, rather than just the Labor Minister. In 2011, clauses on food grains, water supply, sanitation, medical facilities, working hours, absenteeism, mechanization of tea production, staff and sub-staff wages, were all left to the government to sort out later.

5. Political interference reached an unprecedented level, with the state president of the ruling party's trade union, INTTUC, signing as witness to the agreement.
6. Government welfare schemes have unfairly absolved managerial responsibilities for rations, drinking water, medical facilities, education.
6. The growth of small gardens (TOI , 6/8/2014: 4), to over 30,000 in North Bengal (employing between 5 and 50 workers) (ET Bureau). Conversion of paddy land (irrigation constraints or elephant depredations) has contributed to this growth (Interview, Prof G. Chowdhury). Their leaf is sold to Bought Leaf Factories (BLFs) which have also mushroomed

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Employers in the tea industry are therefore almost entirely responsible for the distress of tea workers, but need to remember that the labor market in the region is changing significantly. The AIPWF confirms that the miserable conditions are provoking migration from the tea gardens (Ninth Conference, AIPWF). The following factors may make it difficult for employers to get workers in the coming years:

1. More ethnically mixed labor market.
2. Hiring of casual workers from adjoining villages.
3. Other job opportunities due to improved communications, transport and urban growth.
4. End of captive labor force since few children work in the plantations.
5. Availability of MGNREGA jobs. Dalmore TE Manager, Ajay Singh said this scheme had doomed the tea industry.

7. Recent attempts to revive worker cooperatives in tea gardens in South India (Sen, ILO 2013). There were several worker cooperatives running tea gardens in West Bengal and Tripura during the 1970s, with some surviving for 3- 7 years (Sen, 1996: 27-33). The Durgabari Tea Estate in Tripura is still a showpiece of the left government.

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2. Persons Interviewed [trade unions] AITUC , Zilla Cha Bagan Workers’

- Union – ChittaDey, veteran trade unionist, Jalpaiguri, Convener of the Coordination Committee of all Trade Unions (telephonic interview)
AITUC – AnisurHaq, Secretary, Malbazar (Interviewed in Malbazar)
CITU, Cha BaganMazdoorUnion – Rabin Rai, Secretary, Birpara (Interviewed in Birpara)
Academicians, North Bengal University
Prof Govinda Choudhury, (Economics)
Prof Sanjoy Roy (Sociology)
3. Managers
Ajay Singh, Manager, Dalmore TE
R. B. Singh, Manager, Baintgoorie TE
- Pradip Chowdhury, Factory Manager, Baintgoorie TE [19/11/14]
4. Workers
Bundapani – Raju Tapa (Convener of all Operating Tus of Bundapani TE); William Xalxo,; Ramesh Lakhra, and three others
Dheklapara – DasarathSahani; Ramlal Tanti, 4 others
Gurjanjhora– MadhuOraon, Madhu's wife, another chowkidar, 3 other women and 4 other men, all of Nepali Line (worker village), and 3 women pluckers of Balidhura Line
Baintgoorie TE – Gandhi Oraon, Jhariya , 2 others
Nagaisuree TE – Ramchandra Oraon, Jai Hind, Jai Hind's daughter