

Low Wages and Gender Discrimination: The Case of Plantation Workers in West Bengal

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Kingshuk Sarkar



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Preface

The tea industry requires a very large workforce and is one of the most labour-intensive sectors of Indian industry. Among the various field crops, the tea industry employs more labour per hectare than any other crop. In addition, the tea industry engages a higher female labour than any other industry. In this industry, almost 50 to 60 percent workers are engaged in crop harvesting, of which 80 percent are women. In the earlier days, women were paid lower wages than men, and so it was cheaper to employ women. Moreover, their higher efficiency over men in field activities made employment of women more attractive to the employers.

The absence of bargaining power among plantation labour is chiefly responsible for the low wage structure in the tea plantations of Northeast India. The employers tried to justify this by projecting that the wages were low because of payment in kind which included food grains, medical facilities, housing and maternity benefits, etc. Planters are expected to provide benefits as given under Plantation labour Act 1951. These are statutory in nature and outcomes of legislation enacted in view of special working conditions in plantations. However, even if one adds the monetary equivalent of such welfare provisions, wages as received by plantations workers stand significantly below that of wages in similar employment category.

In West Bengal, wage is determined through collective bargaining mechanism in a tripartite forum. Representatives of planters, workers' union and the government sit together through a series of negotiations to determine daily wage in an industry wise manner for a specified period. But it is pitiful that such negotiations always lead to abysmally low wages. In this context it becomes important to understand why wages and conditions of work are poor for the plantation workers in the Tea sector of West Bengal. Also in the non-cash component of compensation basket decided as part of tripartite agreement, female workers' entitlement is lesser than the male workers. Female workers' entitlement to food grains is lesser than the male workers assuming that calorie requirement of female workers are comparatively less. But no objective justification is provided for such explicit discrimination to female workers. Further, if this non-cash component is considered as part of remuneration then it violates the provision of Equal Remuneration Act 1976.

This Study would look into the followings issues: 1. What are the labour market institutions that are responsible for such low wages for plantation workers in North-East India and particularly compensation discrimination for women workers 2. What are the practices of these institutions (organizations and activities) that sustain such continuation of low wages and gender discrimination over the years 3. What are the consequences of such segmented labour markets in terms of wages, conditions of work and relations of production in the tea industry?



Dr. H. Srinivas
Director General

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Kingshuk Sarkar

Executive Summary

The tea industry requires a very large workforce and is one of the most labour-intensive sectors of Indian industry. Among the various field crops, the tea industry employs more labour per hectare than any other crop. In addition, the tea industry engages a higher female labour than any other industry. In this industry, almost 50 to 60 percent workers are engaged in crop harvesting, of which 80 percent are women. In the earlier days, women were paid lower wages than men, and so it was cheaper to employ women. Moreover, their higher efficiency over men in field activities made employment of women more attractive to the employers.

Daily rate of wages for tea plantation workers in West Bengal is very low compared to similar wages in Southern India tea plantations as well as in terms of agricultural minimum wages. Wage determination in these two regions is different. While in West Bengal wage is determined through collective bargaining, in southern plantations wage is notified as per provisions of minimum wages act. Two different sets of labour market institutions lead to different inclusive growth outcomes in the plantation economies of West Bengal vis-a-vis the southern states. There are few non-statutory benefits for plantation workers in West Bengal apart from the statutory benefits which are universally applicable throughout India. But even if we add the monetary equivalents of all such facilities, daily wages are still significantly below the minimum subsistence wage. That in many instances employments in plantations are family based, even then it is very hard to justify such low wages. Certain labour market institutions as exist in the West Bengal, are responsible for such depressing and non-inclusive labour market outcomes. That tea plantations are 'enclave' economies functioning in a pre-capitalist feudal economic environment do help in sustaining such low wages in the long run. Actually tea industry to a major extent survives on the relative backwardness of the regions in which they are located with lesser chances of transpiring any sort of economic dynamism with greater potential for inclusive growth, unless there exist strong state or other institutional intermediations.

The fact that per unit cost of production of Indian tea is the highest among major tea producing countries in spite of such low wages, indicate that competitiveness of Indian tea in the world market is crucially dependent on minimizing labour cost which in turn depends on perpetuation of such low wages. Further, in West Bengal, wage determination is left to collective bargaining in an environment in which, bargaining power is overwhelmingly favour the employers. While forced migrations and unfree labour further aggravate the problem on the one hand, a major segment

of the workers as such are not in position to move out even though they are aggrieved and face near starvation situation in case of abandonment/ closure of tea estates. Thus, there are both push and pull factors which are responsible for the lack of mobility on the part of plantation workers.

Lack of education beyond primary level, relative backwardness of the regions, near absence of urban informal sector, lack of demand for industrial goods on the part of plantation workers are the institutional factors that are responsible for the overall lack of inclusive development of the plantation areas in West Bengal. To a greater extent, this lack of development or the socio-economic backwardness of the region are precipitated by the peculiar labour market institutions that have never been proactive to support the labouring class.

Further, within this context of prevailing wages, gender discrimination is being perpetuated in the sense that definition of dependents is different for male and female workers. For male workers, non-working wife and parents are considered as dependents. For female workers, non-working husband and her parents are not considered as dependents. Since total compensation is an aggregate of cash and non-cash components, lower non-cash components for female workers implies that other things remaining constant, compensation for a female worker is lower than that of male worker. This violates the principle of equal wage for equal work and contravenes the spirit of Equal Remuneration Act 1976.

The two most important policy imperatives emerging from the study are revival of plantation wages as part of overall minimum wage notification procedure and removing the gender discrimination aspect and secondly State need to play a more pro-active role in ensuring overall development of the region as well as the industry leading to greater linkage effects.

Chapter 1

Introduction and Background

The tea industry requires a very large workforce and is one of the most labour-intensive sectors of Indian industry. Among the various field crops, the tea industry employs more labour per hectare than any other crop. In addition, the tea industry engages a higher female labour than any other industry. In this industry, almost 50 to 60 percent workers are engaged in crop harvesting, of which 80 percent are women. In the earlier days, women were paid lower wages than men, and so it was cheaper to employ women. Moreover, their higher efficiency over men in field activities made employment of women more attractive to the employers.

Historically the wages of plantation workers were very low. To form a clear understanding of the peculiar wage pattern adopted in tea plantations in Eastern India, it is necessary to study the historical circumstances and factors shaping it. As elaborated earlier, the plantation labour force was inducted from tribal and economically backward people who originally belonged to the Chotanagpur plateau areas adjoining present day Jharkhand, Odisha, Chattisgarh, Uttar Pradesh and the areas of Bengal adjoining Bihar and Odisha. They were initially contract workers. Later, these workers were brought along with their families and were kept as resident labourers in the plantations. The plantations being located in remote areas, there were no bazaars or markets within walking distance making it difficult for them to get their rations. The British planters hence arranged for their rations in the plantations. A part of their pay was deducted for the rations supplied to them. Down the years, this ration became a part of their pay package and was supplied to them at subsidized rates of Rs. 0.40 per kg. of rice and wheat each. This rate is in existence even today in West Bengal. British planters did not encourage plantation workers to interact with local non-plantation population. Each plantation had defined boundary and existed in isolation with immediate neighbourhood. Thus tea plantations were developed as tea estates with the characteristics of 'enclaves'. Such enclave economy was continued even after independence.

Since inception the cash earnings of the plantation workers were maintained at an extremely low level and a system to keep the workers entirely dependent on their employers evolved. The workers, being backward and isolated, were not unionized or organized on a common platform to fight for their rights since they were not exposed to the outside world beyond the plantations. Their demand for material goods was very limited. Hence, during the early period they did not aspire or agitate for

higher cash wages. The British Planters took advantage of these factors and fixed the wages at a very low level. The absence of bargaining power among plantation labour is chiefly responsible for the low wage structure in the tea plantations of Northeast India.

The employers tried to justify this by projecting that the wages were low because of payment in kind which included food grains, medical facilities, housing and maternity benefits, etc. The widespread labour unrest in Assam plantations during the early part of the century was attributed chiefly to low wages. The situation further aggravated after World War I when there was a sudden increase in the prices of all commodities. During this period, tea garden workers experienced extreme economic hardship. A majority of the workers were perpetually in debt with local moneylenders who charged heavy rates of interest and fleeced them. After 1930, a sporadic struggle started in the tea plantations for higher wages. It took effective shape only after the formation of Trade Unions during 1946-47.

After independence, Minimum Wages Act 1948 was enacted and plantation was included in the schedule of employment. This was the first instance when an attempt was made to fix plantation wages in a rational manner for the first time. This also paved the way for the setting up of a Minimum Wage Committee for plantations, which consisted of representatives of the government, employers and workers' organizations. Almost at the same point of time, Plantation Labour Act 1951 was also enacted which provided for wide-ranging welfare provisions for the plantation workers.

After this, following the recommendations of the Second Five Year Plan regarding the establishment of tripartite wage boards for individual industries, the Government of India in the Ministry of Labour and Employment appointed vide its resolution dated 05.12.1960, the Central Wage Board for Tea Plantation Industry. The function of the Board was to work out a wage structure based on the principles of fair wages as set forth in the Report of the Committee on Fair Wages as far as practicable. On hearing the submission produced by both the employers and workers' representatives, the terms of reference were adopted by the Board. The Committee stated that while the lower limit of the fair wage must be obviously be the minimum wage, the upper limit should ideally be set by what broadly be called the capacity of industry to pay. This will depend not only on the present economic position of the industry but on its future prospects. Between these two limits, the actual wages will depend on a consideration of factors like productivity of labour, the prevailing rates of wages in similar industry or occupations, the level of national income and its distribution, the place of the industry in the economy.

Also the Committee took into account the fact that certain statutory and non-statutory benefits are being provided to the plantation workers. In this regard the Committee observed that where a benefit goes directly to reduce the expenses of workers on terms of expenditure which are taken into account for the calculation of the fair wages, it must be necessarily taken into account in fixing the actual fair wage payable. But where the benefit had no connection with items of expenditure on which fair wage is calculated, it could not be taken into account.

The prevailing daily wages in the tea plantations of West Bengal is Rs 176, whereas prescribed minimum wages for even unskilled agricultural workers is Rs 270. MGNREGA wage prevailing in the districts of Jalpaiguri and Darjeeling is above Rs 150 (Labour Department notification, Govt. of West Bengal, 2014). Tea plucking involves at least some amount of skill and should be treated at least in the semi-skilled category. For the semi-skilled agricultural activities, prevailing prescribed minimum wage is Rs. 290. Similar is the case with Tea plantation workers in Assam as well; the present wage is Rs 115 only (Assam Cha Mazdoor Sangha, 2014). On the other hand, daily wage of tea plantation workers in southern India is Rs 371 (UPASI, 2017). Employers, but, argue that plantation workers get many benefits apart from monetary wages as the planters are expected to adhere to the Plantation labour Act 1951. These are statutory in nature and outcomes of legislation enacted in view of special working conditions in plantations. However, even if one adds the monetary equivalent of such welfare provisions, wages as received by plantations workers stand significantly below that of wages in similar employment category. One should keep in mind that minimum wage is essentially the basic subsistence wage, below which, it ought not to fall. The prevailing tea plantation wages in West Bengal are abysmally low even in comparison with prevailing minimum wage in similar occupations also.

In West Bengal, tea plantation wage is determined through collective bargaining mechanism in a tripartite forum since early seventies. Representatives of planters, workers' union and the government carry out series of negotiations to determine daily wage in an industry wise manner for a specified period. But it is unfortunate that such negotiations lead to such abysmally low wages. In this context it becomes important to understand why wages and conditions of work are poor for the plantation workers in the Tea sector of West Bengal and Assam.

Also in the non-cash component of compensation basket decided as part of tripartite agreement, female workers' entitlement is lesser than the male workers. Female workers' entitlement to food grains is lesser than the male workers assuming that calorie requirement of female workers are

comparatively less. But no objective justification is provided for such explicit discrimination to female workers. Further, if this non-cash component is considered as part of remuneration then it violates the provision of Equal Remuneration Act 1976.

Further, the female workers are being discriminated in terms of definition of dependents also. As per the tripartite agreement of 1969, permanent workers and their dependents are entitled to subsidized rations and provision of certain quantity of firewood. As per the provision of the tripartite agreement, the definition of dependents for male workers include non-working wife and dependent parents. But for the working female workers, the definition of dependents does not include non-working husband and dependent parents. Thus the entitlements of a female workers with respect to subsidized ration and firewood would be lesser compared to that of male workers. Since in tea plantation, overall compensation package includes non-cash component, such lesser entitlement of female workers implies that return to female labour is lower compared to male workers in majority of cases. This contravenes the spirit of Equal Remuneration Act 1976. Such violations are being sanctified by tripartite agreements and being perpetuated for such a long period.

Chapter 2

Review of Literature and Identification of Gaps

The initial process of recruitment in tea plantations in India involved diverse extra-legal forms of market as well as non-market power. Poverty-stricken potential migrant workers, who included poor peasants, agricultural labourers and ruined artisans, were given loans by the garden *sardars* to clear out their debts to *zamindars* and *sahukars*. Through this, they entered into the grip of the *sardars*. It would thus hardly be meaningful to consider the transformation of this class of workers into tea labour as an optimizing decisions made by the free choice by the people who were faced with the alternative prospect of persistent unemployment - disguised or open - as well as starvation (Chakraborty 1978: 264-6).

Apart from the labour shortages they initially faced, the early planters had also been confronted by labour protests that took the form of desertion or assault, as well as informal collective bargaining and occasional strikes (Guha, 1981). In response to this, penal provisions were introduced as a measure of legal coercion, following the colonial sugar plantations of West Indies, Mauritius and Fiji. The Workmen's Breach of Contract Act 1959, reinforced by the section 492 of the Indian Penal Code, introduced provisions for arrest and punishment by the government under civil laws of workers considered responsible for any breach of contract. The Inland Emigration Act of 1882, while introducing free emigration and unlicensed labour recruitment, also strengthened the penal provisions by making deserting or absconding workers criminally punishable, but also giving planters the power to arrest such workers without any warrant (Das 1931, Bose 1954:54, Guha 1988: 16-17, Dasgupta 1981, Chatterjee 1987). Earlier accounts testified the ruthlessness with which this power was exercised by the planters (Ganguli, 1972). The amending legislations of 1893 and 1901 retained this penal system along with the powers earlier conferred on planters, and the planters' private power of arrest was only abolished in 1908. Even time-expired labourers whose term of contract was over were frequently induced under duress to re-engage themselves. All these reduced wage labour employed on plantation to forced labour or unfree wage labour.

It was only in 1926, after growing nationalist criticism and labour protests in various forms including individual and mass desertion such as the Chargola exodus of 1921 (Guha 1988: 129-33), evasion of assigned tasks, litigation, strikes and assaults on planters (Guha 1981:87, Guha 1988: 133-4, Behal 1985: 20), that the 1859 Act was finally abolished. Thus, both

legal and extra-legal sanctions and coercive power were in widespread use during the colonial India in general and in the tea plantations in particular. It was because of the various extra-legal non-market mechanisms that even labourers who were legally free were subjected to diverse forms of bondage (Arbuthnot 1904: 2, 4-5, Dasgupta 1993:65-9).

Certain features relating to plantation wages must also be taken into account for complete understanding of labour systems in the tea plantations of north-eastern India. Plantation workers were traditionally paid below-subsistence wages resulting in high mortality and low fertility (Behal and Mohapatra 1992). The fixing of low wage levels was the primary mechanism that compelled entire families, including children, to work in the plantations (RCLI 1931: 415). Even then, the total earnings of the entire plantation family amounted to 62 to 78 percent of the family expenditure (ALECR 1921-22: 123-37) and were not adequate to meet the requirements of labour reproduction. Under such circumstances where plantation workers also had to depend on the non-capitalist subsistence sectors outside the wage economy, the plantation system thus encompassed two different but closely interrelated sectors, namely the dominant capitalist plantation sector and the subsidiary non-capitalist subsistence sector.

These sectoral interlinkages had several distinctive components. Elements of tenancy and subsistence farming emerged for the first time in the Assam, Dooars and Darjeeling *terai* and hill regions where no significant peasant economy had evolved previously. Although a fairly large proportion of plantation workers were given plots of land by the planters to cultivate paddy and vegetables, not all workers held paddy-lands and were usually given cultivable land in tiny plots amounting to not more than two-thirds of an acre. The paddy raised on these garden plots was thus insufficient to meet the deficits in the cereal budget of a worker-family that arose from low wage income. Nevertheless, the practice of allotting garden plots served as another non-market constraint on the freedom of plantation workers to enter and withdraw from the labour market (Dasgupta 1986, Guha 1981) by further tying and disciplining labour. Since extremely low wages and the need to supplement them led workers to accept the arrangement, the "willingness" among the workers to accept this tie-in land allotment was not independent of the state of the labour market, where the necessity for survival constrained all their choices (Bagchi, 1973: 1507).

The British annexation of Assam in 1826 partly expressed the East India Company's need to sustain its tea trade following loss of its trade monopoly with China, and the Assam Company was formed in London in 1839 with a capital of 500,000 pounds sterling. The colonial government provided British capital with vast tracts of land on extremely easy terms with special

rules on land grants being introduced from time to time (Behal, 1983: 8-12). However till 1860, only six companies had been registered owning 51 tea gardens. Thereafter a highly speculative boom, which was triggered by the doubling of tea prices and soaring profits, lasted till 1865, leading to registration of another 86 tea companies (Griffith, 1967:61-99)

Subsequent growth in the Indian tea industry had three distinctive features. The first of these was organisational rationalisation through increasing transfer of the management of tea plantations to British managing agency houses. The process was initiated when the Assam Company placed its gardens under the management of Schoene, Kilburn & Co. Efficient operation of large tea companies' stimulated further amalgamation of small plantation units into large-scale enterprises under the control of these managing agents. By the end of the 19th century, seven major agency houses were managing nearly 61 percent of the Indian plantations (Behal and Mohapatra 1992:145). Second, after 1870, expansion of the Indian tea industry was financed principally from rupee investments by British residents in India and by reinvestment of undistributed surpluses and dividends by tea companies that were already in existence, rather than by capital raised from Britain's home savings (Bagchi 1972:161-2,176, Gladstone, 1910:93-4). Third, in contrast to the speculative character of expansion till 1865, subsequent expansion in the tea industry till the turn of the century took place against steadily falling prices. Between 1880 and 1900, tea prices fell by half (GoI, 1901). These features had important implications on the methods of labour recruitment and on the structure of the plantation labour system.

In relatively less coercive conditions, a variant of debt bondage enforced by the planters through the *kanganies* came to play a critical role in the mobilisation and disciplining of labour. The *kanganies* or labour contractors were often drawn from the ranks of plantation workers but they did not, however, work as labourers. Many of them belonged to castes higher than those of the labourers (George, 1988: 210). The *kanganies* mobilised labourers by giving them cash advances. Once the labourers had accepted an advance, they became permanently tied for all practical purposes to the recruiting estate. The hold on workers was also maintained through various coercive devices resorted to by *kanganies* with the support of planters, including striking off the names of recalcitrant workers, underscoring the weight of leaf plucked, beating, kicking and other forms of corporal abuse as well as sexual violence against women workers (RCLI 7(1) 201). The nearly universal practice of paying labour wages through *kanganies* and of withholding wage payments as a mode of coercion were particularly effective methods of intensifying dependence and disciplining labour.

Moreover, as was done in Assam and the Dooars, labourers were kept segregated and outsiders were prevented from making any contact with them (RCLI 7(1): 248). This interplay of indebtedness, caste hierarchy, personal dependency relations and administrative support from the colonial government kept the plantation workers under permanent control and in a state of perpetual fear, significantly restricting free operation of the labour market.

In a commentary titled 'Advasi struggle in Assam', it was observed that 'during the British rule the tea garden tribes were forced to lead an isolated existence and even the winds of the national struggle were not allowed to reach the tea gardens of Assam. Though there are several instances of tea workers going on strike during the concluding years of colonial rule, it was only after independence that the first stirrings of change took place with the beginnings of trade union activity and the subsequent introduction of some degree of social legislation. While these new provisions did bring some succor to the lives of the tea workers, successive state governments have failed to bring about any tangible improvement in the quality of life of these people. The present pitiable condition of the tea worker can be gauged from the fact that many of the provisions of legislations such as Assam Plantation Rules of 1956 are yet to be implemented in most of the tea gardens of the State' (Mishra, Udayan, 2007). Similar is the situation in West Bengal also where implementation of the Plantation Labour Act 1951 and West Bengal Plantation Labour Rules 1956 are equally below the desired level.

Thus it can be observed that considerable number of literature (Bagchi, 1982, Behal & Prabhu, 1992, Behal 1983, Behal, 1985, Chakraborty D, 1976, Chatterjee R, 1987, Das Gupta R, 1992) in general had dealt with deprivations faced by the plantation labour and situates those conditions in the prevailing socio-economic backdrop in the plantations. But these studies did not analyze the role of labour market institutions. This Study is an endeavour to fill up this particular gap in literature. More specifically, the goal here is to assess the role of labour market institutions in tea plantations in West Bengal that perpetuate low wages and highlight factors that restrict mobility of workforce. It will also look into the issues of gender discrimination in provision of non-cash component of compensation package.

This study is mainly based on secondary data which was supplemented by data/ information gathered through focus group discussion in three tea estates in West Bengal. The most important source of secondary data is Tea Board of India. Records of Labour department of the West Bengal, Indian Tea Association were other important sources of secondary data.

Chapter 3

Collective Bargaining and Wages

As mentioned in the introductory section, plantation was included in the schedule of employment under the Minimum Wages Act 1948 and as per the act government should fix and declare minimum wage for plantation workers. Government sets up a Wage Committee for plantation workers in 1960. The Committee submitted its report and laid down the principles of wage fixation and identified all relevant factors. That report also talked about moving towards to fair wage over time.

The state of West Bengal introduced collective bargaining as an instrument of determination of wages for plantation wages instead of fixing under the pretext of Minimum Wages Act 1948 in 1970s. The apparent rationale was high level of unionization among plantation workers will lead to very constructive collective bargaining mechanism and eventually would lead to better wages than what can be attained through Minimum Wages Act 1948. Initially it did actually work but over the years collective bargaining lost its steam and wages fixed through collective bargaining lagged behind minimum wages in similar occupations and adjacent neighborhood.

There is a certain pattern followed in the collective bargaining mechanism. At the time of expiry of existing wage agreement, trade unions submit a charter of demand seeking wage hike and few other related financial demands like incentive price, overtime benefits etc. The main demand in the Charter of Demand is the demand for wage hike. Trade Unions primarily submit the demand to employers' organizations and they start bipartite level talk. However, these talks invariably fail and the matter is referred to the State government. After getting communications from both the parties, State government does initiate tripartite talks which go through several layers. To start with, there is a huge difference between the quantum of wage hike as demanded by the trade unions and the quantum of hike proposed by the employers'. The gap narrows down through successive talks at the tripartite level. Like in the second last such collective bargaining process in West Bengal, the prevailing wage was Rs 95. The coordination committee of trade unions in their charter of demand wanted a hike of Rs 105 such that plantation workers get Rs 200 per day. Employers' organizations initially offered a hike of only Rs 5 such that wage becomes Rs 100 per day in the first year of the agreement. After that there was a series of successive talks spanning over almost a year when ultimately wage hike was agreed

at Rs 17.50 in the first year, Rs 10 in the second year and Rs 10 in third year respectively.

In majority of cases, the process of collective bargaining favours the contention of the employers' organization in the sense that the wage ultimately agreed upon is closer to the wage hike initially proposed by them. In successive tripartite level talks, trade unions are compelled to come down on the issue of wage hike through persuasions and deliberations. Managements' representatives are more articulate in their communication/argumentation and they always paint a picture where they try to show that further wage hike would lead to collapse of the industry. They also stress on their inability to pay. Trade unions representatives are not that competitive and often lack the numbers to justify their demands. They actually give up after a point and concede to a wage hike which is much below their initial demand. Thus, the entire process of collective bargaining is a bit long-drawn out process wherein wage hike as demanded by the trade unions gets moderated to a large extent. In other words, employers' do largely control the collective bargaining process through skillful bargaining, better presentation, delaying tactics, painting a picture of economic gloom with impending closure and creating a pressure on the conciliation machinery of the State. The officials of State conciliation machinery try to act neutral in an environment where bargaining power is skewed in favour of employers' organizations.

In the process of collective bargaining in the State of West Bengal with regards to arriving at a wage agreement, certain traits can be observed which may explain the phenomenon of prevailing low wage. First, the process starts from a low base every time. Last agreed wage is always taken as base and the increase in previous years is taken as a reference point. This helps in perpetuation of low wages in successive agreements. Second, trade unions fail to argue with relevant numbers and logic. Their demand for wage hike is taken as rhetoric which lacks conviction. On the other hand, employers' representatives do put facts and figures in a very convincing way. Also there lies a veiled threat of closure of tea estates in large numbers in case trade unions persist with higher wage hike. Third, employers' representatives do approach the conciliation in a patient way. They drag the process long such that trade unions lose their patience after a point and with growing pressures from their constituents and also that from the State. Stretching the process long adds to the advantage of the employers' organizations. Fourth, productivity is always pitted against wage hike demands in a context where supporting figures justifying fall in productivity. Declining productivity is very commonly used by the employers' organizations as an effective tool of bargaining power and

is used as a cover for managerial deficiencies. Fifth, those who represent trade unions are not actually the workers themselves. They are a class in themselves. Indigenous leadership among the workers is lacking in a big way and they are a class of white-collar intermediaries who represent workers' interest at the collective bargaining forums. The fallouts of the agreement do not affect them directly and because of this, during the intense bargaining process they do have a tendency to concede to the conditions put forward by the employers' representatives rather than protecting the interest of the workers. Sixth, State usually does not play an active role. They mostly act as a facilitator where it is assumed that bargaining power is evenly distributed between the two parties. Also in the prevailing liberalized economic context and growing competition among the States to attract industrial investment, looking after the interests of the industry has become an imperative on the part of State officials. As demonstrated in earlier discussions, the profitability of tea industry is linked to the backwardness of the region in general and perpetuation of low wages in particular. State officials are aware of this reality and do conduct the collective bargaining keeping in mind this reality of globalised liberal economy and the market-oriented way of dealing with labour. Thus, collective bargaining under such an environment, lead to an outcome that favours employers' rather than workers' and manifest itself in the form of perpetuation of very low wages.

Chapter 4

West Bengal Tea Agreements

This Chapter we list out most of the collective bargaining that took place in West Bengal starting from 1969 pertaining to industry-wise wage determination and other welfare provisions. Before that recommendations of the Central Wage Board were in operation. The Board's recommendation in respect of labour in the whole country was effective from 1st January 1966 and remained in force till 31st December 1970.

The 1969 collective bargaining was preceded by strikes by unions. The Coordination Committee of Plantation Workers went on a strike from 18.08.1969 on their charter of demands. Subsequently, settlement was arrived at where it was agreed upon that a suitable machinery will be set up for wage-revisions. Also, for workers, interim increase on account of VDA and wages were allowed. The 1969 collective bargaining had resulted in certain very important agreements which has far-reaching repercussions. This included maintaining the permanent workforce as it was in 1969 (at least not going down without appropriate reasons) and provision of firewood and rations to permanent workers and their dependents. Collective bargaining in 1999 and 2005 were also preceded by strike called by the consortium of Unions. In the tripartite collective bargaining process apart from State, Employers' are represented by CCPA (Constituent Committee of Planters' Association) and workers' are represented by CCTWU (Coordination Committee of Tea Workers Union). A chronological description of collective bargaining is produced below:

The Coordination Committee of the tea plantation workers, West Bengal on behalf of all the operating Unions submitted a charter of demand dated 27th July 1969 and the workers of tea gardens went on continuous strike with effect from 18.08.1969. After several joint and separate conferences at the interventions of Labour Minister, West Bengal, a settlement has been arrived at. The highlights of the agreement were as follows:

1. The employers agree to fill up all the vacancies which have occurred since 01.01.1969
2. The employers also agreed to additional employments based on size of plantations.
3. The issue of land-labour ration was somewhat settled and to be maintained at that level.
4. The resident temporary workers would be provided with subsidized ration or given equivalent cash compensation.

5. To fill up vacancies at sub-staff and staff levels.
6. Extra leaf prices were revised.
7. It provided for increase in DA and interim increases in wage

After 1969, the next agreement was signed on 31st July 1970. It provided for interim increase in wages for daily rated workers and monthly rated employees with effect from 01.04.1970. However, it was provided that such interim increase would not attract DA or VDA. In 1971, Wage Fixing Committee for Tea Plantation Workers in West Bengal settled wages after rounds of discussions with effect from 01.04.1971. Subsequently, on the basis of tripartite collective bargaining wage agreement took place on 24.07.1973 at Calcutta. It provided for interim increase in wages for daily rated and monthly rated workers. Next agreement was arrived at by the Wage Fixing Committee on 22nd May 1975. It provided for ad-hoc increase in wages for both daily rated monthly related workers. Next agreement was reached on 03.08.1977 which provided for wage increase from 1st July 1977. Thereafter, an agreement was reached on 29.11.1978 regarding salary of monthly-rated employees. Thereafter, an agreement was reached on 06.05.1980 with effect from 01.07.1979. The next agreement was reached on 18.07.1983 for revision of wages for daily rated workers. Ad-hoc increase was allowed but no increase in DA or VDA. Another agreement was reached on 10.06.1987 where ad-hoc increase of wages for daily rated workers was given.

As per the Memorandum of Settlement dated 21.07.1994 in respect of daily wages of plantation workers the rate of increase of daily wages per day is as follows:

With effect from 01.04.1994	Rs 2.50
With effect from 01.04.1995	Rs. 2.50
With effect from 01.04.1996	Rs 2.00

As per the Memorandum of Settlement dated 07.11.1997 in respect of daily wages of plantation workers the rate of increase of daily wages per day is as follows:

With effect from 01.04.1997	Rs 3.00
With effect from 01.04.1998	Rs. 3.00
With effect from 01.04.1999	Rs 2.50

As per the Memorandum of Settlement dated 03.02.2001 in respect of daily wages of plantation workers the rate of increase of daily wages per day is as follows:

With effect from 01.04.2000 to 31.03.2001	Rs 3.00
With effect from 01.04.2001 to 31.03.2002	Rs. 4.00
With effect from 01.04.2002 to 31.03.2003	Rs 4.10

As per the Memorandum of Settlement dated 25.07.2005 in respect of daily wages of plantation workers the rate of increase of daily wages per day is as follows:

With effect from 01.04.05	Rs 2.50
With effect from 01.04.06	Rs. 2.50
With effect from 01.04.07	Rs 3.00

As per the industry-wise tripartite wage settlement dated 23.08.2008, the rate of increase in wage of daily rated workers agreed upon is as below:

With effect from 01.04.08	Rs 4.10
With effect from 01.04.09	Rs. 4.50
With effect from 01.04.10	Rs 4.50

Wages are to be paid at the revised rate w.e.f. 1st September 2008. The arrears accruing from 01.04.08 to 31.08.08 shall be paid before 25th December 2008.

As per the industry-wise tripartite wage settlement dated 04.11.2011, wage revision of daily rated workers decided as below:

	Period	Nominal wage per day
1	From 01/04/2011 to 31/03/2012	Rs 85 per day
2	From 01/04/2012 to 31/03/2013	Rs 90 per day
3	From 01/04/2013 to 31/03/2014	Rs 95 per day

In the last such wage agreement signed during February 2015, wages were enhanced by Rs 17.50 in the first year, Rs 10 in the next two years and the agreement came into force with effect from 1st April 2014. Accordingly, wages were to increase to Rs 112.50 in the first year, 122.50 in the second year and 132.50 in the third year. As the agreement came almost 10 months late following the expiry of earlier agreement, workers are to be paid arrears in two installments.

As per the tripartite Memorandum of Settlement dated 20 February 2015 between the tea managements and representatives of trade unions, the nominal wage at the end of each period along with incremental wage hike is as follows:

	Period	Nominal wage per day
1	From 01/04/2014 to 31/03/2015	Rs 112.50 (increment of Rs 17.50)
2	From 01/04/2015 to 31/03/2016	Rs 122.50 (increment of Rs 10)
3	From 01/04/2016 to 31/03/2017	Rs 132.50 (increment of Rs 10)

After the new wage agreement in West Bengal, the difference in daily wages in Assam and West Bengal increases to Rs 18.50. There is a possibility that this would lead to demand for new wage agreement in Assam as regional wage disparity increases further. All the previous tripartite agreements are attached as annexure.

Presently, in West Bengal all the three stake-holders that is State, trade unions and employers are engaged in wage bargaining. Trade unions have demanded notification under minimum wages as opposed to further collective bargaining on the same. The employers have raised different issues with regards to determination of minimum wages for plantation workers. Let us revisit this debate in the following section:

Minimum wages for tea plantation workers

The Indian Labour Conference 1957 at its 15th Session recommended five norms to be adopted in the fixation of minimum wages:

1. Standard working class family should be taken account consisting of 3 consumption units per earner.
2. Minimum food requirement should be calculated on the basis of a net intake of 2700 calories as recommended.
3. Clothing requirements should be estimated as 72 yards per annum for four members of a family.
4. In respect of housing, the rent corresponding to the minimum area provided for should be taken into account
5. Fuel, lighting and other miscellaneous expenditures should constitute 20 per cent of the total wage

The Government of Assam has attempted to notify minimum wages for the tea plantation workers in recent times. In computing the wages for tea plantation workers, admissible fringe benefits like concessional rations, fuels, medical facilities, free primary education, recreational facilities are taken into account in fixing minimum wages. A Committee named 'Chetia Committee' was formed to submit report on this matter and the Committee observed that 'in a tea garden, a worker and his family are provided by the employer certain benefits like housing, medical facilities,

primary education. Besides, fuel is being provided free of cost. Hence, the Committee is of the opinion that in assessing minimum requirements, account may be taken of these items.

Supreme Court has also observed in a similar case that children education, medical requirement, minimum recreation including festivals/ceremonies and provision for old age, marriage etc. should further constitute 25 per cent of total minimum wage.

With regards to inclusion of fringe benefits in the computation of minimum wages, the ILO has stated:

'if the cost of social benefits is borne by the employer, the problem of the industry's capacity to pay wages has to be taken into consideration from the point of the total financial implications of minimum wage and other social regulations taken together. Secondly, in determining the minimum wage rates of pay sufficient to guarantee the worker a reasonable standard of living, the authorities responsible must take into account of existing or planned non-wage benefits accruing to the workers since these benefits are themselves important elements in the standard of living of those who enjoy them.'

In tea plantations workers in West Bengal are getting the total pay package comprising of following cash and non-cash benefits.

1. Wage
2. Bonus
3. Free fuel/firewood
4. Dry tea
5. Free housing and water supply
6. Free medical facilities
7. Recreational facilities
8. Children's education
9. Protective clothings
10. Earned leave
11. Sickness benefit
12. Maternity benefit
13. Provident fund and gratuity

As per an estimate by the employers' organization, the wage cost for daily rated workers are being incurred by the organized sector of tea producers in West Bengal and Assam are as follows:

Wages and fringe benefits as on 1st January 2014

Benefits	Assam	West Bengal
Wage	95	95
A. Non-wage Benefits Non-Statutory		
Foodgrains	14.20	16.34
Dry tea	3.06	1.76
Fuel	4.00	3.75
Addl. pay	5.00	4.50
	26.26	26.35
B. Non-wage Benefits Statutory		
Housing facilities	9.50	9.50
Education facilities	0.48	0.48
Medical facilities	4.75	4.75
Sickness facilities	2.96	2.96
Earned leave	4.75	4.75
National & festival holidays	3.17	3.80
Welfare facilities	3.80	3.80
Maternity benefit	2.22	2.22
	31.61	32.25
C. Common Statutory		
Provident fund	13.21	13.21
Bonus	19.00	19.00
Gratuity	4.75	4.75
	36.96	36.96
Fringe benefits (Total)	94.83	95.56
Wage cost + Fringe Benefits	189.83	190.56

Source: Indian Tea Association, 2014

Indian Tea Association believe that norms guiding the minimum wage fixation for plantation workers should consider the total package comprising of cash wage and value of perquisites like housing, fuel, medical facilities, education facilities etc. as per established guidelines narrated above.

Thus the matter of fixation of minimum wage for the tea plantation workers has different dimensions and quite complex. Presently, all the stakeholders are trying to find a solution and reach a consensus. But even we take into consideration the contention of the employers' organizations, there is no denying of the fact that overall compensation (monetary wage plus non-monetary benefits) for plantation workers are low and inadequate.

From the above analysis, it is amply clear that wage rate in West Bengal tea plantation is historically poor across the region and across other plantation crops. The issue here is why wages have been so low in tea plantations in West Bengal? Here we try to understand the labour market institutions that lead to such an outcome.

First, wage determined through collective bargaining mechanism where workers' representatives have comparatively less bargaining power. Such a context prevails in West Bengal. In Southern plantations situation is different as wage is notified as part of Minimum Wage schedule twice in a year. Because of such a practice, wages in Southern plantations could maintain parity with the inflationary pressure. Thus it can be said that collective bargaining with skewed bargaining power can lead to poor wage realization. In such a scenario wage determination should not be left to collective bargaining. Rather, as originally envisaged wages for tea workers should be declared as part of Minimum Wage notification. Minimum wage would at least ensure survival at subsistence level.

Second, at the collective bargaining forum, those who represent workers' interest do not belong to the workforce. They are usually white-collared people who represent workers' interest at the bargaining forum. Under such circumstances, it is obvious that workers' interest gets compromised at crucial juncture as workers' representatives at bargaining table are class apart and do not themselves face the consequences.

Third, because of lack of opportunity for mobility of workers and given a captive family-based labour force, supply of labour is always overwhelmingly greater than the demand for labour. Thus, even if wage determination is left to market forces, outcome would not be significantly different. Also in West Bengal, there was a tripartite agreement in 1969, which stipulated that workforce strength could not be brought down under normal circumstances. Given this and also due to the fact that workers have very little opportunity to move out of plantations, supply-demand imbalance will be a structural phenomenon in tea plantations if left to market forces. Actually a pre-capitalist economic system prevails in

plantations in West Bengal and as a result, outcome is worse than that in a full-blown capitalist system.

Fourth, tea workers do not belong to mainstream population in West Bengal. They were made to migrate from other States by the colonial planters who did not employ local people, because, they demanded a comparatively higher wage. As tea estates remained as 'enclave' economy even after independence, this migrant tribal population remains isolated from the mainstream indigenous population. Further, as tea workers are still considered as outsiders, their well-being were never attached as the priority of the administration and mainstream political discourse.

Fifth, tea industry's survival depends on the wage rate prevailing at the plantation. Input market was structured in such a way that planters' had no control on the prices of inputs other than labour. Labour cost is the most significant component of the cost structure. Thus, planters tried to keep wages as low as possible. Even after such low cost of wages, cost of Indian tea production is higher than those in other close competitor countries like Kenya and Sri Lanka. The following Table depicts such a situation.

Cost of production of tea and cost of labour in major tea producing countries (US \$ per kg of tea) in 2003

Country	Cost of production (US\$/kg)	Labour cost (US\$/kg)	Wage share (%)
India	1.62	0.81	50.00
Sri Lanka	1.23	0.74	60.16
Bangladesh	0.32	0.16	50.00
Kenya	1.16	0.55	47.41
Malawi	0.84	0.27	32.14

Source: Tea Board of India 2006-07.

From the above Table, it is clear that cost of production per kg of tea was the highest in India among the major producers of tea in the world. Cost of labour was about 50 per cent of total cost of production. Labour cost per kg of tea is highest for India in spite of the fact that wages in Assam and West Bengal (which produces about 75 per cent of total tea produced in India) is well below the minimum wage prescribed in similar occupations. In international market Indian tea may get competed out in terms of cost of production and cost of labour is the major component in the cost structure. If this happens in spite of such a low wage for majority of plantation workers, then it might well be concluded that Indian tea industry thrived on relative backwardness of workers who are given a very poor wage

and very little opportunity for mobility. Perpetuation of such low wages over the years is linked to the survival of the industry at the international market.

With regards to perpetuation of such a low wage, planters do argue on a few points.

First, they put forward the logic that it is family based employment in plantations. In many cases, both husband and wife are regular workers and even temporary/ *Badli* workers are dependent of regular workers and they add to the family income. Thus, according to planters, aggregate family income should be calculated in determining the minimum wage/ entitlement criteria. This logic is difficult to accept in the sense that there are number of families which are single-earning member household. Further, even for two earning member household, they are putting up double the effort. Even after adding the wages of the two earning member, total wages fall below the corresponding minimum wage.

Second, planters in West Bengal argue that many statutory and non-statutory (subsidized ration and free firewood) facilities are being provided to the families of the workers. According to them, if we add up the monetary equivalents of such facilities, wages would be much higher than the present nominal wage. If we take this argument in its true perspective, there would be some addition to the monetary wage but still it would be considerably less than the corresponding minimum wage. Implementation of Plantation Labour Act 1951 is universal across plantations in India. It is equally applicable to plantations in southern India as well. There are two non-statutory benefits exclusive for plantation workers in Assam and West Bengal, that is, concessional rations and free firewood. Adding monetary equivalents of these two, does not lead to narrowing down the gap in monetary wages in any significant manner. According to Indian Tea Association (ITA) documents, cost incurred in issuing concessional ration was Rs 3.51 per kg of made tea in the year 2002. Table 2.8 provides the comparative welfare cost of tea produced in Southern and North-Eastern India as per the study carried out by the UPASI.

Now, given this low wages, the issue at stake is why workers do not move on? There is not much work or literature on this. We had conducted three focus group discussions (FGD) at three different tea estates in West Bengal. These three estates belong to three different size classes. One is having area less than 200 hectares, the other one is having area between 200 and 400 hectares and the last one has area more than 400 hectares. Assembly at each FGD was about twenty workers including trade union

representatives. Half of the participants were female workers. In general, tea population is having a very unsatisfactory existence and provided the opportunity they want to move out. But they do not have choice. Certain factors keep them pegged to the plantations. The factors as came out in the discussions are as follows.

First, the general backwardness of the area and lack of industrial development in the vicinity. Tea gardens are located in the relatively remote places. There is a problem regarding accessibility, lack of general infrastructure, very limited State intervention, political unrest, secessionist activities in recent and distant past, all added to the woes. Apart from tea, there are no other industrial or service sector employment opportunities available. Thus the tea population has hardly got any other alternative opportunities to move on.

Second, absence of urban informal sector in the neighbourhood. As discussed earlier, tea workers have hardly anything to fall back upon at times of need. Workers in industries like jute and cotton have over the years shifted to urban informal sectors as these industries are located in urban centres. But there is hardly any urban agglomeration in the vicinity of tea plantations. There are few urban spots dotted around the tea growing districts in West Bengal which are tea trading points and also serve as markets for the tea population. But these do not provide much scope for informal urban sector activities. Thus once the tea gardens are closed, tea workers face prospect of starvation death.

Third, tea gardens do not have educational opportunities beyond the primary level. Providing school was earlier the sole responsibility of planter employer as part of Plantation Labour Act 1951. Later in the 1990s in West Bengal, State govt. has assumed the responsibility of running schools located within the plantations. But these are mostly primary schools and children of tea workers need to travel long distances to reach a secondary school. Also in most cases there are not many transport options and even when those are available, they cannot afford them. Colleges, universities or centres of vocational training are located at far-off places and progenies of tea workers can hardly access them. Thus, the drop-out rate is very high during the transition from primary to secondary schools. Without basic minimum education or skill, tea population finds it very hard to get job opportunities outside plantation.

Fourth, there exists very limited exchange between the tea and non-tea population and relative isolation of tea workers from the mainstream. As tea estates exist like enclave economies, tea and non-tea population

are two distinct entities living in close proximities. Limited interaction between them pre-empt movement across the enclave. Tea population hardly speaks the local language and they are treated as outsiders in all practical purposes. Without integration with mainstream activities, tea population finds it very hard to branch out from the plantations and the enclave economy concept continues.

Fifth, there is a lack of demand for industrial goods on the part of tea workers. The demand side response of tea workers are very limited in the sense that they hardly consume any industrial goods and still live almost a primitive life. Wages they get from plantations take care of their subsistence food requirement. They do not buy any industrial goods of substance and save almost nothing. This lack of demand manifests in the form of clinging to plantation even when the general atmosphere is gloomy and depressing. The push factor is missing and hence, the lack of mobility on the part of tea workers can be attributed to both pull and push factors.

Chapter 5

Gender Discrimination in compensation

As per the tripartite agreement, permanent workers and their dependents are supposed to get rations at a subsidized rate. The following table produces the quantum of food grains and subsidized rate.

Standard rate: Rs 2 per Kg.

Concessional rate: Rs0.40 per Kg.

	Worker	Adult dependent	Child dependent
Rice	2.000 KG	2.000 KG	1.000 KG
Wheat	4.520 KG	4.520 KG	1.440 KG
Total	6.520 KG	6.520 KG	2.440 KG

Source: Indian Tea Association

The gender discrimination lies in the fact that definition of dependents is different for male and female workers. For male workers, non-working wife and parents are considered as dependents. For female workers, non-working husband and her parents are not considered as dependents. Thus, for a similar family size, ration entitlements of male workers would be higher than that of female workers. Since total compensation is an aggregate of cash and non-cash components, lower non-cash components for female workers implies that other things remaining constant, compensation for a female worker is lower than that of male worker. Husband of working wife will be considered as an adult dependent provided he is physically handicapped and incapable of working. School/college going sons and daughters of workers would be provided with concessional rations upto the age of 21 years provided they are ordinarily living with and fully dependent on their parents and are not employed either on the estate or elsewhere (Tripartite agreement dated 21.07.1999).

This violates the principle of equal wage for equal work and contravenes the spirit of Equal Remuneration Act 1976. The sad part is that this is sanctified as part of a tripartite settlement where State is a party. This has not been highlighted earlier in academic literature. One of the core objective of this Study is to highlight perpetuation such discrimination over the years.

Chapter 6

Conclusion

Daily rate of wages for tea plantation workers in West Bengal is very low compared to similar wages in Southern India tea plantations as well as in terms of agricultural minimum wages. Wage determination in these two regions is different. While in West Bengal wage is determined through collective bargaining, in southern plantations wage is notified as per provisions of minimum wages act. Two different sets of labour market institutions lead to different inclusive growth outcomes in the plantation economies of West Bengal vis a vis the southern states. There are few non-statutory benefits for plantation workers in West Bengal apart from the statutory benefits which are universally applicable throughout India. But even if we add the monetary equivalents of all such facilities, daily wages are still significantly below the minimum subsistence wage. That in many instances employments in plantations are family based, even then it is very hard to justify such low wages. Certain labour market institutions as exist in the West Bengal, are responsible for such depressing and non-inclusive labour market outcomes. That tea plantations are 'enclave' economies functioning in a pre-capitalist feudal economic environment do help in sustaining such low wages in the long run. Actually tea industry to a major extent survives on the relative backwardness of the regions in which they are located with lesser chances of transpiring any sort of economic dynamism with greater potential for inclusive growth, unless there exist strong state or other institutional intermediations.

The fact that per unit cost of production of Indian tea is the highest among major tea producing countries in spite of such low wages, indicate that competitiveness of Indian tea in the world market is crucially dependent on minimizing labour cost which in turn depends on perpetuation of such low wages. Further, in West Bengal, wage determination is left to collective bargaining in an environment in which, bargaining power is overwhelmingly favour the employers. While forced migrations and unfree labour further aggravate the problem on the one hand, a major segment of the workers as such are not in position to move out even though they are aggrieved and face near starvation situation in case of abandonment/ closure of tea estates. Thus, there are both push and pull factors which are responsible for the lack of mobility on the part of plantation workers.

Lack of education beyond primary level, relative backwardness of the regions, near absence of urban informal sector, lack of demand for industrial goods on the part of plantation workers are the institutional factors that are

responsible for the overall lack of inclusive development of the plantation areas in West Bengal. To a greater extent, this lack of development or the socio-economic backwardness of the region are precipitated by the peculiar labour market institutions that have never been proactive to support the labouring class.

Further, within this context of prevailing wages, gender discrimination is being perpetuated in the sense that definition of dependents is different for male and female workers. For male workers, non-working wife and parents are considered as dependents. For female workers, non-working husband and her parents are not considered as dependents. Since total compensation is an aggregate of cash and non-cash components, lower non-cash components for female workers implies that other things remaining constant, compensation for a female worker is lower than that of male worker. This violates the principle of equal wage for equal work and contravenes the spirit of Equal Remuneration Act 1976.

The two most important policy imperatives emerging from the study are revival of plantation wages as part of overall minimum wage notification procedure and removing the gender discrimination aspect and secondly State need to play a more pro-active role in ensuring overall development of the region as well as the industry leading to greater linkage effects.

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