

**HUMAN RIGHTS OF TEA PLANTATION WORKERS:
A CASE STUDY OF HARRISON MALAYALAM
PLANTATION LIMITED IN KERALA**

*Thesis submitted to the University of Calicut for the award of the
Degree of Doctor of Philosophy in Political Science
under the Faculty of Humanities*

By

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CERTIFICATE

This is to certify that the thesis entitled '*Human Rights of Tea Plantation Workers: A Case Study of Harrison Malayalam Plantation Limited in Kerala*' submitted to University of Calicut for the award of the degree of Doctor of Philosophy in Political Science, is a bonafide record of research work carried out by Abdul Nazer. K under my supervision. No part of this thesis has been previously submitted for the award of any Degree, Diploma, Associate ship, or any other similar title or recognition in any University or Institution. It is also certify that this thesis have fulfilled plagiarism check.

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Abdul Nazer. K

ABBREVIATIONS

AITUC	All India Trade Union Congress
AKLC	All Kerala Labour Congress
ATTUC	All Travancore Trade Union Council
CPI	Communist Party of India
CPI(M)	Communist Party of India(Marxist)
CSP	Congress Socialist Party
CTC	Crush Tear & Curl
ECHR	European Convention on Human Rights
ESI	Employee State Insurance
ESIA	Employee State Insurance Act
FERA	Foreign Exchange Regulatory Agreement
GATT	General Agreement on Tariff and Trade
HML	Harrison Malayalam Limited
HMS	Hind Mazdoor Sabha
HRD	Human Resource Development
IHR	International Human Rights
ILO	International Labour Organisation
IMF	International Monetary Fund
INTUC	Indian National Trade Union Congress
ITA	Indian Tea Association
IUML	Indian Union Muslim League
LPG	Liberalisation Privatisation Globalisation
MGNREG	Mahatma Gandhi National Rural Employment Guarantee Scheme
MNC	Multi-National Company
NDC	National Development Council
NGO	Non-Governmental Organisation
PLA	Plantation Labour Act
PLC	Plantation Labour Committee
QWL	Quality of Working Life

RPG	Ram Prasad Goenka
RSP	Revolutionary Socialist Party
SC	Scheduled Caste
SSLC	Secondary School Leaving Certificate
ST	Scheduled Tribe
STU	Swatantra Trade Union
TCFWU	Travancore Coir Federation of Workers Union
TLA	Travancore Labour Association
TLU	Travancore Labour Union
TNC	Travancore Nationalist Congress
TRF	Tea Research Foundation
UDHR	Universal Declaration of Human Rights
UPASI	United Planters Association of South India
UTUC	United Trade Union Congress
VRS	Voluntary Retirement Service
WTO	World Trade Organisation

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CHAPTER-1

INTRODUCTION

1.1. Background of the Study

Human rights constitute a set of norms governing the treatment of individuals and groups by states and non-state actors on the basis of ethical principles regarding what society considers fundamental to a decent life. To be a 'human' means to be rational than any other living organism. For this, he needs to be free and gifted with an inherent and inalienable dignity and corresponding rights. Each and every human being has his/her own unique identity and potential for the full and authentic development in the context of a given community, country and the world at large. Human rights recognize this claim of individual and groups in modern civil societies. Thus, in a broader sense human rights are those rights that every human being is entitled to enjoy and ensured of its protection. The underlying idea of such rights is the fundamental principles that should be respected in the treatment of all men, women and children exist in some form or the other across cultures and societies around the world (Radhakrishnan, 2009). Thus we may say that human rights are those rights to which an individual is entitled by virtue of his status as a human being and were recognized all over the world irrespective of caste, religion, country and occupation (Balasuriya, 1981). In other words human rights are those rights which are possessed by an individual just because he or she is a human being.

The concept of human rights covers both the primary and secondary needs of the people. The primary needs are very essential for the fulfillment of human life. These are the basic factors which include minimum amenities of life such as air, water, food and safe habitat, which are considered to be the minimum requirements for the sustenance without which a simple life is quite impossible in this world. The secondary factors are those elements which are significant but not as necessary

as the primary factors. It includes better health facilities, educational facilities and other social security provisions. The secondary factors are not a necessary condition for a bare life but it is very essential for a dignified and civilized life. In this sense both of these factors come under the broad framework of human rights. Accomplishment of these conditions is not the sole responsibility of a single agency, but the responsibility of multiple agencies existing in the society. The timely intervention of state and non state actors such as civil society organizations, trade unions and political parties are vital in this regard. Institutionalization of human rights in the form of Universal Declaration of Human Rights (UDHR) and two additional binding covenants¹ added to it late 1960s along with subsequent legislations initiated by various states constitute the main source for human rights in the world. All human rights provisions contained in the UDHR or the various legal provisions enacted and practiced by different countries aimed to attain the well being of their citizens.

The notion of human rights in India received wider attention and recognition since independence and it is reflected in the various provisions of the Indian Constitution, especially in Fundamental Rights and Directive Principles of State Policy. Along with the Constitutional provisions, various statutory legislations passed by the legislatures at the Central and the State level further strengthened the notion of human rights. In spite of these provisions, the concrete realities prevailing across India since independence reveal that it is yet to be actualized in the life of people who lie at the periphery of the society. These marginalized groups are the categories of people in the country who remain in a state of deprivation and subjugation for centuries. They are not able to attain a position of parity with the privileged sections of Indian society. The structural and institutional anomalies of India's political democracy over the years reveal that it is unable to equitably distribute the benefits of rapid economic and technological growth to the marginalized segments of the society.

A brief survey of total labour force in India shows that unskilled workers constitute around 98 per cent of the total working force in the country and a vast

majority of them are engaged in organized and unorganized sectors (India, 2018). Unskilled workers are those segments of labour force without any kind of formal educational or technical knowhow. A major segment of unskilled workers engaged in primary sectors such as plantations, hardly requires any technical skill to perform their routine work and these workers fail to materialize the constitutional and statutory safeguards of human rights. The human right issues faced by such groups profoundly differs from others for at least two reasons: Firstly, they have been suffering from severe exploitation since the introduction of plantations in colonial era. The low standard of living of such deprived sections makes their life very difficult and miserable and access to human rights does not remain valid and meaningful for such groups. Secondly, each of the marginalized groups carries certain distinctive physiological, social, economic, cultural, and religious traits which distinguish them from the rest of the mainstream people. Therefore, a discussion on the issue of the human rights of the plantation workers becomes an exercise in identifying the ills and evils prevailing in the sector and suggesting viable remedies with a view to evolve a holistic perspective on the human rights of these groups.

The plantation workers belong to the category of marginalized sections of the society comprising Scheduled Castes (SC), Scheduled Tribes (ST) and other religious minorities. In addition to the caste based marginalization, gender based marginalization is also apparent in this sector. Female labour force constitute substantial majority of workers in tea plantations. The workers of the plantations are broadly classified as field workers and estate workers. They are the lowest strata of plantation labor and they constitute major chunk of the work force. Unlike the other laborers of the society, they are working and living in the plantations itself. Their movement is tied up within and around the working place and the place allotted by the management for their stay. Normally they stay in a chained hut called *layam*² or *paddy*. Their wages are very low compared to other workers, who work outside the plantations. The wages of plantation workers are determined by the management in consultation with the government and the trade unions. But the government and trade unions are often reluctant to make any effective intervention

in these matters. Apart from wages, there are other conditions such as health care, education, safe habitat, provisions for recreation and sufficient toilet facilities in their residence and work place are the mandatory requirement to be provided by the management as per the provisions of Plantation Labour Act (PLA), 1951 (Bhouwmik, 1992). But in reality most of the plantations across the country miserably failed in fulfilling their legal obligations and it subsequently contribute to additional burden being imposed on government for providing various welfare schemes. In this context, austerity measures adopted at various levels due to the liberalization policies, the role of government is further limited in effectively intervening in the plantation sector. This makes everyday life of plantation workers more miserable.

I.2.Statement of the Research Problem

The 'Plantation Industry', which was developed over 170 years, has a colonial origin. In India, plantations account for 0.8 per cent of the total cultivable land. They also contribute 5 per cent to the national income in agriculture. Besides, they provide more employment per rupee of investment in the country than any other sector of economy either agriculture or industry. Plantation industry employs a large amount of labour force. Among different plantation crops, tea is considered to be the most important crop in the country. It is the second biggest foreign exchange earner and is exported to around eighty countries. Large numbers of people are directly or indirectly depend upon this industry for their daily earning. In the state of Kerala, the geographical distribution of tea cultivation is predominantly concentrated in Idukki and Wayanad districts. These districts are considered backward districts in the state in terms of levels of education and other Human Development Index (HDI). Within these districts large numbers of tea plantations are functioning under different managements. Among them, Harrison Malayalam Limited (HML) is a well established and significant player in the tea plantation of the state. In the past, laborers of HML in the state considered the company as the sole protector of their interests. The company provided the workers basic

necessities of life. Governmental interventions through PLA, 1951 further safeguarded the workers interests to certain extend.

The HML, now part of Ram Prasad Goenka (RPG) group, has its origin in 1844. It is one of the oldest and leading manufacturers of tea in the country. Most of its industry is concentrated in Kerala and Tamilnadu. In Kerala they have nine estates. Five of them are located in Idukki and remaining four in Wayanad. The company was once considered a reliable and trustworthy by the migrant and marginalized working population. The management provided shelter, job and social security. Though the workers were nominally educated and unskilled, they received monthly salary and other incentives. The Plantation Labour Act of 1951 further supported the workers. The presence of trade union made the life of workers less miserable. But the neo-liberal economic policy introduced by the Government of India during 1990s drastically changed the living and working atmosphere in plantations. Governmental interference was reduced and trade unions lost their collective bargaining capacity. As a result, the company started its withdrawal from social welfare obligations.

Now the workers of the company and the company itself are beset with manifold problems. The most sombre among them is the dilemma of social exclusion of the plantation workers owing to socio-cultural and historic factors, which in turn manifests in the form of a vicious circle of poverty. Low levels of educational attainment amongst the plantation workers results in narrow employment opportunities in tandem with poor health conditions and dismal standards of living. Lack of choice in terms of employment is a major factor that results in the social exclusion of workers in the plantation sector. This is because livelihood plays a very decisive role in moulding the identity of an individual in the society. It is impossible to aim for a better quality of life in the absence of a decent livelihood. Livelihood may be defined as the means by which households obtain and maintain access to the resources necessary to ensure their immediate and long-term survival. This study is an attempt to find answer to the above said matters.

I.3 .Objectives of the study

The major objectives of the study are the following;

1. To understand the living conditions of workers in Harrison Malayalam Limited tea plantations;
2. To study the labor welfare activities in HML tea plantations and the implementation of labor related Acts in tea industries;
3. To analyze the role of the government, trade unions and political parties in the field of labor welfare activities in plantations;
4. To assess the role of management in the welfare of workers;
5. To understand the role Non-governmental Organisation (NGO)s, mass media and other groups in the welfare of workers;
6. To assess the impact of globalization upon the workers living and working conditions and to suggest suitable mechanisms for the betterment of their living conditions.

Keeping these objectives in mind, the present study has framed the hypotheses and tested it through primary data collected from the field.

1.4. Hypotheses

1. The government machinery is ineffective in implementing the Labor related Acts in tea plantations and thus failed in safeguarding the interest of plantation workers in the Liberalisation, Privatisation and Globalisation (LPG) era.
2. Trade union activities are more effective in plantation field where as their roles less effective in safeguarding the workers' interest in outside the plantations especially in wages and service related matters.
3. The management failed to fulfill its statutory and non-statutory obligations in all matters of labour welfare;

4. The civil society groups such as NGOs, mass media etc., hardly made any constructive interventions in bringing the pathetic conditions of workers before various bodies of government and public at large.

I.5. Methodology

Methodology used for the study is analytical and empirical. The data related literature has been collected from primary and secondary sources. Gathering data for the study, the researcher utilized different tools for different stakeholders included in the study. For selecting the sample frame, random sampling methods are used. Altogether 608 samples, spreading across four estates of HML, were collected purely based on random sampling method. The social conditions and human rights concerns of the plantation workers are the core concerns of the study. The researcher employed various techniques for this purpose such as closed discussion, structured and unstructured interviews and also random informal talk with a large number of workers at various locations in the field. In addition to this, the researcher conducted intensive structural interviews with the supervisory staff, managerial officials and welfare officers at plantations.

In order to have a comprehensive image of the field, the researcher resorted to extensive structured and unstructured interactions with trade union leaders and leaders of political parties. Bulk of the data was collected utilizing multiple technique of data collection such as questionnaire, interview and observation. For the convenience of empirical analysis of the field data, the information gathered through observation and personal interviews were not converted to numerical scales or any other measurable form and it is used in the present study as a supplementary to the field data collected through questionnaire which is converted to numerical scales and categories and analyzed with statistical tools such as Z test and annova.

The secondary data includes books, journals, reports, internet resources etc...

I.6. Universe of the Study

The universe of the study is confined to tea plantations of HML in Idukki and Wayanad district as all the estates of HML are concentrated in these districts.

Tea is a dominant crop cultivated on large scale in these districts. Total tea cultivation area in the state of Kerala is 35000.01 hectares. Among them HML have an area of 5107.89 hectares which constitute 14.59 percent of the total tea cultivation in the state. Total workers employed in tea plantation of Kerala is 108000 persons and HMLs contribution of labour force is 6080 workers which represent 5.62 per cent of total tea plantation workers of the state.

1.7. Sample size

Table 1.1

Name of Estate	Frequency	Percent	Valid percent	Cumulative percent
Achoor	158	26.0	26.0	26.0
Arappetta	160	26.3	26.3	52.3
Surianelli	164	27	27.0	79.3
Panniar	126	20.7	20.7	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 1.1 above shows the representation of sample selected by the researcher. The sample is concentrated in four tea plantation estates of HML. The samples representation is not in equal in size. Out of the four tea plantations the researcher has selected, three of them are somewhat equal in size. In the study 608 samples have been taken into consideration. Out of these samples, 158 samples selected from Achoor estate, 160 samples from Arappetta estate, 164 samples from Surianelli and 126 samples from Panniar estate. In percentage wise representation, Achoor has represented 26.0 per cent of samples, Arappetta has 26.3 per cent, Surianelli the largest among the four and highest populated among them represents 27.0 per cent followed by Panniar the lowest and smallest populated has 20.7 per cent. The lesser per cent of sample does not mean Panniar estate is less important. The lesser representation is because of Panniar estate lacks factory workers and all other estates have both the field and factory staff.

1.8. Plan of Work

The whole work is divided into six chapters including conclusion. The first chapter is the introductory chapter. The second chapter is dedicated to conceptualizing human rights. Here various human rights theories and concepts such as liberal, neo-liberal, socialist and feminist are being discussed. The third chapter attempts to sketch the situation of Tea Plantation in India entitled 'Tea Plantation in India: A Historical overview'. Here the history of Tea plantation Industry in India from the colonial period to the present day is highlighted. The fourth chapter explores labour Welfare in tea Plantations across three different periods – colonial, post-independent and LPG. The fifth chapter is set apart for data analysis and the last chapter of the thesis showcases findings, suggestions and conclusion.

1.9. Limitations of the Study

An important limitation of the study is the universe itself that the researches selected, which is confined to the plantations of HML. On the basis of findings received from data analysis, conclusions can be arrived at micro social level. The projection of micro level knowledge to macro social reality is met with certain limitations. Apart from this, the method employed for data collection has its own methodological limitation.

1.10. Major Concepts Used in the Study

Clarity in identification of concepts and careful use of them to understand the nuances of the research problem play a significant role in Social Science research. These concepts provides ample space for analyzing various issues in a focused manner as they provide the much needed insights about the dynamics of labor relations. For the purpose of the study the following concepts are used.

1.10.1 Collective Bargaining

Collective bargaining is a technique employed successfully by the trade unions in order to get things in their favor from their employer. It is the power

possessed by the employees to master the negotiation process between an employer and a group of employees when certain issues arise. The employees are represented by Trade Unions in such negotiations. The result of collective bargaining is the collective agreement. This agreement is tri-party agreement between the management, government and the trade union leaders. Collective bargaining consists of the process of negotiation between representatives of a union and employers in respect of the terms and conditions of employment of employees, such as wages, hours of work, working conditions, grievance procedures, and about the rights and responsibilities of trade unions. Typical issues on the bargaining agenda include wages, working time, training, occupational health and safety and equal treatment. Collective agreements may also address the rights and responsibilities of the parties thus ensuring harmonious and productive industries and workplaces. Enhancing the inclusiveness of collective bargaining and collective agreements is key means for reducing inequality and extending labor protection (Organisation, ILO, 2019).

1.10.2 Collaborative Bargaining

Collaborative bargaining is a style of negotiation which recognizes the interests of the other party and emphasizes cooperation between them. In collaborative bargaining, each side brings in their problems and issues that need to be resolved, rather than proposals. The members of different group such as the management, the government and the representatives of workers talks about the needs and interests of both sides in trying to get problems resolved. In successful collaborative negotiations, each person gives their own opinions, which may differ from their teammates' opinions. Decisions are made by consensus of the full group, rather than a vote or consensus by each side during caucus. In collaborative bargaining agreements are made through discussion, step-by-step, issue by issue. The group alternates discussion on union and management issues. No issues are discarded without the agreement of the side that brought it. It encourages both sides to see issues from the point of view of the other side. Discussions during the term of the contract are problem-based and collaborative. Union and management try to

avoid grievances and disciplinary actions through discussions and mutual interventions. The whole atmosphere of labor relations is changed from adversary to collaborative.

1.10.3 Ethnicity

The term 'ethnicity' is used to denote the culture of people in a given geographic region or of people who descend from natives of that region. It includes their language, nationality, heritage, religion, dress, and customs. In other words ethnicity is a concept referring to a shared culture and a way of life. This can be best reflected in language, religion, material culture such as clothing and cuisine, and cultural products such as music and art. Ethnicity is often a major source of social cohesion as well as social conflict. Almost all of these groups possess a shared history, language, religion, and culture, which provide group members with a common identity.

1.10.4 Human Dignity

Human dignity is the self-respect and self-worth an individual or group possess. It is strongly connected with physical and psychological integrity and empowerment of an individual. Human dignity is harmed by unfair treatment offered, based on personal motives or circumstances which do not relate to individual needs, capacities, or merits. It is enhanced by laws which are sensitive to the needs, capacities, and merit of different individuals, taking into account the context underlying their differences. Human dignity can be violated in multiple ways. Such violation often takes place in the form of humiliation, objectification, subjugation, degradation and dehumanization.

1.10.5 Human Rights

Human rights are those rights which every individual is entitled to have by virtue of being a member of human family irrespective of any other consideration (Basu, 1994). It is the inherent and inalienable rights of the people without which anybody who seeks to be himself is at his best. These rights are essential for the development of human being and the preservation of his personality and dignity

without which he is reduced to the level of mere animals. Thus human rights are essential and important for every society to live in peace, harmony and brotherhood.

1.10.6 Labour Rights

Labor rights or workers' rights are a group of legal rights that are claimed by workers and usually obtained under labor and employment law. In general, majority of such laws are in connection with negotiating workers' pay, benefits, and their working conditions. In other words, labor rights are the exclusive rights of workers exercised individually and collectively. These include right to engage in a job of one's choice, a right to fair working conditions, a right to be protected from arbitrary and unjustified dismissal, right to join and work with a trade union. Labor rights can also ensure representation of workers in management by which the workers have a democratic voice in decision and policy making.

1.10.7 Liberalism

Liberalism is a political doctrine that originated in the world with a professed aim to protect and enhance the freedom of individuals which was denied for centuries and make the individual the centre of politics. Liberalism stands for the complete emancipation of the individual. As a political theory, it is associated with non authoritarianism, the rule of law, constitutional government and the guarantee of civil and political liberties. In economic terms, liberalism is associated with an unplanned economy with free and competitive markets, as well as private ownership and control of productive resources. Classical liberalism regarded extensive property rights and economic liberties as basic things and considered all rights as absolute. Modern liberalism, on the other hand, considers economic liberties as subordinate to personal and political liberties and subject to regulation, with redistribution of income and wealth to mitigate gross inequalities and provide all citizens with adequate resources to guarantee the worth of their basic liberties and opportunities.

1.10.8 Natural Rights

The idea of natural rights first appeared in ancient times, but popularized by English philosopher John Locke in the 17th century. Natural rights are those rights which are not dependent upon the laws or customs of any particular culture or government and they are universal and inalienable. Locke discussed natural rights in detail and identified 'life', 'liberty' and 'estate' (property) and argued that such rights could not be surrendered in the social contract. He argued that all individuals are equal in the sense that they are born with inalienable natural rights that is rights that are God given and can never be taken away or given away (Crowe, 2009).

1.10.9 Neo-Liberalism

Neo liberalism is a theory, practice and range of politics in political economy. The word neo-liberalism indicates a form of liberalism emerged during 1970's when the sustainability of welfare state was in deep trouble. Western capitalist economies experienced a period of what was called stagflation, low productivity, high inflation, a stagnant economy, increasing unemployment and threat to the living standards. The crises faced by the welfare state gave birth to economic liberalism. The most influential theorists of new economic liberalism or neo-liberalism is Milton Friedman and Friedrich Hayek. Neo-liberalism shares with human rights a conception of the universal, free, rational individual. Neo-liberal economies advocate freedom for corporate entities.

1.10.10 Plantation

The term plantations refer to large-scale agricultural enterprises, mostly specialized in one particular crop grown for distant markets for a long period. Plantations employ a large number of wage labourers working under the close supervision in a strict organizational hierarchy. The plantation is an economic organisation or economic institution connected historically with certain crops. It is a type of business organisation in agriculture. Most of the plantations specialises in one particular type of commodity (Greaves, 1958).

1.10.11 Poverty

Poverty is the state of condition where people are denied basic necessities for their sustenance. These include the scarcity or lack of a certain (variant) amount of material possessions or money. It is a multifaceted concept, which may include social, economic, and political elements. Absolute poverty, extreme poverty, or misery refers to the complete lack of the means which are necessary to meet basic personal needs such as food, clothing and shelter. Poverty, whatever may be the type, can be eliminated altogether for the well being of human society. It can be eliminated by increasing income to make basic needs more affordable typically include welfare, economic freedoms and providing financial services

1.10.12 Social Exclusion

Social exclusion is the process in which individuals or people are systematically blocked or denied from accessing various rights, opportunities and resources that are normally available to members of a different group, and which are fundamental to social integration and observance of human rights within that particular group (e.g., housing, employment, healthcare, civic engagement, democratic participation, and due process). Alienation or disenfranchisement results from social exclusion that can be connected to a person's social class, race, skin color, religious affiliation, ethnic origin, educational status childhood relationships, living standards, or appearance. Such exclusionary forms of discrimination may also happen in the case of people with disability, minorities, elderly and the young.

1.11. Review of Literature

A literature review is a search and evaluation of the available literature in a given subject or chosen topic. In other words the literature review discusses published information in a particular subject area, and sometimes information in a particular subject area within a certain time period. Literature review can be just a simple summary of the sources, but it usually has an organizational pattern and combines both summary and synthesis.

In his book *Understanding of Human Rights*, Bibhuti (2005), provides a detailed account of the basic concept of human rights starting from Magna Carta (1215) to the present day. The book illustrates the contribution of Magna Carta, 1215, the American Declaration of Independence (1776); the French Declaration of the Rights of Citizens (1789) and the Bolshevic Revolution of 1917 to the developemnt of human rights in the world

Donnelly (1982) in his article '*Human Rights as Natural Rights*' provides a vivid picture on the theory of natural rights and social justice model of human rights. It is a common assumption that natural right theory of human rights underlies contemporary human rights doctrine. According to the author, the American Declaration of Independence (1776) contained a general statement of natural right theory and the purpose of government; a list of grevances against British King. Human rights are generally meant what Locke and his successors mean natural rights. Donnelly also speaks about an alternative theory of human rights that is the Social Justice Model.

Gaub (2004) in his work, *An Introduction to Political Theory* examines the origin, evolution and importance of human rights. To him human rights, as the term is most commonly used, are the rights that every human being is entitled to enjoy and to have protected. In later parts of his book, the author conceptualise rights and its relationship between individual and the state.

Ramashray Roy (2005) in an article titled *Human Rights and Poverty: Some Considerations* gives a deep insight into the human rights prevailed in the world before and after the famous UN Declaration of Human Rights on Dec.10, 1948. The author admits the presence of institutions, practices, and processes that posed serious threat to human dignity before the declaration.

Scherbakov (2002), in his article on *Globalization: The Impact on Workers Right in CIS* analyses the impact of globalization on workers right in Commonwealth of Independent States (CIS) by showing similar situations and circumstances prevailed in different counties. According to the author globalisation made a negative impact on the rights of the people throughout the world.

Akpokavie (1997), in his article on *Globalisation and Workers Rights* discusses the process of globalization and its impact on workers and trade unions. According to him, Globalization results in the marginalization of large sectors of the working population, high levels of unemployment and growing inequalities due to the concentration of power and resources in a few hands.

Gopal Iyer (2005), in his book *'The Impact of Globalisation on Farmers and Rural Poor'* analyses the negative impact of Globalisation and how it destroyed the livelihood of farmers and workers by citing examples from India. The author argues that corporatisation, globalisation or trade liberalisation-whatever the name is given-is a process for destroying environment, minimizing employment opportunities, looting public wealth, both in the form of natural resources and assets, subverting democracy and usurping power. Handner & Wisner (1999) in their article *'Hazards of Globalisation and Sustainability'* throws light on how different movement widened the scope of human rights. Among the social movements, the authors say, the women movements and movement for indigenous people's rights have continually pushed for broadening of the horizon of human rights.

Radhakrishnan (2008), in his article on *Development of Human Rights in Indian Context* analysis the importance of UDHR in safeguarding human dignity. Under the provision of civil and political rights, all governments are bound to protect the right to life³, liberty and security of the citizen. Through this article, the author illustrates the inequality between the rich and poor over income and wealth prevailing in Indian society.

Sivaram (1988), in his book *'A Handbook on Family Health and Welfare in Plantation'* throws light on the working conditions of plantations in different parts of the world. Plantations in most of the countries have a history of long suffering from an almost complete lack of medical and sanitation facilities and the plantation sector in India is not an exception. The author says that the availability of water and sewage facilities has a direct bearing on the health status of the worker. But these facilities are not adequate in many of the plantations. Apart from this, wide range

of illiteracy and low level of health awareness are also a common feature in many of the plantations.

Bhowmik (2011), in his article '*Ethnicity and Isolation: Marginalisation of Tea Plantation Workers*' gives an insightful account on the condition of tea plantation workers of West Bengal in the frame work of ethnicity and marginalization. The author also narrates that the tea industry in India began with the founding of the Assam Company in 1839. The potential of tea as a crop had been discovered earlier, in 1824, by Major Robert Bruce when he came across indigenous tea bushes in Assam, in northeast India.

Mridusmita Duara (2015), in her unpublished PhD thesis '*Evolving Intricacies of Industrial Relations: A Study of Selected Tea Estates of Assam*' explores the particulars of tea industries of Assam. Assam produces 51 per cent of total tea production in the country. Historical backdrop of tea industry in Assam reveals an evolving dynamics of industrial relations both from its structural and operational perspectives. Upper class domination and gender discrimination still persists in tea gardens of Assam. Industrial unrest is on the rise and *adivasi* workers are striving for their rights.

Chatterjee (2008), in his article '*Hungering for Power: Borders and Contradictions in Indian Tea Plantation Women Organising*' discusses the origin of tea industry in India starting from the British period and how tea continues to be a prominent commodity traded at a global scale and a highly significant foreign exchange earner for the central government.

Supurna Banerjee (2014), in her unpublished PhD thesis '*Nurturing Resistance: Agency and Activism of Women Tea plantation Workers in a Globalised Era*' provides a deep insight into the labour relations and social space in the tea gardens of North-East India. Multiple intersecting identities within the social space make them ethnic, religious and caste spaces in addition to gender spaces is also highlighted in this thesis.

In the article '*Gender Dimensions of Tea Plantation Workers in West Bengal*', Bhadra (2004) provides a clear picture of the gender dimensions of tea plantation workers in the state of West Bengal, where like any other plantation industry in the country, women outnumbered men. There has been a steady increase of women workers since many decades. To him the less mechanized tea plantation industry suits the physical strength of women.

This article '*A Study of Economic Status of Women Employees in Tea Plantation Industries*,' Mahalakshmi (2012) describes the plantation crops in South India. Among the plantation crops tea occupies a prominent position in view of its popularity. The author also gives some statistics of tea cultivation in South India. This study also throws light on the socio-economic status of women and their living conditions.

Joseph M. (2002), in her unpublished PhD thesis '*Problems and Prospects of Tea Plantation Industry in Kerala*', analyses the problems and prospects of tea plantation industry in Kerala. Tea is the most popular of non alcoholic beverages in the world. The researcher keenly observes the transformation of the luxury item of tea in the past reaches common man's table in the present.

In her unpublished work '*Tea Plantation in Kerala: a Study with Special Reference to Abandoned Closure and Rehabilitation Packages*', Shanthimol (2014), provides a clear picture about the pathetic situation of tea plantation in Kerala, particularly about the pitiable condition of workers. She points out that tea in our country has been historically characterized by the sole presence of socially excluded communities such as SCs, STs and other backward communities.

The authors Sarkar & Bhowmilk(1999), in their article '*Trade Union and Women Workers*', sketches the origin of trade union movement in tea plantations of West Bengal in the early twentieth century and before. They says that the workers of this industry were unfamiliar with the greatest weapon of trade union, that is collective bargaining. The author also gives a vivid picture about the condition of women in the plantation estates of North Eastern region.

The book '*Unions in the 21st Century*', Varma & Kochan (2004) discusses the position of trade union in the 21st century and tries to find out the roots of the changes in the functioning of trade unions in different national and international settings. The change of employment from highly unionized industries to highly non unionized industries in the globalised period is also discussed in this article.

Virendra Pal Singh (2005), in his article '*Human Right Situation and Poverty in the Tea Gardens of Assam*' examines human right situation and poverty situations in the tea gardens of Assam. He portrays severe exploitation prevailed in tea plantations of Assam. Even after five decades of independence this situation continues. Instead of providing facilities to plantation workers, in most of the cases, the planters took advantage of the situation and compelled the labourers to work even against their will.

The article titled '*Ethnicity and Isolation: Marginalisation of Tea Plantation Workers*' (2011), Bhowmik sketches the conditions of tea plantation workers in the framework of ethnicity and marginalization. It takes up the case of tribal tea plantation workers in the state of West Bengal in India who, largely due to their ethnic status and isolation within the plantations, have remained marginalized over the years. The article begins with an analysis of the features of the plantation system and shows how the specific means of control over labour resulted in tough relations.

In '*Globalisation, Development and Plantation Labour in India*', the authors Joseph & Viswanathan (2016), provides a detailed examination of the impact of globalisation on plantation labour, which is dominated by women labour in India. The studies presented in the work highlight the perpetuation of low wages, inferior social status and low human development index of workers.

Eder (2002), in this book '*Constraints on Labour Internationalism: Contradictions and Prospects*' speaks about the fate of trade unionism in the globalised world in which the workers are projected as structurally defenceless against highly mobile and globally organized capital. To them globalisation is different from earlier periods, because it is based on trans-nationalism.

Marx (1933) in his pamphlet '*Wage Labour and Capital*' discussed labour theory in detail. According to him the classical political economy emphasised that the value of a commodity is determined by the labour incorporated in it and requisite to its production. Marx investigated thoroughly into the value forming quality of labour and to discover that not all labour which is apparently or even really, necessary to the production of a commodity, a magnitude of value corresponding to the quantity of labour used up.

Young (2012), in her book '*Constituting Economic and Social Rights*' speak about the economic and social rights of workers and highlights the need and importance of education for livelihood and democracy. She examines the roles of food, health and shelter in survival of the individual and maintaining his dignity, equality and the exercise of an independent franchise.

John & Singh (2013), in their working paper on '*Plantation Labour Act, 1951 and Social Cost: The Case of Tea Industry*' discusses various safeguards of plantation labourers provided in PLA of 1951. The PLA, 1951 guarantees the workers a decent atmosphere and authorizes the management to maintain suitable working and living atmosphere for the workers. This Act applies to those agricultural crops which are cultivated on an extensive scale in a large contiguous area, owned and managed by an individual or a company for commercial purposes.

Sheth (1996), in his research paper '*We, Trade Unions*' examines certain popular views that trade unions today are on the decline, and consistently losing membership and the required support from employees, government and public at large and responds by saying that trade unions have always lived and will continue to live with such negative images. However, he argues that there is a need to redefine the role of trade union in the new economic environment.

Benewitz (1956), in his article '*Social Cost of Collective Bargaining*' criticizes the concept of collective bargaining. He says that collective bargaining has not increased labourer's share of the national product, while it actually distorted money wage rates. He continues his argument by citing that excessive wage rates

set by unions prevent entry, industrial expansion and proper functioning of the price mechanism.

Patil (1982), in his article '*Co-alition and Convertive Bargaining in Indian Industries*' point out the importance of collective bargaining and further says that collective bargaining in most of the democratic countries has established and proved its institutional strength and vitality and reached the level of maturity and has been capable of effectively responding to the challenges. In this paper an attempt has been made to conceptualize collective bargaining. He also mentions about coalition bargaining in the article.

Sarkar (1996), in his article '*Union Leadership in Plantation System*' makes an attempt to draw the attention about the structure and functions of trade union leadership. According to him, in any organization, especially in a plantation sector, leadership is the most vital aspect. Besides framing the broad objectives of the trade union, the day today union activities, programmes, policies, style of action, etc., are generally determined by the leadership which also acts as a connecting link between the management and the rank and file of workers.

Jayakumar (2015), in his article '*Pembilai Orumai:Samarathinappuram*' throws light on the success story of Pembilai Orumai, the locally constituted women tea workers in Munnar' which challenged the hypocritic attitude of conventional notions of trade unionism. The author says that the conventional trade unions failed to fulfil the workers various demands. Most of the trade unions followed a policy of friendship with the plantation owners. This has been challenged by Pembilai Orumai through Munnar agitation.

Raviraman (2015), in his article on '*Pembilai Orumai Streeanchayam*' (Femintude) tries to analyze various issues such as wage problem, bonus issues ,gender disparities, exploitative nature of the management which led to the agitation in Munnar and the innovative method adopted by ordinary workers who hail from marginalized sections of the society in questioning the modus operandi of the trade unions.

Thampi (2015), in this investigative article '*Thozhilali Rashtriyam Penninte Prashobam*' speaks about the historical evolution of Kannan Devan Tea plantation industry in Munnar and analyses the real situation of workers living in Kannan Devan Tea plantations in the globalised and neo-liberalised period, where a huge chunk of population were shifted towards unorganized sector. The author also makes a study of women's struggle in Munnar.

Harshan (2015), in the article '*Samaraghosham Kazhinjankil Kelku Ithanu Munnarinte Yadharthyam*' analyses the already deteriorated condition of tea plantation workers and the role of civil society for their upliftment. By disclosing the hypocritical attitude of the society, he questions the sincerity of those who visit the plantations for documentaries, when none of the documentaries address the actual problems prevailing in plantations.

1.12. Research Gap

Certain research gaps have been identified through review of literature, though a number of studies have been conducted in the country about plantation industry in general and tea industry in particular. A comprehensive study needs to be done on the factors that contributed to human rights issues in the plantation sector with specific emphasis on the role of the state, trade unions and implementation of statutory obligations of the management towards the workers.

Notes

1. The Universal Declaration of Human Rights (UDHR) is being criticized by many as a western document covering liberal right principles. This was rectified to a certain level when they incorporated two of the covenants - International covenant on Civil and Political Right and International Covenant on Economic and Social Right - in 1966 .It further strengthened UDHR
- ². Paddy or layam is a series of huts provided by the management to the plantation workers for residential purpose. Normally it consists of six to seven single room residential area commonly with asbestos roof.
- ³. In *State of Punjab v. Ram Lubhaya Bagga*, raise some common questions about the right to life ,the Supreme Court observed, when we speak about a right, it correlates to a duty upon another, individual, employer, government or authority. In other words, the right of one is an obligation of another. Hence, the right of a citizen to live under Article 21 casts an obligation on the State. This obligation is further reinforced under Article 47.

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CHAPTER II

HUMAN RIGHTS: A CONCEPTUAL ANALYSIS

Human rights are a set of principles concerned with equality and fairness. They recognise our freedom to make choices about our lives and to develop our potential as human beings. Human rights can broadly be defined as a number of basic rights that people from around the world have agreed as essential. These include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living. These human rights are same for all the people– men and women, young and old, rich and poor, in everywhere regardless of their background, where they live, what they think or what they believe. This is what makes human rights ‘universal’ (Commission, 2016).

The concept of Human Rights as it understood today has evolved over centuries. The issue of Human Rights has assumed significance globally during past decades and has attained international significance. The most widely discussed international statement of such rights is the ‘Universal Declaration of Human Rights’ (UDHR) of December 10, 1948 by the United Nations. As per the various provision of UDHR, it is the duty of each and everyone to safeguard and protect human rights. Under the provision of civil and political rights, all governments across the globe are bound to protect the right to life which is considered precious by legal experts and jurists not only in India but in the whole world. In the Constitution of India, the right to life was inserted in the Part III of the Fundamental Rights and these rights are justifiable in the court of law.

2.1. Concept of Human Rights:

The concepts of the ‘Rights of Man’ at first appeared under the name of Natural Rights. As such it depended upon the doctrine of Natural Law, which itself

represented a confluence of Stoicism, the Roman Law and of the Judaic Christian tradition. Different from the traditional notion of rights, human rights are those rights that are morally important and basic, and that are held by every human being because they are possessed in virtue of the universal moral status of human beings. Human rights are one of the significant aspects of human political reality. It is the moral right of the highest order. Human Rights are evolved out of self-respect. Harold J. Laski remarked that: “Rights are those conditions of social life, without which, no man can be his best self” (Laski, 2014). It is inherent to all humans without any discrimination of race, sex, nationality, ethnicity, language, religion and colour etc. It attains new shape when human beings began to think themselves. Each and every human being is entitled to these rights without any discrimination. Human rights comprise of civil and political rights, such as the right to life, liberty and freedom of expression; social, cultural and economic rights including the right to participate in cultural practices, the right to food, and the right to work and receive education and collective rights including right to environment etc.,

As far as the evolution of human rights is concerned, though the discourse on human rights is relatively modern, the idea of human rights could be traced back to ancient times. In ancient Greece, Plato and Aristotle tried to address the concept of rights in connection with community living. Plato developed an early version of universalism in ethical standards implying fair treatment of all persons. Aristotle discussed the importance of virtue, justice and rights in accordance with political community. During this time the western scholars with their limited knowledge about the concept, tried their best to define and analyze human rights in their own way (Dadwal, 2009). Though their analysis lacks in depth view about the concept, they could stage some basic thoughts about human rights.

While tracing the history of human rights, we found that various revolutions such as Renaissance, the Industrial Revolution, the Glorious Revolution of 1688, the American War of Independence, 1776, French Revolution of 1789 and the Bolshevik Revolution had contributed enormously to the development of human

rights. Later on Liberalism, Marxism, Socialism, Feminism and anti-colonial freedom struggles shaped the perspective of human rights.

2.2. Liberal Theories of Human Rights

Liberalism emerged as a moral, political and economic theory that gave much emphasis to the fundamental value of individual human being. Liberal thinkers believed that the individual is the best judge of his own interests. They further stressed that the individuals should live under rule of law, which will protect the freedom of all, and prevent any individual from harming others (Freeman, 2018). Western liberal philosophers believed that human beings are naturally in “a state of perfect freedom to order their actions...as they think fit...without asking leave, or depending on the will of any other man” (Peter, 1960). Liberal theory of human rights contained in the writings of a bunch of scholars, majority of them are Europeans. These scholars in different period of time realized the importance of human rights. They relied more on individual liberty, free trade, commerce and competition. Among the scholars most systematic thinking about human rights could be found in the writings of the ‘trio of Social Contractualists’ – Thomas Hobbes (1588–1679), John Locke (1632-1704) and Jean Jacques Rousseau (1712-1778). Though their concept of social contract is different with regard to ‘state of nature’, ‘law of nature’ and social contract, they had given uniformity with regard to the right of the individuals living in the society.

Thomas Hobbes was an ardent advocate of unlimited monarchy and developed his liberal thought into a powerful individualist theory of human rights. In his major work, *Leviathan* (1651), Hobbes permitted to all human beings, natural liberty and equality, through which they are licensed to undertake whatever actions, might be necessary to preserve themselves from their fellow beings without harming others (Klosco, 2013). Such kind of self-preservation constitutes the crux of human rights in early part of human existence. In Hobbes’ theory *Leviathan*’s authority is almost absolute along a particular dimension. *Leviathan* is authorized to do whatever it likes to keep the peace. Hobbes advances the idea that individual self-preservation is the primary motivating factor behind the formation of society. He

argues that social contract promises to protect the individual from the threat of oppression, death and injury prevalent in the state of nature (Hobbes, 2002). In *Leviathan*, Hobbes wrote that the state was created because the right of individual self-defense was paramount. But realistically he thought there could be no agreement on what constituted legitimate self-defense. Therefore a state and the rule of law became imperative and the determination of what constituted self-defense was not left to the individuals. Without the state and the rule of law, he thought, the man would be “nasty, brutish and short” (Klosco, 2013).

While Hobbes insists that we should regard our governments as having an absolute authority, he reserves to subjects the liberty of disobeying some of their government’s commands. He argues that the subject can retain a right of self-defense against the sovereign power, giving them the right to disobey or resist when their lives are in danger. He also gives them seemingly broad resistance rights in cases where their families or even their dignity are at stake. Moreover, the sovereign’s failure to provide adequate protection to subjects extinguishes their obligation to obey and it is left to each subject to judge for themselves. Further, Hobbes was one of the earliest Western political philosophers to count women as persons when revisiting a social contract among persons. He insists on the equality of all people, especially women. In this sense women are naturally equal to men. They are naturally free, meaning that their consent is required before they are put under the authority of anyone else. Hobbes explicitly rejects the male centric view of human rights and maintains that women can be sovereign. Authority, for him, is neither male nor female. He also argues for natural maternal rights in the state of nature where mother had natural rights over her children (Lloyd & Susanne, 2018).

Challenging the Aristotelian teaching of political naturalism¹, Hobbes believed that the exercise of one's natural liberty creates incessant conflicts and constant fear, in as much as nature confers on each individual the right to possess everything and imposes no limitation on one's freedom to enjoy this right. Unalloyed nature yields a state of chaos and warfare and, as a result, a 'nasty, brutish, and short' life, the avoidance of which leads human beings to authorize a single sovereign ruler

in order to maintain peace (Peter, 1960). The exchange of natural freedom for government-imposed order, constructed through a social contract requires rejection of all claims on rights that humans possess by nature and voluntary submission to any dictate imposed by the sovereign. Moreover, under the terms of Hobbes' absolute sovereignty, subjects are still deemed to retain the right to choose for themselves concerning any and all matters which the ruler has not explicitly legislated (Sheldon, 1988).

John Locke, another prominent social contract thinker is famous for his 'Theory of Natural Rights'². This was a revolutionary doctrine of the seventeenth and eighteenth centuries, being used to justify resistance to unjust laws and revolution against tyrannical governments (Smith, 2018). John Locke's *Two Treatises of Government* legitimated the Glorious Revolution of 1688 and resulted in the English Bill of Rights of 1689. Unlike other liberal thinkers, Locke, not only advocated the fundamental liberal principle but also maintained that justified limitations on liberty are fairly modest. Only a limited government can be justified and their primary basic task is to protect the equal liberty of citizens (Haris, 1998). It is John Locke, who crystallized the earlier concepts of human rights into the commendable statement of the modern idea.

In contrast to Hobbes, Locke maintains that the condition of perfect natural liberty does not result in a state of war. In the state of nature, human beings can enjoy unrestrained rights to acquire private property, the ownership of which is asserted on the basis of the admixture of their labour with the physical world. Indeed, Locke's state of nature resembles nothing so much as a fully functioning commercial society, which has introduced a system of exchange relations and money, all perfectly consonant with the recognition of the human rights of individuals. Locke continues his argument saying that, any magistrate that systematically denies to his subjects the exercise of their natural rights to their life, liberty, and estate is tyrannical and unworthy of obedience (Sheldon, 1988). Locke closes the *Second Treatise* with a provision of the dissolution of government. In his view, a system that systematically violates human rights makes itself in a state of

war with the members of civil society, and in such a society the individuals who severely and individually may renounce allegiance to it and may vote to establish a new government. (Dunn,1969).

According to Jean Jacques Rousseau, after the primary necessities of food and cloth, freedom is the next and vital requisite of human being. There are two kinds of needs that belong to different orders: the necessity order and the liberty order. Referring to biological and chronological order man is in need of food and clothes, whereas in an ontological³ and axiological⁴ order, liberty represents the first need of man. By the first category, man preserves his self as an animal, by the second he realizes his self as a man. As a moral human being, man possesses his right to liberty and it will be morally unjust to deprive him of liberty because it means to deprive him of his humanity and to count him among animals and automations. (Elenburg,1976).

Rousseau an ardent advocate of positive conception of liberty says that, one is free when one act according to one's true will (the General Will⁵). Rousseau points out that right does not equal might. In other words, a right can never derive from force (Swenson, 2000). A right must be given legitimacy, which means it is attached to moral and legal code. This makes it contractual whereby the rights of one are applied to the rights of all. Once a right is established, it is beneficial and necessary for the individual to apply this right effectively for his best interests and those of the whole. This motivation is directed at the formation of community and thereby creating a social contract between individuals which come together to act as a group.

German philosopher Immanuel Kant (1724-1804) propounded that legal rights are central and which is grounded in non-instrumental terms: they are not just means or strategies to achieve other ends we desire, such as well being or happiness for the greatest happiness of the greatest number. Rights are not even considered mere instruments for achieving freedom. Rather, freedom is constituted by the rights and duties that enable individuals to be subject to the rule of law instead of arbitrary power. The political and legal authorities that establish human rights

through law derive their legitimacy from being capable of justification to individuals. To him individual is free and equal in dignity, and capable of being their own masters. A human right is non-instrumentally justified as an enforceable direct requirement of a person's original right to independence (Maliks & Follesdal, 2014).

Later, in the 18th century, Earnest Barker (1788-1839) appeared with a clear bias to idealism. According to him, the main purpose of every political organization called state is to see that the personality of the individual gets ample scope for development. It is the duty of the state to guarantee and secure the conditions essential for that objective. These secured and guaranteed conditions are called rights. Individual's personality cannot develop automatically or under most adverse or antagonistic environment. Development of personality requires favorable conditions and these are to be guaranteed by the state through the enactment of law. Barker also discusses the moral aspect of rights. He says that law of the state helps one to secure his rights. But rights are claims and their origin is the individual himself. The individual is a moral person and his determination that he will develop his moral personality through the rights leads him in his fight for rights (Usa, 1968).

In England Herbert Spencer (1820-1903) was a prominent defender of individual freedom and critic of state dominance and coercion in the late 19th century. Spencer argued that moral rights such as right to life and liberty are the requirements to happiness. It follows that people in societies in which moral rights are protected are happier and more successful. To him for an individual to flourish there must be a few unnatural restrictions on him as possible. Progress is attained only through the free use of human faculties. This implies that the only legitimate function of government is the policing and protection of individual rights. Spencer considers the 'survival of the fittest' as a law of existence applied to life. Later, Thomas Hill Green (1836-1882) presented his strong disagreement with the concept of 'natural' rights. Green rejects the idea that we have rights as a result of 'consent'. He claims that the 'doctrine that the rights of government are founded on the consent of the governed is a confused way of stating the truth that the institutions by which man is moralized based on the idea of a common good' (Nicholson,

1990). Green argues that the people are entitled to have rights because this enables them to fulfill their moral agency, and thus, to contribute to the common good. The purpose of rights should not be seen as a protection of the individual from social authorities, because ‘a right against society, as such, is impossibility’ (Martin, 1986). Rights should be exercised for the purpose of creating an ever better community where individuals contribute to the common good and treat each other as equals, on a voluntary basis. The concept of ‘natural’ rights has developed as a result of the philosophical failure to see that we have rights only as members of a society where the social practice of mutual respect has already taken place (Carter, 2003).

The system of rights presented by Green is slightly different from other liberal scholars. According to him, each individual recognizes in his fellow, and each claims from his fellow, that he shall recognize in him the power of pursuing ideal objects. Since each individual is a moral being, and in this respect all individuals are alike, it follows that the ideal objects of all are common objects. In other words, rights imply permission to pursue ideal objects; and since these are the common objects of all men, theoretically there is no question of clash between the rights of different individuals. The individual is to follow his conscience, only when he must be free from external interference. He needs ‘boundary’ to safeguard his freedom of thought, action, and so on. In Western societies these boundaries are rights, and of the most important parts of Green’s political philosophy is his ‘theory of rights’ (Ebenstein, 1960). To him moral rights exist prior to the law even though moral rights are conceptually different from legal rights; they should still find expression in law in order to make them effective regulators of human action. Therefore, the role of the state is to uphold the rights which originate in society as part of unfolding never ending awareness (Gaub, 2004).

Since rights exist within a social system, Green argues that there can be no unrecognized rights. But recognition does not mean that all rights are legal rights only. Green draws a clear distinction between the state and society and holds that the recognizing authority on the matter of rights is not the state, but the moral

consciousness of the community. Therefore, man can pursue his moral end and attain self realization only in social community, not in isolation. Thus, Green is concerned not with legal rights, but with ideal rights. These rights can be realized in society when society is properly organized on the basis of 'good will'.

As a social concept, Harold Laski's (1893-1950), theory of rights in many respects is a classic representation of human rights. He describes rights as "those conditions of social life without which no man can seek, in general, to be himself at his best" (Laski, 2014). Rights are social concepts and are deeply linked with social life. The essentiality of rights is established by the fact that individuals claim them for the development of their best self. He places rights, individuals and state on the same board in the sense that they cannot be separated from each other and there is no antagonism between them. Laski recommends the long-cherished view that the state has a very important role to play in the realisation and recognition of human rights. The central principle of his theory of rights is that they completely depend upon the institutions and recognition of state. An individual cannot claim rights if those are not recognised by the state. Mere recognition, moreover, is not sufficient for the exercise of rights. The state must, through law and institutions, implement the rights. The most significant part of Laski's theory is functional aspect of rights. It emphasizes on the relation between right and duty. He stated that Rights are correlative to functions. The functional theory emphasizes that an individual is entitled to claim rights, only when he performs duty otherwise the claim or demand for right cannot be entertained. This definitely opposes widely known legal theory of rights. Thus to Laski, rights are recognised and protected mainly on political considerations.

Crawford Macpherson (1911-1987) challenged the canonical interpretation of seventeenth-century English natural right political theory by exploring their allegiance to 'possessive individualism'. In possessive individualism, the individual is solely an owner of himself. Macpherson offered the basis of a strong critique of a certain kind of liberalism - the liberalism that places essentially the whole normative weight on the value of the individual and his/her liberties, and essentially no

emphasis on the social obligations we all have towards each other. It is worthwhile drawing out the connections between possessive individualism and conservative libertarian political groups in the present. Macpherson believed that the state has no legitimate role beyond protecting individual security and property. Government regulation of private business activity is an immoral intrusion on liberty and property. To him individuals possess liberties and property that the state cannot limit and individuals deserve what they own and owe nothing to society or other citizens. Thus he said, justice is served by simply protecting the possessions of individual citizens (Macpherson, 2010).

The western liberal tradition of rights that are developed in the line by accepting the universality of natural law was criticised by thinkers of the same tradition. Chief among these was the ‘utilitarians’. Utilitarians will respect a right if and only if it leads to the maximisation of utility. This statement also indicates the limits of all rights. The exercise of a particular will, not maximise utility, the utilitarian tends to violate that person’s rights for the sake of utility. If the exercise of a right maximises the good, the right will hold. If it fails to do so, the right may be curtailed. Among the Utilitarians, Jeremy Bentham (1748-1832), rejects contractual theories of rights and for him the law is the only origin of right because the existence of rights must be preceded by the existence of political power which defines it. Bentham criticized the natural rights declared in the French Declaration of Rights (1789), as ‘anarchical fallacies’⁶, because he believed that no government can possibly meet the standards demanded by the doctrine of natural rights (Smith, 2018). According to Bentham, Natural rights, as promoted and propounded by John Locke are ‘simple nonsense’. He argues that the so-called moral and natural rights are harmful fictions and anarchical fallacies that encourage civil unrest, disobedience and resistance to laws, and revolution against established governments. For Bentham rights are the creation of law alone, there are no rights without law and no rights contrary to the law or no rights anterior to the law (Smith, 2018).

Another utilitarian thinker, John Stuart Mill (1806-1873) denounced the subjection of women and defends equality between sexes in all fields - economic, political and social. The existing laws concerning women establish their inferiority founded in nature. The law of the strongest is not considered as legitimate by Mill because strength is not a legal or ethical model for men because every ethics is opposed to nature and tends to correct it. Mill's conception of rights is full of nuances when compared to that of the declaration of human rights by Jeremy Bentham. It is not the case for Mill to defend abstract rights or metaphysical human rights such as natural rights or theological rights. When we take into account Mill's analysis of justice, it is remarked by a hybrid character being given to moral rights, that come from reason and feeling. They express a human nature which is at the same time identical and different. Put into Mill's general theory of morals, moral rights are the meeting point of the principle of liberty, utility and perfectibility (Miller, 2010).

Later, the post-utilitarian thinkers or reformers of utilitarian theory put forward their own view points to the concept of human rights. The philosophers such as Thomas Hodgkin (1831-1913) and Bernard Bosanquet (1877-1936) are the prominent reformers of utilitarianism. Hodgkin reversed Bentham's theory of property as incorrect and dangerous to liberty and that he should adopt a more Lockean notion of property rights. He attacked the artificial property rights defended by Jeremy Bentham and his followers, while defending the natural property rights of John Locke and his followers. In so far as the government is concerned with promoting the public good, it can do so only by respecting the natural rights of individuals; there is no other viable standard. Thus did Hodgkin seek to preserve the traditional form of classical liberalism against the destructive innovations of Bentham. Like Hodgkin's, Bosanquet's philosophy of rights emerged as a reaction against utilitarianism of Bentham and Mill and to the natural-rights based theory of Spencer. Bosanquet's principal concern was to explain the basis of political authority and the state, the place of the citizen in society, and the nature, source and limits of human rights. In his *'The Philosophical Theory of the State'*,

Bosanquet argues that, individual human beings are properly understood only in terms of their social and cultural efforts at transcendence (Bosanquet, 2018).

One of the most important contributions to the contemporary thinking on human rights is that of John Rawls' (1921-2002) *A Theory of Justice*. Rawls' idea of justice consists of two principles: The First Principle is that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with similar system of liberty for all. This implies equality of political rights to all citizens in a democratic country. These rights are necessary for the development of individual liberty. Rawls may not have enumerated the basic liberties in detail though, by and large, they include political liberty, freedom of speech and assembly and liberty of conscience and thought, freedom of the person and freedom from arbitrary arrest and seizure. The Second Principle of Rawls' theory of justice deals with distributive justice. According to distributive justice, social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with a just saving principle and (b) attached to positions and offices open to all under condition of fair equality of opportunity (Rawls, 1971). Rawls has identified 'primary goods' which include rights, liberties, power, wealth, opportunities and self-respect. In just society these goods are distributed equitably among its citizens. Rawls' theory of justice has been criticized by many on the ground that this is "highly abstract philosophy and not easily digested (Kukathas & Petit, 1990)).

The Discourse Theories of human rights are unique in trying the legitimacy of human rights to democratic deliberation and consensus. Jurgen Habermas' (b,1929). Discourse theory give priority to group deliberation as a source of rights and duties. Habermas' deep appreciation for the necessity of a global human rights regime reflects this understanding as well (Ingram, 2009). Habermas gave priority to juridical conception of human rights that over emphasises the decision procedure requirements of a regime oriented toward resolving disputes and processing claims. Habermas located the universal principles in the practice of day-to-day communication. In doing so, Habermas, uses the Rawlsian argument which

suggests that there is a need of consensus which will achieve truth. This truth will lead to the defence of justice against injustice, equality against inequality, and freedom from oppression. In order to reach consensus and achieve truth, according to Habermas, an utterance must be comprehensible; it must be rightful; it must be truthful; and it must be right. Both Rawls and Habermas have made attempts to separate the idea of universality from that of natural law.

The culmination of liberal perspectives on human rights achieved institutional recognition when the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) in 1948. With the end of the Second World War and with the creation of the United Nations, the international community vowed never again to allow atrocities like those of that conflict happen again. World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual everywhere. The document they considered, and which would later become the Universal Declaration of Human Rights, was taken up at the first session of the General Assembly in 1946. The Member States of the United Nations pledged to work together to promote the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. In consequence, many of these rights, in various forms, are today part of the constitutional laws of democratic nations.

The UDHR has inspired a number of other human rights laws and treaties throughout the world. In its Preamble and in Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings: “Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. All human beings are born free and equal in dignity and rights.” (Morsink,1999). Thus UDHR recognise the inherent dignity and of the equal and inalienable rights of all members of the human family in the foundation of freedom, justice and peace in the world.

The liberal theory was criticized by many socialist thinkers as it emphasized the need for individual freedom and rights and neglected collective rights. The liberal scholars emphasized civil and political rights of individuals. The existing states resulted from liberal thoughts considered human rights as the fulfillment of socio-political rights. The importance given to socio-political rights and individual freedom resulted in the grooming of capitalist states and these states exploited the workers severely and were denied basic things of sustenance. A few of the liberal scholars emphasize the moral rights of individuals. Survival of the fittest philosophy and the greatest happiness of the greatest number brought rights purely individualistic. Collective rights such as labour rights were not a concern for them. The individual centric rights of liberal philosophers are exploitative in nature and the workers were severely exploited in this atmosphere. The natural rights philosophy and the philosophy of ‘the greatest happiness of the greatest number’⁷ ‘created a world of competition and exploitation. The accumulation of wealth into the hands of a few created a gap between the capitalists and the workers in terms of income and wealth. The capitalist class or the capitalist state never addressed the acute problem faced by the workers. The labor theory put forward by the scholars of this period alienates the workers (Hudis, 2012).

In the present day world liberalism gave way to neo-liberalism. Neo-liberalism is a theory, practice and range of politics in political economy. Neo-liberals seek to minimize state regulation of the economy, liberalise international trade, and privatise state owned enterprises. It is therefore difficult to reconcile neo-liberalism with international human rights law. Contemporary world witnessed the neo-liberal version of ‘private’ capitalism, with its now familiar policy prescription of privatisation, deregulation and state retreat from social provision. Thus Neo liberalism and human rights share key ideological building blocks (Steger & Roy, 2010). However, most obviously, they share a commitment to the prime significance of the individual, whose freedoms matter more than collectivist endeavors, even when those are justified on the grounds that they will generally advance the well-being of individuals. Neo-liberals share with human rights a conception of the universal, free, rational individual. Neo-liberal economies advocate freedom for

corporations. Neo-liberalism is opposed to strong states, but actual neo-liberal states protect capitalist corporations. Neo-liberals and human rights propagators broadly agree on the value of civil and political human rights. The world of neo-liberalism is a world of free, rational adults (Harvey, 2005).

2.3. Socialist theory of Human Rights

The socialist theory originally starts from Utopian Socialism. The roots of Utopian Socialism can be found in the philosophies of Plato and Aristotle, both of whom dreamed to establish a perfect society. Later the famous Utopian Socialist, Thomas Moore (1478-1535) described the need for the creation of a state that practiced religious toleration, freedom of marriage, simple communal life, free education and healthcare. The Utopian Socialist thought propagated three things ; it inspires the oppressed to struggle and sacrifice for a better life; it gives a clear meaning to the aim of socialism, and it demonstrates how socialism is ethical, that is, that the principle of socialism can be applied without excluding or exploiting every one.

Unlike Utopian Socialists, Karl Marx (1818-1883) and Frederick Engels (1820-1895) had divergent opinion of human life and political organization. They examined the effect of capitalism on labour, productivity and economic development. Marx was the prominent socialist thinker, who identified the role of labor in the production process which was discarded by many of the liberal thinkers. Marx had a broader and scientific definition of exploitation. Under this definition all working class people are exploited. Marx argued that the ultimate source of profit, the drawing force behind capitalist production, is the unpaid labor of workers. Thus for Marx, exploitation forms the foundation of capitalist system. Marx says that “what is wrong with capitalism is not that it is unjust, but it crushes human potential, destroys fraternity, and encourages the inhuman treatment of man by man” (Cohen, 1979).

Marx had not used the word human rights frequently as done by the western liberal scholars. Only once in his life, over the Jewish Question, he said “the Jews in Germany have human rights” (Herpen, 2012). This means that Marx was not

concerned about human rights, which was more civil and political in nature at that time, as propagated by the liberal thinkers. Marx had a clear understanding of the acute problems and exploitation the workers were facing. This was not addressed by the liberal thinkers seriously. He has his own vision about labor and labor related issues. The liberal philosophers never give importance to social and economic rights and labor's rights were not part of their philosophy. Marx saw capitalism as one step in the historical progression of economic system. Capitalism creates an unfair balance between capital holders and the laborers whom they exploit for their own gain. Marx fought against the imbalances prevailed in the capitalist societies. He tried to use labour power against capitalism. According to him, the entire capitalist system-with its private property, money, market exchange, profit and loss accounting, labour markets and so on must be abolished and should be replaced with a fully planned, self managed economic system that brings a complete end to exploitation and alienation. Marx regarded the doctrine of 'the Rights of Man' as a means to advance the interests of private property. He believed that such rights were a 'right to inequality' as they applied an equal standard to unequal individuals. The right to property had very different implications for the rich and poor. After Marx the later socialist thinkers completed the process and this resulted in the recognition of Labor right as human right in later years by different bodies both national and international (Lebowitz, 2012).

Vladimir I. Lenin (1870-1924) contributed enormously to the issue of trade unions in the society and later years these trade unions performed the role of liberators of workers from the yoke of capitalist exploitation, and acted as the protector of labour rights. The concept of human rights practiced by the communist leaders such as Lenin was different from the human rights conceptions prevailed in the West. According to the Western legal theory, "it is the individual, who is the beneficiary of human rights which are to be asserted even against the government"(David, 1999), where as Soviet law declared that the state is the source of human rights. Therefore, Soviet legal system regarded law as an arm of politics and courts as agencies of the government (Pipes, 1995). Socialism converts individual property into common property. In that extent bourgeois right disappears

in the society. Only in a classless society, where the instruments of production are completely owned by the society as a whole, workers will have genuine opportunity to exercise proper rights. In the capitalist political system, only the property-owners and elites had the rights in the true sense of the term and this was unavoidable. For the socialists, the cultural, economic and political exploitation was part of the capitalist system. Socialism will radically change both the notion and practice of rights (Lazovsky, 1924).

Socialists have been skeptical about the human rights theories put forward by liberals. Socialists believe that the precedence of political rights over socio-economic and cultural rights is to benefit capitalists. Socialists are against viewing individual as the end in themselves and state as well as society as the means. Thus Marx and Lenin held that the rights maintained in any society are the rights of the ruling class or dominant class at the expense of the dependant class (Van Herpen, 2012). Socialists considers that the individual's interests and societies' goals are not against one another. They believe that man is social by nature and hence there is no conflict between man and society. Due to these assumptions, they do not have a strong tradition of rights against society. To them, society is prior to man. On the other hand, liberals perceived rights as a instrument to safeguard the individual from the subjugation by society and state (Herpen, 2012).

The erstwhile Soviet Union was considered as the example of socialist state. Though the Soviet state provided for elaborate economic, social, political, cultural, rights they were regulated and to be exercised in accordance with the aims of building communism. Despite faring poorly in liberal-democratic rights, the socialist nations fared better than most developed nations on affordable education, health care, housing and substantive rights. Their effort in achieving socio-economic rights is laudable.

2.4.Labour Rights as Human Rights

The scholars having the viewpoint that labour rights as human rights,made their arguments in the following approaches.The first to establish the question that labour rights are human rights is the positivist approach. The positivist lists

documents protecting labour rights as human rights treaties. The positivist finds that several labour rights are human rights. Article 4 of UDHR prohibits slavery, article 23 provides that every one has the right to work and that every one should work in a job freely chosen, that every one should receive equal pay for equal work, that every one should get decent remuneration for the work performed which should guarantee a dignified life for themselves and their family. Article 24 of the same declaration ensures the right to rest and leisure including reasonable limitation of working hours as well as holidays with pay (Mantouvalou, 2012).

Instrumental approach to labour rights emerged during 1970s. The roots of this approach lies in the Marxist tradition. The scholars supporting this approach try to find out which labour rights are human rights according to the relevant document and assess how institutions and civil society organisations safeguard these rights. Following the analysis of labour rights as human rights they endorse that state and international institutions like courts, or civil society organisations like trade union and NGOs, are successful in promoting them as such. Scholars and activists assess the interplay between labour rights and human rights by exploring how courts serve in their protection. These scholars and activists support or reject labour rights as human rights on the basis of judicial attitude towards these rights. European Convention on Human Rights (ECHR,1950) is a traditional labour human right document that protect rights such as the right to private life, freedom of expression, the right to form trade union and prohibits slavery, servitude, forced and compulsory labour and leaves some other labour rights such as right to strike or the right to decent working conditions in the area of social rights. (Mantouvalou, 2012)

Another line of thinking that takes the instrumental approach which explores the usefulness of strategy promoting labour rights as human rights, looks at activities of non-governmental organisations for the promotion and protection of human rights. Non -governmental organisation of different types exist in different parts of the world. They are organisations solely performing the task of preservation of environment, protection of forest and natural resources, argue for equality of all types, stand against child labour. Non-governmental organisation in the world can

be classified into different types on the basis of the task they perform. Some of the non-governmental organisations are for the promotion and protection of the rights of the prisoners, some of them are working for the rights of the marginalised, a large number of them are engaged in the task for the abolition of child labour, severe exploitation of flora and fauna, gender equality and so on.

2.5. Feminist Theory of Human Rights

Feminist theory of human rights discusses another angle of human rights - the gender perspective. For a long period women were not considered as equal to their counterparts in every field of activity. The feminist view of human rights can be classified into two categories. They are liberal feminism and radical feminism.

The birth of the liberal feminism can be traced to the emergence of liberal political thought with the Enlightenment (Bari, 2013). Mary Wollstonecraft is said to be modern day exponent of liberation of women through education and political engagement. A key limitation of liberalism, from feminist point of view, has been argued to be its individualism. In the first place, it is argued that liberals, while focusing on individual interest failed to understand the systematic pattern of women's subordination resulting from long standing exclusion and disadvantage. Under representation of women in occupations and spheres were explained and legitimized in the context of liberal theory when it is viewed as product of autonomous individual choices (Bari, 2013).

On the other hand, radical feminism claims to be most autonomous and distinctive conception of feminism. Catherine Mackinnon's ideas represent the most fully developed version of the radical feminist approach. Radical feminism acknowledges the power disparity among two sexes and they base their theories in terms of gender hierarchies of power and dominance or gender disadvantage. Radical approach views women's collective oppression as imposed on them by socially constructed gender norms that place male at the top of hierarchy. According to MacKinnon, sexuality is to feminism what work is to Marxism. She advocates that consciousness rising is the appropriate method by which women can liberate themselves. She also assumes that all women have shared the same basic

experience. She argues that law's alleged objectivity is male. But it is synonymous with rhetorical and polemic one. However, radical feminism is subject to a persuasive critique. First criticism lies in essentialism; if women's position is seen as natural sex difference, it may undercut the main basis of their political advance. It is also argued that most radical lawyers focus on a limited set of issues i.e. sex, sexuality, reproduction, ecology and they show less interest in economic and political inequalities. Pluralistic feminists have objected to radicals' theory of patriarchy, which is insensitive to social differences (Knop, 2004).

2.6. Conclusion

The ideas of various scholars on human are thoroughly examined in this chapter. Thomas Hobbes' permitted to all human beings liberty and equality which has been considered the corner stone for the development of human rights. John Locke, with his theory of Natural Rights, also contributed enormously for the development of human rights. Rousseau's theory of human rights connected with the preservative concept and the vision of equality between man and women are important in the context of human rights. Barker another scholar had some similarities with Laski, but has a clear bias to idealism. The scholars like Herbert Spencer further moved forward by upholding the survival of the fittest philosophy. His perspective of rights is more individualistic than socialistic. T.H Green, propounded positive liberty and was against Natural Rights Theory of John Locke and the idea of consent put forwarded by social contract thinkers. He favors rights on moral grounds than legal implications.

The utilitarian thinkers like Jeremy Bentham believed in 'the greatest happiness of the greatest number'. They rejected natural rights and many of them supported individual freedom. Bentham argued that individual happiness is the supreme good and the government should act in a manner that would provide greatest happiness to the individual. J. S. Mill had given much emphasis on human freedom and criticized the views of Bentham that the law of the strongest as 'illegitimate'. While Thomas Hodgkin propounded a theory which is against the

artificial property rights of Jeremy Bentham and his followers, Bernard Bosanquet criticized the utilitarianism of both Bentham and Mill.

John Rawls in his Theory of Justice highlighted distributive justice through which social justice and economic inequality are to be arranged in such a manner to receive the greatest benefit to the least advantaged. Hebermas Discourse Theory prioritise group deliberations as a source of rights and duties and located the universal principles in the day to day communication. With the emergence of UDHR, human rights reached institutional perfection and these rights inspired many countries to incorporate certain human rights in their constitution.

The socialist thought beginning from utopian socialism to the present had their own view point regarding the liberation of individual. They focused on moral rights. Though Marx was not attracted towards the concepts of human rights, he had a clear vision about the exploitative practices that are rampant in the capitalist society. Lenin, who made communist revolution possible in Russia contributed enormously for the existence of trade union and considered trade union as a 'vanguard of revolution'.

The feminists believed that majority of the theories of the world neglected women's rights and radical feminists believed that women's collective oppression is imposed on them by socially constructed gender norms and place male at the top of the hierarchy. The neo-liberals emphasized the need for rule of law for the better protection of human being, but it left children and their educational opportunities outside the purview of human rights. They also favored liberalization of international trade and the privatization of state owned enterprises. Though the socialist regarded law as an arm of protection and courts as agencies of the government, they were against western type of rule of law and the civil liberties propounded by the latter.

Among the various angles of rights propounded by the different scholars mentioned above, the contributions of socialist thinkers are apt for this particular research topic for various reasons. First of all the socialist thinkers considers economic rights as an important criteria for social security. Only through these

rights the society can achieve progress and prosperity. Secondly these scholars approve labour rights as human rights, which the earlier liberal philosophers failed to accept. These socialist scholars are also gives priority to duties and trade union rights. Hence by all means the theory contributed the socialist scholars are complimentary to this research topic than anyone else.

Notes

1. Aristotle lays the foundation for his political theory in *Politics* book 1 by arguing that the city states and political rule are natural. Individual human beings combined in pairs because they could not exist in apart. The male and female joined together in order to reproduce and master and slave came together for self preservation.
2. The idea of non-legal rights (natural rights) is a common among some thinkers in the history of political thought. These rights are fundamental to all human beings. This concept was popularise in the modern period was John Locke. Life, liberty and property are the important natural rights according to Locke.
- 3 In Merriam Webster's dictionary *ontology* is the philosophical study of being. More broadly, it studies concepts that directly relate to being, in particular becoming, existence reality, as well as the basic categories of being and their relations.
- 4 Axiology is the philosophical study of value. It is either the collective term for ethics and aesthetics, philosophical fields that depend crucially on notions of worth, or the foundation for these fields, and thus similar to value theory and meta ethics. The term was first used by Paul Lapie, in 1902, and Eduard Von Hartmann in 1908.
5. The idea of the general will is at the heart of Rousseau's philosophy. The general will is not the will of the majority. Rather, it is the will of the political organism that he sees as an entity with a life of its own.

6. Anarchical Fallacies, a work in which Bentham vigorously attacked the declarations of rights issued in France during the French Revolution. His criticisms are rooted in his belief of the nature of law. Rights, he believes, are created by the law, and the law is nothing but an order (command) of the sovereign. Law and rights, therefore, need government in order to exist. Without the government, law and rights are futile.
7. An ethical philosophy, by Jeremy Bentham and others, in which the happiness of the greatest number of people in the society is considered the greatest good. According to this philosophy, an action is morally right if its consequences lead to happiness (absence of pain), and wrong if it ends in unhappiness (pain)

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CHAPTER III

TEA PLANTATION INDUSTRY IN INDIA: A HISTORICAL OVERVIEW

Introduction

Tea, a large scale plantation industry, was planted in India by the British colonial powers during their long stay in the country. Productions of tea were unknown to Indians and Europeans in the country for many years. In the 18th century the company officials suggested growing tea in British controlled territories. But the court of directors turned down this proposal and continued importing tea from China. In 1815 tea trade with China was a major source of profit of the East India Company. But in 1833 the monopoly came to an end and they quickly started to establish tea industry in India. The set back they had faced in China compelled the British authority to plant tea bushes in Indian soil. Initially North Eastern parts of India were selected and later years they started planting tea in other parts of the country including Kerala. The colonial powers had two methods of exploiting Indian resources, one was through industrial activity and the other was plantations. Planters seldom came from Europe with capital. Rather they raised capital by borrowing from Indians, from European servants of the company or from the houses in Calcutta (Savur, 1973).

3.1. History of Tea

Tea is the most popular non alcoholic drink in the world today. It is used by more than two third of the world's population and almost in every part of the world. It can be safely accorded the pride of place as the beverage of the world. Once considered rich man's drink, tea suddenly reached common man's drinking habits within quick period of time and this is the reason it is considered as the most popular non-alcoholic and cheapest drink in the world. Historically speaking, tea as a plant was invented in China five thousand years back and it was spread to Europe when

colonial powers came to this land and occupied most of their territory. Tea is said to be an indigenous product of the North East region of India. It was being grown and consumed long before the British found the commercial production rewarding enough to begin plantations in the North East and Southern India.

The past records indicate the frequency of tea drinking in India. It began in the country since 750 BC itself. In the 16th century, a vegetable dish was also being prepared using tea leaves with garlic and oil. However, the credit for rediscovering tea and cultivating it at a commercial level goes to the British. Commercial tea cultivation in India was driven by British who consumed tea in massive quantities, which they bought from China. By 1750, they were purchasing millions of pounds of tea every year from China. Even though the British managed to counterbalance it with opium trade to some extent, they found that their tea consumption was exorbitantly expensive and unsustainable. This realisation led to a sustained effort by the British to understand tea production and start tea cultivation in India.

In early 1774, Warren Hastings, then Governor-General of Bengal, sent a few select samples of tea seeds from China to his British emissary in Bhutan George Bogle for planting. Noted English botanist Sir John Banks, who was asked to make notes on tea in 1776, concluded that the British must undertake tea cultivation in India. Colonel Robert Kyd from the army regiment of the British East India Company also tried to cultivate Chinese seeds at the botanical garden that he founded in 1780. In 1823, Scottish explorer Robert Bruce discovered a native tea plant that was growing in the Upper Brahmaputra Valley and being brewed by the local Singhpho tribe (Bhowmik S. K., 2011). Robert Bruce died before he could get the plant officially classified; his brother Charles Alexander Bruce dispatched the tea samples to the Botanical Garden at Calcutta on Christmas Eve of 1834. On closer analysis, these were officially classified as a variation of the Chinese tea plant (*Camellia sinensis var sinensis*). This plant was named *Camellia sinensis var Assamica (Masters) Kitamura*.

Tea was introduced in England in 1657 and extended to other parts of the world in quick period of time. (Watson 1936). The lost hegemony in tea trade with

China might be the immediate reason for spreading tea in other parts of the world and the British turned their attention towards cultivating tea in their colonies (Karmakar & Banarjee, 2005). India was being one of such countries. Though the British had the advantage of colonies in different parts of the world, they found India was a suitable place for cultivating tea. They selected this country for tea cultivation for two different reasons. The first one was that the people of North India had an indigenous tea plant. So it is very easy to cultivate this plant in the region. The other reason was that the country was had the best climatic features for tea cultivation. All these factors encouraged the colonial powers to start tea plant in Indian sub-continent. They planted tea with commercial purpose. For this purpose they had selected indigenously cultivated plant from Assam valley. The interesting thing was that this plant was not previously cultivated. There were no farmers or peasants already engaged in the cultivation of tea in the country. So it was great risk undertaken by the British to plant such a thing in an unfamiliar background. Slowly they pioneered the industry and began to develop the industry in comparatively large scale.

3.2. Types of Tea and Process of its Cultivation

The most important tea types are Orthodox Tea and CTC. The features of these two types of tea and its processing are slightly different and these are discussed below.

3.2.1 Orthodox Tea

Orthodox tea is a very popular and widely consumed tea in India. Orthodox teas are rolled with machinery in a manner that mimics hand-rolling. All whole-leaf tea is made with orthodox production methods. Orthodox teas are known for its distinctive flavor and taste. Orthodox tea is mainly produced in Darjeeling hills in India. Assam and South India also produce some amount of orthodox tea. Orthodox tea making has gone through different processes. These are given below

3.2.1.1 Plucking:

The leaves are harvested by hand, usually ranging between just the unopened bud to the top three leaves and the bud, depending on the tea being created. In order to make hand plucking possible, the tea "trees" are pruned into waist-high bushes. After plucking, the leaves are sorted for uniformity and any stems, twigs, broken leaves, etc. are removed.

3.2.1.2 Withering:

The leaves are laid out to wilt and wither for several hours to prepare them for further processing. Tea leaves, even fresh tender ones, aren't very pliable. Without withering, they would shatter and crumble when rolled and shaped. During withering, the leaves are very gently fluffed, rotated and monitored to ensure even exposure to the air.

3.2.1.3 Rolling:

This is where thousands of varieties in tea appearance are created, and also where the process of developing flavor is started. The softened tea leaves are rolled, pressed or twisted to break the cell walls of the leaf, wringing out the juices inside. This exposes enzymes and essential oils in the leaf to oxygen in the air - the start of oxidation.

3.2.1.4 Oxidation:

After rolling, the leaves are laid out to rest for several hours, allowing oxidation to take place. Oxidation is the process in which the oxygen in the air interacts with the now-exposed enzymes in the leaf, turning it a reddish-brown colour and changing the chemical composition. This step also has the greatest impact in the creation of the many wonderful and complex flavors in tea. The length of this process depends on the style of tea being produced and the ambient conditions at the time. Depending on the type of tea, from here the leaves could be rolled again and oxidized further, or not.

3.2.1.5 Firing or heating

The final step in the production process is to fire or heat the leaves quickly to dry them to below 3% moisture content and stop the oxidation process. A good, even drying with very low residual moisture also ensures the tea will keep well (UPASI).

3.2.2 Crush Tear & Curl (CTC) tea and its processing

Crush Tear & Curl production is a very different process. All five steps of orthodox tea processing are performed here also, but much more rapidly and in a limited fashion. CTC was invented specifically for the black tea industry, in an effort to save time (a single batch of tea otherwise can take over a day to produce) and money. CTC refers to the Crush, Tear & Curl process where the withered green leaves are passed in-between two rollers rotating in opposite directions. The maceration is less as against CTC processing. But this process results in teas with good flavour and aroma. Steps in CTC tea manufacture includes, withering of harvested crop, green leaf shifting, reconditioning, rolling, fermentation, drying, grading & sorting and packing (UPASI).

3.2.3. Basic differences between Orthodox and CTC teas are:

3.2.3.1 The appearance of the leaf

Orthodox production seeks to maintain the integrity of the leaf, whether completely it's hand-made or with assistance from rolling machines and such. The tea leaves are not chopped, shredded, minced, etc. The shapes produced vary tremendously, but no matter whether it's green tea, oolong or black, Orthodox processing uses the wholeness of the leaf itself to create a diverse range of flavours in the cup. By contrast, CTC teas do not rely on the wholeness of the leaf.

3.2.3.2 The machinery involved

CTC is produced on a machine which takes fresh, whole leaves and macerates them (crushing, tearing and curling them, hence the name). The

ground up leaf is rolled into little pellets and oxidized. The tea produced visually resembles Grape Nuts cereal or large coffee grounds. Because the leaf is completely broken up, every part of the process moves very quickly. A whole batch can take just two hours. In Orthodox processing, while some tea leaves can look very small at the end, the leaves are never intentionally cut or torn apart. They are carefully rolled and handled just enough to produce a certain flavor, and their production relies on true tea artisans who have trained for years, in many cases, generations to make that specific tea.

3.2.3.3 The flavor profile

CTC was invented specifically for black tea production. These fast-infusing teas are ideal for the tea bag industry, as well as for use in spicy chai blends and iced tea (because of the colour). Their flavour is one-dimensional: bold, powerful and brightly coloring with a pungent astringency. Orthodox teas don't produce this type of colour and body. However, CTC cannot produce the tremendous range of flavor and aroma which Orthodox teas are loved for. First of all, you can't use the CTC method to make white teas, oolongs, etc. The shredded leaf oxidizes too quickly. There are a few CTC green teas, but this is accomplished by steaming the leaves to prevent oxidation. That's about as elaborate as it gets. Secondly, because Orthodox production requires so much time, the tea maker is able to draw out and develop very nuanced flavors. Everything done to the leaf will alter the flavor of the tea.

3.3. History of Plantation System

Plantations refer to large-scale agricultural enterprises, mostly specialized in one particular crop, grown for distant markets, employing a large number of wage labourers working under the close supervision in a strict hierarchical organization. The word plantation meant colony. It was the colony that was planted (Bhowmik, 2011). Plantation crops have a long growth period ranging from four to seven years before returns yield. Once the growth is over, production may take place for decades, even up to 100 years. This compelled the owners of plantation to maintain

a permanent labour force and providing them with housing facilities, medical care, education and other welfare measures.

Plantations are labour intensive agro-industry with land as the largest resource of input in the production process. Most of the plantation workers came from areas where they had only limited or no access to means of production. Each plantation has self-contained units of production and processing unit. For this purpose they are maintaining both factory workers and field workers. For the production part business, majority of the plantations are running factories and these factories having factory staff, functioning twenty four hours in a day with three shifts of duties of eight hours each. Apart from production business, majority of the factories have processing unit to sell their tea in the domestic market. Corporate structure of holdings with managerial and technical expertise is yet another specific feature of the plantation sector.

In India, the plantation industry is mainly export oriented. Hence fluctuations in international price, supply and demand affect the industry's prospects that may affect the workers as well. In view of all these factors plantations are akin to an industry rather than agriculture. Plantation sector in India in general and in Kerala particular has been developed in ecologically fragile locations. The development of plantations in such areas, needless to say that, has been built at the cost of bio-diversity of the country and resulted large scale deforestation. The other dimensions of plantation industry is its connection with world market with a view to internally competitive which involves heavy use of chemicals, fertilisers and pesticides. It is ironic to say that there is a nexus between technology, economy and environment in plantation sector (Joseph, 2013).

3.4. Tea Plantations in India.

Plantation agriculture is considered the oldest of the modern types of specialised agriculture. Among the plantation crops tea occupies a prominent place. The tea plantation occupies an important place and plays a useful part in the national economy of India. One of the important factors favourable for the growth of tea in India was its distinctive climate and soil. Like other agricultural commodity it

heavily depends on monsoon. Thus, tea growing regions in the country are situated in the monsoon belt, Assam, West Bengal and foothills of Himalayas in the North and moist slopes and plateaus of the Western Ghat in the South (India, 1956).

The history of tea plantation of India can be categorised into three periods. The first was the tea plantation in the colonial era; the second period is the period after independence followed by third era that is the liberalised period. While examining the functioning of tea plantation system in different periods, it is found that labour relations, the attitudes of management and the governmental interventions are different in different periods of time. The colonial powers introduced tea plantation in the sub continent with a clear intention. In the colonial period, the British East India Company with the tacit support of colonial powers controlled tea market where the workers had no choice than to work. Independent india brought many laws to regulate the plantation owners and to support the workers. During the liberalised era the plantation sector again reached on the verge of destruction. The Government lost some of their earlier control over the company. The British colonial powers introduced tea for the first time as part of their business engagement and later years these plantation sectors came under the direct controle of British Government.

On the basis of countrywide cultivation, tea cultivating areas of the country is divided into two different zones, i.e., Northern and Southern India. In North India tea cultivating area could be classified into five regions, viz, (1) Assam valley, (2) the Suruma Valley or Cachar, (3) Darjeeling, (4) Doors and Terai, and (5) Tripura. The climate zones of North India falls into three distinct seasons-cool and dry from November to February, hot and dry from March to May and hot and humid from June to October. In the tea districts of Assam, the annual rainfall varies from place to place, the average being about 100 inches (India, 1956). Apart from the major tea cultivating areas of North India, a few other areas of North India such as Ranchi, Dehradun and Kangra valley are also cultivating this plant. The Ranchi regions are situated on Chota Nagpur plateau about 2000 ft. above sea level. In Dehradun, tea

cultivation is concentrated in the valley between the Himalayas and Savaii hills. In Kangra valley tea is situated in a weak condition.

The tea cultivating areas in the South are located in the beautiful and enchanted hills and slopes of Western Ghats. The Nilgiri hills lie north of the Palghat gap, is an important tea producing area in Southern region. The Nilgiri Wayand and Malabar Wayanad tea districts are situated on the strip between Nilgiris and the Malabar coast at an average elevation about 3000 ft.above sea level (India, 1956). Apart from this Malabar region tea is heavily produced in Idukki region. The Kannan Devan tea estates, one of the important tea producing companies in Kerala, are situated in Idukki region at an elevation averaging about 5000ft.above sea level.

Within a short span of time, Indian tea dominated over its Chinese rival because of its thicker and stronger brew that increased its popularity among the working class. This resulted for the clear filling of rich hillsides of Assam for new gardens. Subsequently three decades later tea plantations were started in the Darjeeling and Jalpaiguri districts of West Bengal, Nilgiris, and the Coimbatore districts of Madras (Tamil Nadu), as well as the Idukki and Wayanad districts of Kerala. Tea industry in India was established and developed exclusively with capital and enterprise. Tea was primarily an export industry for large number of years and later that status was changed. Now it is not solely an export oriented industry, but an internally more consumed non alcoholic drink popular all over the country. It is the most important plantation industry in the country providing employment to nearly one million workers and earning over 400 crores per year in foreign exchange and contributing substantial amount of tax revenue for both the Central and various State governments of the country (George, 1984).

Tea as an industry and agriculture required the service of large number of workers for accomplishing different types of task existing in the plantation area. So they were in need of workers with low wages. During the period migrant people were recruited as laborers and they were paid low wages. The planters encouraged families rather than individuals to migrate into the plantations. This served a dual

purpose. First, since planters wanted cheap labour, they had to hire workers who were permanently settled in the plantations and who had no opportunity for alternative employment. By encouraging families to migrate, they ensured that workers should be cut off from the places of their origin and were settled in the plantations. So entire families, males, females, and children, migrated and worked at wages determined by the planters. Second, family-based migration ensured that labour could be repeated, thus solving to some extent the problem of future recruitment. (Bhowmik, 2011)

In India as mentioned earlier major portion of tea is produced in Assam, West Bengal, Tamilnadu and Kerala. Tea estates are categorized according to various size groups. Ninety eight per cent of total tea estates belong to the size group of 10.12 hectares and the remaining two per cent holds land above 10.12 hectares. Among the second category as many as 200 tea estates have average size holding between 50 to 100 hectares, while 300 tea estates have holding between 100 to 200 hectares and 400 tea estates are the size group above 200 to 400 hectares. Moreover, a little less than 400 tea estates having the land size above 400 hectares (Banerjee 2005).

The tea plantation sector has been considered to be a major source of livelihood and employment for rural people in North Eastern and Southern parts of India. Normally the workers of the plantation sector can be grouped into permanent estate workers; casual estate workers and self employed small tea growers. In India plantations account for 0.8 per cent of the total cultivable land and contribute 5 per cent to the national income (Banerjee, 2005). Plantation industry employs large amount of labour force. It is the second biggest foreign exchange earner and is exported to 80 countries of the world.

3.5. Plantation in Post-Colonial Era

Since independence, the Government of India and the various state governments had taken extreme care and attention to regulate and control the British tea producing companies functioning in India. One of the important preventive mechanisms introduced by the government was to impose rigorous taxation. Apart

from the Central Government, various state governments also introduced their own measures to regulate the British companies. The states such as Tamilnadu and Kerala introduced two types of measures to curb the British companies. The first one was the introduction of drastic amendments to the existing tax laws so that the British controlled companies were called upon to pay a considerable higher tax on their agricultural income. The second one was the introduction of Foreign Exchange Regulatory Agreement (FERA) introduced by the Government of India by which the European plantation company was bound to Indianise certain portion of their assets. This was a rigorous step on the part of the newly independent Indian government to regulate foreign companies. These measures compelled the European planters to shift their industry to other parts of the world especially in some parts of Africa and those companies who were remained in India had strictly to follow the strong regulatory measures introduced by the governments. These measures were aimed to promote laborers working in different job sectors and definitely most of the measures were labor friendly in letter and spirit. As a result of a sympathetic attitude of the government towards the workers, reformatory laws were introduced by the government. These includes Plantation Labor Act of 1951, Equal Pay for Equal Work, Child Labor Prohibition Act,1986, Insurance Act,1948, Maternity Benefit Act, 1961 etc.,.

After independence, strong political pressure from various sources forced the Indian government to provide protection and security of employment to plantation workers to whom the basic rights were denied for years and years. The replacement of colonial government by the democratic government opened space of democratization of institutions and this changed the atmosphere of plantations. This was reflected in the functioning of trade unions also. Trade unions in the colonial period had very less roles and responsibilities. As part of the democratization of the country, they changed their attitudes and style of functioning and now they are among the workers, enabling them to fight for their rights. In the initial years of post-independence stage, plantation laborers were very fortunate to had different laws granting protection to workers. This happened as a result of various struggles

and protests conducted by all sections of the working class and the pressure that had emulated after forced the government to pass such kind of laws.

After attaining independence from colonial rule in 1947, the character of Indian state had drastically changed. The workers had got a new kind of freedom, insight and enthusiasm. The new government's attitude toward the working class was more favorable than that of the earlier colonial regime. In 1952, for the first time in the history of the country, statutory minimum wages were fixed for tea plantation workers. This ensured wage protection for plantation workers. Before this legislation, the planters could no longer fix the wages and they had done according to their own interests without any parameters. This had happened due to the weak bargaining power of the workers and workers organization existed during the period. But the new situation compelled the plantation industry had to accept the concept of a living wage, and any violation would result in prosecution under the Minimum Wages Act of 1948.

3.6. History of Tea Industry in South India

Tea can be placed under agriculture and industry. It is an industry in the sense that tea is processed and manufactured commodity, which is subject to excise duty and cess. It is also an agricultural crop because it is grown on land and thus agricultural income tax is also levied on it. Tea crop involves both agricultural and industrial rules and regulations. More over tea plantation is governed by both agricultural and industrial operations (Banerjee 2005). Agricultural operation like cultivation, plucking, manuring, irrigation, weed control, disease control, pest control, transportation of green leaf and uprooting are undertaken for growing tea. The final product of tea comes through various processing and manufacturing stages like withering, rolling, fermenting, drying, weighing, sorting and cutting comes under the category of industry.

Tea plantations were introduced by the colonial powers in South Indian region on a commercial purpose only in 1840s. South India has been considered as the land of different types of plantation crops. Among the plantation crops, tea occupies a dominant position in view of its popularity. The Southern region, which

includes Tamil Nadu, Kerala and Karnataka together contribute one-fourth share of India's entire tea production. In comparison with other countries of the world, South India is the fifth largest tea producing belt next only to North India, China, Sri Lanka and Kenya. The plantation sector plays a vital role in the economy of the three Southern states of Kerala, Tamilnadu and Karnataka. Though tea is produced on a large scale in the southern states, their area of cultivation is different in different states. The table 3.1 shows the hector wise allotment of tea cultivation land in southern states.

Table 3.1

Tea in South India

Year	Tamil Nadu (In hectares)	Kerala (In hectares)	Karnataka (In hectares)	South India (In hectares)
2001	75625	36940	2128	114693
2002	75619	36967	2128	114174
2003	75619	36967	2128	114174
2004	75978	37107	2128	115213
2005	80939	36772	2137	119823
2006	81279	36236	2141	119649
2007	80903	37139	2141	120181
2008	80903	37139	2141	120181
2009	80903	37139	2141	120181
2010	80903	37139	2141	120181
2011	80903	37139	2141	120181
2012	80903	37139	2141	120181
2013	80903	37139	2141	120181
2014	80903	37139	2141	120181
2015	80903	37139	2141	120181
2016	80903	37139	2141	120181
2017	80903	37139	2141	120181
2018	80903	37139	2141	120181

Source: Tea Statistics and UPASI

Among the South Indian states Taminadu dominates the area wise tea cultivation of tea followed by Kerala. The table 3.2 below reveals the area wise tea cultivation. In Tamilnadu shows an increasing tendency since 2001 barring 2002 and 2003. In 2001, the 65.93 per cent total tea producing area are concentrated in Tamilnadu followed by 32.20 per cent in Kerala and 1.78 per cent in Karnataka. Compared with the other South Indian states Karnataka produces in tea lesser area. In terms of area wise Tamilnadu has produces double the size of Kerala.

The table 3.2 of below clearly shows the details of tea production, consumption, and export and auction price in India since 1991.

Table 3.2
Production Consumption and Export of Tea in India

Year	Production			Consumption		Exports		Cochin Auction price
	India (In M. Kg)	Kerala (In M. Kg)	Per cent of Kerala	India (InM Kg)	Per cent	India (In M. Kg)	Per cent of Production	
1	2	3	4	5	6	7	8	9
1991-95	740	65	8.78	566	76.49	174	23.51	38.14
1996-97	780.1	61.6	7.9	618	79.23	162	20.77	44.42
1997-98	810	69.8	8.62	607	74.94	203	25.06	61.57
1998-99	874.1	65.9	7.54	664	78.98	210	24.02	73.39
1999-2000	824.4	67.8	8.22	632	76.70	192	23.30	62.04
2000-01	846.5	69.3	8.2	639	75.54	207	24.45	51.34
2001-02	853.7	66.1	7.7	673		183	21.44	52.21
2002-03	826.2	59.7	7.2	693		198	23.98	47.21
2003-04	857.1	56.6	6.6	714		173.7	20.27	45.78
2004-05	820.2	49.7	6.06	735		197.6	24.09	52.14
2005-06	928	58.5	6.3	757		199.1	21.45	49.66
2006-07	955.9	59.5	6.2	771		218.7	22.88	54.4
2007-08	944.7	56	5.93	786		178.75	18.92	56.05
2008-09	972.77	70.3	7.23	802		203.12	20.88	71.08
2009-10	979.9	68.9	7.03	NA		197.9	20.21	81.03

Year	Production			Consumption		Exports		Cochin Auction price
	India (In M. Kg)	Kerala (In M. Kg)	Per cent of Kerala	India (In M. Kg)	Per cent	India (In M. Kg)	Per cent of Production	
2010-11	966.4	66.8	6.91	NA		222	22.97	67.69
2011-12	1115.7	61.5	5.51	NA		215.4	19.31	70.03
2012-13	1126.3	63	5.59	NA		201.1	17.85	87.55
2013-14	1200	62.8	5.23	NA		219.1	18.26	99.17
2014-15	1207.3	65.17	5.4	NA		201.2	16.66	93.35
2015-16	1191.1	57.89	4.87	NA		217.7	18.27	81.67
2016-17	1201	63	5.21	NA		201.3	18.28	83.41
2017-18	1198	57.91	5.01	NA		218.7	18.25	84.68

Source: Association of Planters of Kerala, Tea Board

The table 3.2 shows that the people of the country consumed 76.49 per cent of tea the country produced in 1991. The export per cent in the year is 23.51 per cent. It shows the growing popularity of tea in Indian rural and urban centers. Since 1991 the tea production and consumption has increased. In 2015-16 the total consumption of tea 81.73 per cent and the export has decreased to 18.27 per cent. The table also shows the auction price in Cochin centers. The auction price is fluctuating as per the table. It is highest in 2013-14 with Rs.99.17.

3.7 Tea Industry in Kerala

The history of plantation in Kerala began with the arrival of British East India Company. The British East India Company was reported to have set up a large estate for spices at Ancharakkandy near Kannur in Malabar region way back in 1797. This was the first ever plantations established in Kerala soil. This initiation drastically changed labour relations in the state. In response to these developments, plantation estates were established in and around 1860 in the Veli hills near Trivandrum which was part of erstwhile Travancore (Nair, 2006). Followed by these developments, large numbers of plantations were set up in different parts of Kerala. Majority of such establishments were concentrated in and around

Travancore area. A few years later, especially the last quarter of 19th century, the colonial powers drawn their attention towards the hilly areas of Wayanad, which is part of Western Ghats, and established plantations.

Kerala, with a population of less than 34 million, is the most advanced state in India in terms of social development indicators. This makes the state eligible enough to be compared and competent with some of the developed countries of the world. But Kerala's industrial and agricultural base is quite low, the agricultural economy is weak, the plantation sub-sectors such as tea, coffee, rubber and spices form the key players in the agrarian economy. Due to the lack of strong agricultural base and the lack of big industries in the state, plantation sector provides ample employment opportunities to thousands of people, both in direct and indirect manner. In Kerala it is estimated that plantation sector acts as the key player in providing livelihood opportunities for about 14 lakh families (Rajasenana and Rajesh, 2014).

The plantation sector in Kerala has an aged history cutting across different periods of history such as colonial, independent and liberalised periods. Uma Devi (Devi, 1989) classifies plantation crops in Kerala into two types viz., traditional and modern plantation crops. Traditional crops consist of coconut, pepper, cashew etc. Modern plantation crops are tea, coffee, and rubber. Plantation sector is different from other agricultural sectors due to the fact that plantation sector continues with the same crop for a long period. It is by and large considered as the product of colonialism (Raman, 1986). In Kerala, the erstwhile Travancore state was to have plantation estates in the late 1860s. Institutional factors like government, family and caste played the crucial role in the growth of plantation sector in the state. Once, the plantation sector in Kerala was dominated by the strong presence of migrant labourers. Some of the labourers were coming from different parts of the state where as some others are from outside the state. Labourers came from distant places are anticipating high wages and benefits (Devi, 1989). The labourers came from faraway places resulted in their permanent settlement alongside the plantations with their families. This in turn led to the availability of cheap labour as the whole

family (including women and children) were forced to work on the plantations at the wage determined by the planters. The migration also ensured that labour could be reproduced, which in turn would ease the problem of further recruitment (Bhowmik, 1998).

3.8. Major Tea Plantations Centers in Kerala

Major share of tea plantations in Kerala are located in the two hilly districts of Idukki and Wayanad covering 87 % of the total area. Among the two districts, Idukki is the most important district having 72% of the total cultivable area. The main tea growing areas of Idukki are in Munnar, Vandiperiyar and Peermade regions. Wayanad accounts for about 14% of total area. Apart from this area, tea is cultivated in few areas in Palghat, Thiruvananthapuram, Kottayam, Thrissur, Malappuram and Palakkad.

3.8.1. Tea Plantations in Idukki

The geographical and climatic conditions of Idukki are favorable for tea cultivation. This attracted the planters all around the world and resulted in mushrooming of tea plantations in different parts of Idukki district. The district is having the presence of big multi-national corporations such as Kannan Devan Tea, Tata tea, Harrisons Malayalm Plantation Corporations in the field. Tea plantations in Idukki are mostly concentrated in Munnar, Vandiperiyar and Peerumedu region. Munnar is considered as a famous tea town in the Idukki district of Kerala. It is a hill station which attracts a large number of tourists, domestic as well as international, throughout the year. The presence of tea plantation itself is a great attraction in Munnar due to its big scenic beauty. The town is situated 1600m. above sea level making it a very pleasant place in summers. The vast stretches of tea estates, rolling hills, beautiful valleys and the confluence of the three rivers make it a very popular destination for tourists in Kerala. Once upon a time it was a holiday resort of the Britishers who came to this place to enjoy the great weather and scenic beauty of the place and this place always has a beautiful time from February to November. It is the hub of entire tea plantations of Kerala. There are scores of tea estates in and around Munnar. It is the place of the oldest tea plantation in Kerala.

Munnar owes its fame as a tea destination to the Scottish gentleman J.D.Munro. He was a lawyer in the state of Travancore. Once on a mission of settling a dispute for his employer, the man saw Munnar, fell in love with the enchanting beauty of its rolling slopes that must have resembled his native Scottish highlands. He leased the area from the ruler of Travancore. Munro established the Travancore Land Planting & Agricultural Society and after some trial and error with spices, coffee and tea plantation, tea growing was found suitable due to the favorable weather conditions of the region. Thus, began the long journey of the story of tea in Munnar (Banerjee, 2005). The famous Finlay Muir and Co. consolidated thirty one tea estates under the umbrella of the Kannan Devan Hills Produce Company in 1895 creating a vast tea Empire. The Tata group joined hands with Finlay and started the Tata-Finlay Group in 1964. It established the Kannan Devan Hills Produce Pvt. Ltd. The group sold 69% shares to the workers in 2005 and the first ever co-operative society for the management and production of tea was established. The Tata group and others came to own just 31% shares in the new workers co-operative (Banerjee, 2005). The main tea plantations in the region are as follows;

Table 3.3
Major Tea Plantations in Munnar

Sl. No.	Name of the estate	Place	Owner
1	Pallivasal Tea Estate	P.O. Pallivasal	Private
2	Anayirankal Tea Estate	Anayirankal	Private
3	Kolukumalai Tea Estate	Munnar	Private
4	Kundala Tea Estate	Munnar	Private
5	Pothamadu Tea estate	Pothamadu	Private
6	Bagracote Tea Garden	Bagracote	Private
7	Chithirapuram Tea Estate	Chithirapuram	Private
8	Lockhart Estate	Devikolam	HML
9	Upper Surianalle Estate	Surianalle	HML
10	Panniar Estate	Panniar	HML
11	Glenburn Tea Estate	Bagracote	Private

Source: collected from various source

Apart from Munnar the other major tea plantation centers in Idukki district are located in Vandiperiyar and Peerumade region. Vandiperiyar is a major trade centre and also a plantation town of the district. This place is blessed with the presence of the river Periyar. The town is an important hub of the post production processing work for tea in units called tea factories. The tea estates in Vandiperiyar region are one of the oldest tea plantation areas of Kerala. Majority of the estates are situated between 750 and as high as 1350m height. Peerumade as a hill station is distinct and is different from other areas of the district due to its peculiar weather conditions and this is favourable for tea cultivation. The RBT Group is the major player in the area with plantations in Nellickai, Manjumalai, Pambanar and Thengakal regions. Some of the main tea estates in the area are mentioned below.

Table 3.4

Tea plantations in Vandiperiyar

Sl.No	Name of the estate	Place	Owner
1	Chidambaram Tea Estate	Pambanar	Private
2	Moonglar Estate	Vandiperiyar	HML
3	Wallardie Estate	Vandiperiyar	HML
4	Churakulam Tea Estates Pvt. Ltd.	Vandiperiyar	Private
5	Connemara Tea Estate NH 183	Connemara	Private
6	Carady Goody Estate	Vandiperiyar	Private

Source: collected from various source

Table 3.4 shows the major tea plantations in Vandiperiyar. The two of HML tea plantations also can be seen in this area. Apart from HML some private tea plantations showed their presence in this area. Out of the six tea plantations, five of them concentrated in Vandiperiyar.

3.8.2. Tea Plantation in Wayanad

After Idukki the highland region of Wayanad is the second important area of tea plantations in Kerala. It is one of the most scenic areas of Malabar region of Kerala and is often called the green heaven of Malabar. The high hills with their

majestic peaks attracted many people who love beauty and adventures. The undulating slope of the Western Ghats and the wonderful flora and fauna of the region has made it into a much popular hill station of the south. Some of the high peaks of Wayanad are Vellarimala at 2338m Chembra at 2100m and Banasura at 2073m. A few of the plantation estates are situated in the highest peak. Some of the main tea estates in the Wayanad area are as follows.

Table 3.5

Tea Plantations in Wayanad

Sl.No.	Name of the estate	Place	Owner
1	Elstone Tea Estate	Kalpetta-	Private
2	Achoor estate	Achooram	HML
3	Chundale estate	Chundale	HML
4	Sentinel Rock Estate	Vellarimalla	HML
5	Arrapetta Estate	Meppadi	HML
6	Wentworth Estate	Cherambady	Private
7	A.K.Tea Estate	Varayal	Private
8	Cherakara Tea Estate	Cherakara	Private
9	Jessie tea estate	Pilakavu	Private
10	Peria Peak Tea Estate	Mananthavady	Private
11	Priyadarshini Tea state	Pilakavu	Tribal Co-operative society
12	Razia greens	Varayal	Private
13	Talopoya tea estate	Thalapuzha	Private
14	TatamalaTea Estate	Thettamala	Private
15	Fringford Estate	Mananthavady-	Private

Source: collected from various source.

Table no.3.5 shows the distribution of tea plantations in Wayand district. In Wayanad the dominant tea plantation estates are owned and managed by HML. The presence of some other tea plantation is there. It is interesting to note that one of the Priyadarshini tea plantations in Pilakavu of Mananthavady Block Panchayath is managed by tribal co-operative society. Unlike Idukki the dominant tea plantation

estates in Wayanad are controlled by HML. At present four estates of HML are functioning there. Though TATA tea showed their strong presence in Idukki, their presence is not seen in Wayanad district. On the contrary some minor tea plantations owned by private individuals can be seen in the district.

3.8.3. Tea Plantations in Other Parts of Kerala

Apart from the two hilly districts of Kerala, tea is cultivated in some other parts of the state. Palakkad is famous for its hill ranges, wildlife sanctuary, hair pin curves of its routes, waterfalls and lush green stretches of tea plantations. Nelliampathy is a well attracted area in Palakkad with lovely tea estates. The Nellikota mountain range is a ridge stretch of fairly high elevation with Padagiri at 1572 m being the highest peak of the region. Palagapandy Tea Estate in Nelliampathy and Ranimedu Estate are the two prominent tea estates in Palakkad district.

In Trivandrum district, tea plantation is solely concentrated in Ponmudi area. It is a hill station and tea estates are situated 60 km from the capital city Thiruvananthapuram. The location of the estate is very important. The elevation of the area is 1100 m above sea level. An important feature of the tea estate in the area is that it serves as a base for hiking and trekking in the higher reaches of the mountain range. The way to Ponmudi offers a magnificent view of nature in all its glory. Bonakkad is another famous tea estate near Ponmudi. It is the place that serves as the base camp to trek to the famous peak of Agasthyakoodam. The famous Bona falls and the Vazuvanchola waterfalls are the enchanting points of the Bonakkad. The tea estate was originally established by the Britishers.

3.8.4. Tea Plantations of Harrison Malayalam Plantation Company limited

Harrison Malayalam Limited (HML) is one of the successful integrated agricultural operations in South India. It had an experience around two hundred years in the plantation sector. HML a dominant player of tea exports from South India, established, its first tea plantation nearly 200 years ago. Tea was planted on the slopes of the mountains that form the backbone of south India (The Western

Ghats). (Limited, 2017). In the early 1900's these estates saw consolidation and in 1907 Harrisons & Cross field, which was set up as Tea Traders in 1857 in Liverpool, brought and established Malayalam Plantation Limited. As Owners and Managing Agents of Malayalam Plantations, Harrisons & Cross field further consolidated their land holdings. About 24 years ago, changing priorities of Harrison & Cross Field saw Ram Prasad Goenka (RPG) group, one of the largest business houses in India, took control of this company (Limited, 2017).

Harrison Plantation Company limited, as mentioned earlier is considered as one of the oldest tea estates in India, had ten estates in South India. Among them nine estates are concentrated in the high ranges of Kerala. Out of the nine estates in Kerala, five are located in different parts of Idukki district and the remaining four estates are situated in Wayanad district. In area wise Moongalaar estates in Idukki district is the largest in size and Panniar estates in the same district is the smallest. The following data clearly shows the area wise classification of HML in Kerala.

Table 3.6

General Statistics of Workers in the HML Estates of Kerala

Sl.No.	Name of estate	Location	Area	Permenant Workers		Temporary Workers		Total		
				M	F	M	F	M	F	
1	Achoor	Wayanad	629.18	263	418	07	04	270	422	692
2	Chundale	Wayanad	408.63	161	310	03	03	164	313	477
3	Sentinel Rock	Wayanad	505.86	173	369	06	11	179	380	559
4	Arapetta	Wayanad	728.64	278	550	06	29	254	544	798
5	Wallardie	Idukki	752.79	294	580	11	42	305	622	927
6	Moongalaar	Idukki	754.91	278	548	16	41	314	634	948
7	Lockhart	Idukki	388.04	200	297	02	08	202	305	507
8	Upper Surianelli	Idukki	638	274	438	13	28	287	466	753
9	Panniar	Idukki	301.84	156	233	16	14	172	247	419
	Total		5107.89	2077 (34.16)	3743 (61.56)	80 (1.31)	180 (2.96)	2157 (35.47)	3923 (64.53)	6080 (100)

Source: collected from various source

Table 3.6 of the above reveals the general statistics of HML plantations in the state. This includes hector wise tea cultivation, workers' gender wise and job

type details. This data shows the dominance of women workers in the workforce. They constitute 64.53 per cent followed by male workers 35.47 per cent. In terms of population Vallardie in Idukki district have more population and Panniar estate in the same district is considered the least populated among HML estates in Kerala. The temporary workers constitute 4.27 per cent of the work force.

In plantations, children constitute a large proportion of population for decades. Some fortunate children receive some basic education and are taken care of their parents. However, these children living in the plantations are devoid of their childhood and deprived of education. The wages received by these children are below when compared to the cost of their labour. They were unaware of their rights guaranteed by different conventions or law. Later years the government initiated favorable action for the removal of such evil practices and promoted them as better citizens of the country. Women are largely employed in tea gardens majority of them are engaged in plucking leaves and few of them are temporary laborers. During peak season, minor girls are also employed for plucking leaves. The same women has also engaged themselves in agriculture and allied industries besides their household work. They are less educated and hence severely exploited. The stress and strain of tea garden life, financial constraints, inadequate housing, decline of joint family system, insecurity etc., have made the position of elderly, especially sick, more vulnerable. Therefore better prospects of the tea industry, there is a need to step up the rate of investment in physical and human capital. Another factor is improvement in the level and quality of education.

In tea industry, Human Resource Development (HRD) for workers requires provision of health services, water supply, education, housing, nutrition and family welfare which are determinants of the quality of working life (QWL). It has to be recognized that the workers are most precious and competitive factors. A congenial work culture ensures a sense of belonging and commitment of the employees.

3.9. Tea Plantation in the Neo-Liberal Era

Under Globalisation, the structure of social income and the constituent element contribution to the total social income of individuals has been changing.

For workers, a major part of the social income comes from their wage and the benefits from the employer and the state. Flexible work, employers' attempts to reduce the quantum of benefits extended to workers and the state's systematic withdrawal from regulation of labour laws as well as from welfare responsibilities have increased the insecurities of workers and inequalities in society. Globalisation created a competitive world. Here every body is interested to maximise profits. Some times this can be achieved at the cost of innocent labourers. There is a shift of focus from national competitiveness to individual competitiveness. National competitiveness was a feature the world before 1990s where fulfilment of national interest was the priority of each state. But the advent of Liberalisation Privatisation and Globalisation (LPG) individual interest dominates over national interests. Here Multi National Companies (MNCs) and Trans National Companies (TNCs) play an important role.

The process of Globalisation is described as having three main trends, namely,

- (a) the globalisation of markets,
- (b) globalisation of culture, and
- (c) globalisation of security.

The optimistic school of thought argues that Globalisation will lead to greater integration of developing countries into global economy. The pessimistic view sees Globalisation as being confined to North widens inequalities in the society and marginalising the vast majority of developing nations. (Shrivastava, 2005). It is very clear that in many countries the process of globalisation and liberalisation is giving rise to new uncertainties and anxieties regarding growth and prosperity and the distribution of its benefits. In the globalised era, there is pressure on the state for reduction of subsidies and for limiting the public distribution system is indicative of the trends which a weakened state will find increasingly difficult to resist. The after effects of such development is starvation for those living under poverty line. It is in this context that human rights discourse has to examine the prospects of better

implimentation of the right to live, the right to education, right to healthcare, the right to work, right to food, right to housing etc.,. (Das, 2005).

The UDHR in its preamble declares that recognition of inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. The International Covenant on Economic, Social and Cultural Rights in their preamble also recognise that human rights derive the inherent dignity of human person. The UN Declaration on the Right to Development (1986) had focussed on the human person as the central subject of development and on basic human rights as the parameters for development. Article 8 of the Declaration identified three important elements in the concept of development. These includes

- (a) equal opportunity for all in their access to basic resources such as education, health services, food, housing, employment and fair distribution of income, ensuring an active role for women in the development process
- (b) the adoption of economic and social reforms to remove social injustices; and
- (c) the encouragement of popular participation in all spheres relating to development (Das, 2005).

Plantation worker's jobs and terms and conditions of employment vary tremendously, creating diverse and sometimes overlapping categories: permanent (full-time), temporary / casual or seasonal workers. The Plantation Convention of the International Labour Organisation (ILO) defines plantations as "any agricultural undertaking regularly employing hired workers which is situated in the tropical or sub tropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres, citrus, palm oil, cinchona or pineapple" (ILO, 1958).

Historically, plantation labour regimes were characterised by forced labour. Only in the 19th and 20th century system of 'recruited labour'¹ and 'stabilized labour'² were introduced. Even today, forced and bonded labour, and labour

recruitment practices play a crucial role in the relation between plantation workers and plantation companies. Traditionally plantation workers' trade unions have been male dominated and this has resulted in women workers' demands not being adequately addressed in collective bargaining. Women remain in the lowest paid jobs, are most likely to be laid-off and are often unaware of or unable to access maternity rights. There has been some progress, many unions now have women's committees and women are starting to enter leadership positions, but more needs to be done. Migrants constitute an important part of the plantation workforce in many regions. Whole crop sectors depend on migrant workers. Their access to rights is often significantly reduced by the simple reason that they are even more dependent on their employer than local workers and often have no social or familiar ties in the region where the plantation is located. The described forms of discrimination can either result in reduced incomes or in job losses if women or migrants protest against their discrimination. This in turn may lead to a violation of their right to food.

While summing up the history of tea plantation industry, we can say that tea was an indigenously cultivated commodity in Northern India and was further developed by colonial powers. While developing this commodity, they had two different things in their mind. The first one was to marketise the commodity worldwide and makes maximum benefit out of it. The second one was that to solve the crisis as a result of loss of dominance of tea market in the world. This was the reason the British developed this commodity in different parts of the country. Initially they planted tea in Northern region and later extended to southern region as well. For the successful cultivation of this plant requires large number of workers. In order to overcome this problem, they recruited migrant labourers from different parts of the country. They preferred families rather than individual workers. During the pre independent period, tea plantation industries were running without governmental control. The workers were severely exploited. But independence of the country brought many laws which were really safeguarded the workers interest. This period witnessed many drastic legislations such as Minimum Wages Act, 1948, the PLA 1951 etc. But the welfare era disappeared in due course of time and the country entered into a new era of Liberalisation Privatisation and Globalisation. This

era MNCs and TNCs are dominant actors. They sometimes trespassing governmental laws. These things adversely affected the working of plantation system. It is quite difficult to find out who are the bigger losers. But one thing is sure that the workers are the great sufferers.

Notes

1. Labourers are recruited but still they are under authoritarian supervision, but linked to the payment of wages.
2. The definition of regulations that ensure minimum standards for plantation workers through the newly independent governments.

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CHAPTER IV

LABOUR WELFARE IN TEA PLANTATIONS OF KERALA

Introduction

India is a country having large extend of area belong to rural sector where development was far lagging behind for centuries. Agriculture is the major source of income and majority of the people depends upon agriculture for their daily earning. Over dependence in agriculture by the majority Indian people, prompted the policy makers and the leaders of the country to take utmost care and attention for the betterment of agricultural sector. Being the largest employment mobilising area, it should be necessary to improve the rural sector where rests the major chunk of the work force. While these things kept in mind, the government introduced drastic measures in agricultural sector after independence. Since the dawn of India's independence, in rural sector, it is quite surprising to note that the majority of the workforce belong to less educated and marginalised groups. Among such groups and area labour related problems may automatically came to occur. Thus labour welfare is an important matter to deliver justice and equality, believed the policy makers of independent India.

Technically speaking labour welfare is a process of improving the health, safety, general well being and the development skills and efficiency of workers than the minimum set standards (Bhatnagar, 1985). The labour welfare is a comprehensive concept aimed to provide better life and health of workers, to make workers happy and improve intellectual,cultural and material conditions of workers (Pachoni, 2016). It may be promoted either through the formal agencies such as the legislature,executive and judiciary or by the informal agencies such as NGOs, media, trade union etc,. Labour welfare programmes prevailed in India can be grouped into three different periods.

4.1 Labour Welfare in Colonial Period

The history of Labour legislation in India was initially begun during the British colonial period itself. During this period labour legislation was not an inclusive document covering both employee and employer, but it was an elusive kind of thing. The industrial and labour legislations enacted by the British were primarily intended to protect the interests of the British employers. Although the period witnessed the emergence and enactment of different types of laws and acts, but these laws and acts were primarily aimed to protect British interests in India. So laws and acts prevailed during the British period were not an inclusive type of thing and lacking labour friendly approach.

Generally plantation workers welfare activity can be classified into intra-mural welfare activity and extra-mural welfare activity. Intra-mural welfare activity include all those amenities provided by the employees inside the factory premises such as provision for canteen, rest shelters, creches, arrangement for drinking water, washing facilities, uniform and protective clothing etc,. Extra-mural activity include all those amenities and services provided by the employer outside the factory like maternity benefit, social insurance measures like gratuity, pension, provident fund. It also covers medical facilities, educational facilities, housing facilities, recreational facilities, workers co-operative society and transportation facilities to and from the work.

While examining the labour welfare programmes in the colonial era, first of all, it should begin with the employer employee relations prevailed in the country during the period. The long duration of British colonial rule in Indian sub continent had created a wage earning industrial labour force. This labour force so employed in different fields like manufacturing enterprise, mines, transport and communication and plantations and the labour force working in these areas were faced with widespread uncertainties and hazards (Gupta 1994). The first ever labour welfare legislation began in the country with the enactment of Factories Act of 1881. This Act contained provision for child labor, maximum working for children and a provision for weekly holidays. Later this Act was amended on several occasions on

the demands of workers, the workers organizations, and the management. The workers of that time demanded certain securities to their job. But in spite of all these demands, the colonial government with the help of Factory Act ¹tried to protect the interest of the management than the workers.

While discussing about plantation sector in general, whether it is tea, coffee, rubber and cardomen, consists of large number of migrant workers recruited from different parts of the country. Education is not appeared as a necessary qualification for such recruitment. The majority of workers so recruited do not have enough education and majority of them opted the job to get rid of poverty and famine and most of them belong to socially marginalised groups.

Since the British period itself, labour welfare programmes were implemented in the plantation sector. During this period tea plantation in Kerala has been persistent by a capitalist system of production based on enslaved migrant labour force living in an ethnic enclave. The British authorities did not give much attention to the welfare of workers settled in plantation sector. On the contrary the workers were facing severe kind of inequality and exploitations. The authorities neither cared the workers, nor did give adequate salaries. Plantation owners exploited the workers severely without providing basic amenities to the workers. These include denial of minimum wages, excessive and long duration of work and denial of decent living facilities. Normally the workforce in plantation sector consists of estate or garden labour or field worker and the factory worker on the basis of works assigned to the worker. In the early days of plantation history, the workers were recruited through the so called *Kankani or jobbers*². The terms of employment of the workers so recruited were determined not by the estate management, but by the *masteries or kankanis*. In response to this engagement, these masteries had received commissions. It is desperate to say that the movement of workers was limited in their lines and rooms allotted to them apart from the work area. Their movements and actions were closely monitored by the *kankanis* and violation of this could result in punishment including physical in nature. Nobody

dared to question these illegal practices prevailed in plantations. The *kankanis* were well protected by the management.

In the early 1940s the workers were paid a monthly salary of the Rs.15. Though bonus system was introduced in the plantation, but a very few employees were benefitted from this. Majority of the workers were exempted from bonus and it was decided and distributed by the management for their pleasure. There also prevailed a strict class hierarchy between the categories of workers in the job sector. The management staff consists of a few official staff and the majority of the work force belongs to the category of field workers. The workers addressed the manager as 'master' and the workers were treated just like servants by the manager. (Nair, 2006). This shows the wide range of disparities and hegemony of the management whom the workers were subjugated.

As mentioned above, the first period of labour welfare in India started from the period of British colonialism. This period witnessed the dismal performance of British government in labour welfare. The British started plantation sector in India to serve their own business purpose, that is, how to make the growing demands of European market rather than serving the interest of Indian workers. The long duration of British colonialism in Indian sub-continent had created a wage earning industrial labour force. This labour force was employed in different agricultural and industrial enterprises including plantation sector. The workers in these sectors had been facing various and widespread uncertainties and hazards. Instead of formal government operated and employer supported social security programmes, an almost entirely informal non-centralized and decentralized arrangement for security and insurance, prevailed in the plantation industry and the workers paid heavy casualties for these things (Gupta, 1994).

4.2 Labour Welfare After Independence

Post Independent Indian governments changed their priorities towards the workers. So the national government followed a labour friendly relation with regard to workers. This labour friendly approach towards the workers made a platform for the enactment of labour friendly laws in India. As mentioned earlier, independence

of the country brought many changes in the plantation sector. Instead of foreign government, native government took charge and most of national leaders were well aware of the pitiable condition prevailed in the tea plantation sector. This sentiment was reflected in their policies in the early period of independence. The period after independence, the ministers mingled with the workers and visited the estates to understand the real situation in estates. The capitalist employer had to seek prior appointment to see the ministers. The ministers stayed in government inspection bungalows where anybody could walk into them, which made ministers very popular and loved and respect among the workers and staff. But after ten years of independence, there was big change. The ministers became the chief guests of the employers. They were fed and feasted by the capitalist employers (Philips, 2003).

The government formed after independence had taken extensive efforts to remove these barriers prevailed in the plantation sector with the help of constitutional and extra constitutional bodies. The constitution of the country contains various provisions for the protection of the people from political economic, social evils and inequalities. It also contained some justiciable right in the form of Fundamental Rights, which covers wide variety of rights through which a person can approach the High Court and Supreme Court for its enforcement (Basu, 1991). Apart from removing the barriers related with individuals, the removal of regional disparities were another noticeable challenge confronted by the leaders of the nation. To overcome these kind of disparities, the bodies such as Planning Commission and National Development Council (NDC) came into existence. With the help of these machineries, the pace of disparity has been reduced to a certain extend, but it is not toally removed altogether. Some bureaucrats and politicians stilll followed the colonial legacy of exploiting the workers. The result was that once again plantation labour became a captive in their own rule. Dr. Daniel³ recalls the corrupt practices prevailed in the plantation sector. Whenever the officers visited the estates, they went to the bungalows of the manager and collected their reward in the form of packets of tea or coffee or other things and closed their eyes to the condition of the estates (Nair, 2006).

4.2.1. *The Governmental Laws Related with Labour Welfare in India*

The governmental machinery in India between 1947-1990 introduced many measures for the workers welfare. In the Constitution of India, 'labour' is a subject included in the Concurrent List where both the Central and State Governments are competent to enact legislations. Since independence both the central and state governments enacted large number of labour laws addressing different aspects of labour namely, occupational health, safety, employment, training of apprentices, fixation, review and revision of minimum wages, mode of payment of wages, payment of compensation to workmen who suffer injuries as a result of accidents or causing death or disablement, bonded labour, contract labour, women labour and child labour, resolution and adjudication of industrial disputes, provision of social security such as provident fund, employees' state insurance, gratuity, provision for payment of bonus, regulating the working conditions of certain specific categories of workmen such as plantation labour, beedi workers etc.,.

The dismal performance of the government in matters of labour welfare could be seen in this period. As we all know, the extend of intervention of governments in labour matters is different in different period of time. On the basis of welfare measures provided to the workers, the governmental role in the plantation industry can be grouped into three different periods. The first period began before independence. The second period is between 1947 and 1990 and the third period was begun after LPG and continues its dominance in the present day also.

Labour law as a regulatory as well as a positive mechanism arose from the demands of workers as well as the employers. It is a regulatory mechanism because it prevents the workers from doing certain things or prevents some of their activities. It is also a positive mechanism which improves the working and living condition of the workers. The workers demand for labour laws is to ensure for better working conditions and for the right to organize. On the other hand, employer's demand for the same labour law is to restrict the powers of workers in many organizations and to keep labour costs low. Employers' costs can increase due to higher wages, or by laws imposing social security requirements, such as health and safety or equal

opportunities conditions. The law relating to labour and employment is also known as Industrial law in India.

Broadly speaking labour welfare measures can be initiated by the government as well as some informal agencies but are drafted and implemented by the governmental agencies. On the government side, the prime document covering labour welfare is the constitution of the country. Apart from the constitution the three governmental branches of the government viz., the legislature, executive and the judiciary, makes, execute and interpret laws respectively on various occasions. These structural agencies, which are bound to, act for the welfare of all sections of the people made lasting contribution to the cause of labour welfare. Apart from the structural agencies, the informal agencies such as trade unions, non-governmental organisations and the media are also taken part in the labour welfare activities.

Independence from colonial rule made it possible for the Government of India to introduce many measures to improve welfare of the people especially in relation to the workers. Put into practice democratic spirit in every aspect of life, the constitution makers drafted a democratic constitution covering plenty of rights to the people including the right of workers. Unlike many constitutions in the world, the Indian constitution contains elaborate provisions for the welfare of the people. Addressing the problems related with the labour community which constituted around seventy per cent of total population, the government of the country envisaged various provision for their empowerment.

The inclusion of Fundamental Rights in the constitution forcefully reflects the vision of our constitution makers. In this part Articles 19 and 21 clearly reflect the right to freedom and right to life and personal liberty. These rights are very important as far as labour rights are concerned. Apart from this, Directive Principles of State Policy aimed to create a welfare state in India. While acquiring strength from the constitution, both the government and trade union movement attained great strength. The government of India introduced drastic measures to stabilise the economy and improve the working atmosphere. Important and reformative measure

taken by the government resulted in drastic legislation. Some of the important legislations introduced by the government are as follows;

4.2.1.1. Minimum Wage Act, 1948

Minimum Wage Act, 1948 was a land mark legislation introduced by the Government of India with a specific objective to create a healthy atmosphere in the job sector where the workers were exploited and transgressed for decades. The colonial British government failed to provide even bare minimum wages to the employees for decades and were severely exploited. The labourers were under paid and at the same time had to undergo lengthy hours of work. This legislation regulated the hours of work and fixed the minimum wages of the employees. Prior to this act, the workers were lacking fixed salary. It also made reference about a rest once in a week. It made it compulsory for the employer to keep adequate register for recording the working particulars of employee (India, 2018). This Act authorised the employer to give proper receipts for the wages. There is also provision for appointing inspectors to examine the work done by the employee.

4.2.1.2. Employee State Insurance Act (ESIA), 1948

Subject to the provisions to this Act, all employees in factories or establishments in which this Act applies shall be insured in the manner provided by the Act. The contribution payable under this Act in respect of an employee shall comprise the contribution payable by the employer (employer's contribution) and contribution payable by the employee (employee's contribution) and shall be paid to the Employees State Insurance (ESI) Corporation. If any contribution payable by the principle employer has become due, he shall be liable to pay simple interest of 12 per cent per annum. Employee State Insurance Act (ESIA), 1948 is a kind of social welfare legislation enacted with an objective to provide certain benefits to employees in the case of sickness, maternity and employment injury and also made provision for certain other matters. The act primarily focused on the fulfillment of socio-economic justice as mentioned in different parts of Indian Constitution especially in Preamble and the Directive Principles of State Policy. In Directive Principles of State Policy, articles such as 41, 42 and 43 authorizes the state to make

effective provision for securing the right to work, education and public assistance respectively in case of unemployment, old age, sickness and disablement (Government, 2018).

4.2.1.3. Factory Act, 1948

The tea plantation is governed both by agricultural and factory laws. So the presence of both agricultural and industrial laws can be seen in plantations. In plantations we can see different type of workers such as field workers as well as factory workers. The agricultural law is silent and not adequate to address different issues taking place in factories situated in the plantations. Due to this reason, the passing of Factory Act became an important piece of legislation in the plantation sector. This Act became an important legislation ensuring safety and protection of the workers. The main objective of this Act is to ensure adequate safety measures and to promote the health and safety and welfare of workers employed in factories. More over this Act makes provision regarding employment of women and young persons.

4.2.1.4. Plantation Labour Act, 1951

Plantation Labour Act (PLA), 1951 is considered as an important document covering divergent rights of plantation workers in India. No doubt, it is an important legislative initiative of the Government aimed to create a decent and dignified life to the working community, particularly in the plantation sector. This Act contained a plethora of rights through which a worker is able to achieve a dignified and decent life. The PLA was passed by the Parliament of India in October, 1951 and became landmark legislation for plantation workers. Before the introduction of this Act, the working condition of workers were determined and decided by the planters without any deliberations and discussions. Most of the plantations functioned in an authoritarian manner. There was no space for discussions and dialogue. Even though the presence of trade unions was there, the management never allowed complete trade union rights. Due to this reason, on many occasions the workers were severely exploited. But the PLA was the first radical attempt on the part of the government to regulate the management and ensured some sort of dignity to the

workers working in plantation sector (Bhouwmik, 1992). This act has a direct bearing on the condition of child labour and children of plantation workers. It regulated the hours of work and created two kinds of child labour namely adolescent and children. It also mentioned about provision for educational facilities for children of plantation workers and crèche for infants. This act made it mandatory for the employer to run primary schools within the plantation where there are twenty five or more children between the ages of 6-12m years (Bhouwmik, 1992).

4.2.1.5. Right to Payment of Maternity Act, 1961

Subject to the provisions of this act, every woman shall be entitled to, and her employer shall be liable for payment of maternity benefits act at the average daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for six weeks immediately following that day. The maximum period a woman shall be entitled to maternity benefit shall be twelve weeks in total in two stretches that is to say six week upto and including the day of her delivery and six weeks immediately following the day of delivery (Labour, 2019). The amount maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on the production of such proofs as may be prescribed that woman is pregnant and the amount due for the subsequent period shall be paid by the employer to the woman within 48 hours of production of such proofs as may be prescribed that the woman has delivered of a child. No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from which she claims maternity benefit for a period of not less than 160 days in the 12 months immediately preceding the date of her expected delivery (Labour, 2019). Despite this, every woman delivered of a child who returns duty after such delivery shall in addition to the interval for rest allowed to her, be allowed in the course of her work two breaks of the prescribed duration for nursing the child until the child attains the age of 15 months.

4.2.1.6. *Payment of Bonus Act, 1965*

This Act intended to provide payment of bonus to persons employed in certain establishments such as factory and other establishments where twenty or more persons are employed during an accounting year. According to this act every employer shall provide minimum or maximum bonus on the basis of the condition mentioned in the act. In the case of minimum bonus, every employer shall be bound to pay to every employee a minimum bonus which shall be 8.33 per cent of the salary wage earned by the employee during the accounting year or one hundred rupees whichever is higher. In matters of maximum bonus every employer shall bound to pay bonus which shall be an amount in proportion to the salary or wage earned by the employee during an accounting year subject to a maximum of 20 per cent (India, 1965).

4.3. Labour Welfare in the Neo Liberal Era

The tranquil mood of the plantations was shattered by the liberalization policies initiated during the 1990s. Institutions such as the World Trade Organization (WTO) ensured that the protective walls of trade and non-trade barriers were pulled down, exposing even the poor women plantation workers to fierce international competition. As the protective barriers came down, prices were dictated by factors such as international supply and demand. Globalisation ensured a seamless flow of goods and commodities across international frontiers. The workers at the lowest level of the value chain paid the heaviest price while those up the chain, such as processors, packagers and marketers, were relatively less hit by the crisis. As the markets have changed, so have the producers. Some of the well-integrated companies such as Tata Tea have moved out from the production and processing business to concentrate on the high margin areas of grading, packaging and marketing. Yet others like the Kannan Devan Hill Plantations Company have shown how even the production and processing operations can be carried out successfully through efficient management through participatory management, with the workers holding the biggest block of shares in the company.

There are thousands of plantation workers in India who have lost their basic source of livelihood in the liberalised era. In the dawn of Liberalization, Privatization and Globalization (LPG) with growing emphasis on flexibility and downsizing in the name of reorganization of work, labour market institutions particularly trade unions have been under severe threat. Historically trade unions have been instruments of class struggle, having anti-capitalist and pro-worker ideology. In India the miserable condition of workers, resulted the origin and growth of trade unions (Bhangoo, 2006). Corporatisation, Globalization or trade liberalization is a process of destroying employment, environment, hijacking public wealth, both in the form of natural resources and assets, subverting democracy and usurping power. Consequently, there has been a growing divide between the rich and poor especially in countries like India.

In India, Globalization is being driven by market expansion /opening national borders to trade, capital, information outpacing governance of these markets and ignoring the common people. Inequalities between the rich and the poor have increased tremendously. The sovereignty of the nation and the equity of its development programmes are being sacrificed at the altar of Globalisation. World bank and International Monetary Fund (IMF) set the stage for 'corporate takeover'. In the country, this process of take over was complete in 1995 when India submitted itself to being a member of the newly formed WTO following the conclusion of the Uruguay Round of talks (Iyer, 2005). Under LPG, the World Bank, WTO and IMF regime, trade is more unfair than free. Here trade is monopolised by trans-national corporations (TNCs) and multi-national corporations (MNCs) without any strong regulatory mechanisms. The regulatory mechanism monitored successfully by the government of the country during the welfare era has disappeared. On the basis of changes occurred in the world, changes occur in the labour relations in the national level also. Instead of national laws, which was supreme and successful in regulating and controlling the people in all walks of life for decades, changed to an umbrella of laws and regulations initiated by WTO and other international agencies came into existence. This scenario adversely affected the poorer sections of workers of the society including the plantation workers.

The most drastic outcome of Globalisation has been the robbing of the livelihoods of millions of workers, displacing their traditional job. Trade sanctions are being increasingly used by the developed nations in their bid to capture markets for their global corporate. The negation of workers rights attained through decades of trade union struggles came to an end. These reform process is not confined to the traditional sectors alone but it has extended to all fields of life both organised and unorganised.

4.3.1. The Governmental Machinery in the Liberalised Era

The globalised era created a world free from governmental control over business and opened market for foreign companies. This resulted in signing of various agreements not between the governments. The nation state lost some of its earlier significance. As a result of the agreements signed by the government such as General Agreement on Tariff and Trade (GATT), WTO, the country compelled to open the market for others, liberalise the economy and lifting up of import export barriers. Apart from this, the gradual withdrawal of state from welfare policies and became a mere spectator rather than an active participant in economic and international matters further worsened the situation.

Labour legislation became a national question with an international spectrum. In this era, the national government is not in a position to control the plantation sector. On the contrary the prices of goods and the wages of the laborer are determined on the basis of changes in the world. This is severe in tea plantations where the product faces challenges from other countries such as Kenya and Sri Lanka. Tea is imported from these countries with less price damaged tea industry. This created severe crisis in tea industry in India. This crisis has made a direct impact on plantation workers. Some of the management considered these changes as blessing in disguise. The management is not ready to accept the legible demands of workers. The welfare legislations such as PLA lost some its previous glory and significance.

4.3.2 Trade Union and Labour Welfare

Apart from governmental institutions, the informal organizations such as trade unions played or can play an effective role in matters of labour welfare. This should be more crucial in a plantation set up where the workers have to spend their whole life in and around plantations. Trade unions are the organizations of workers as well as employees formed to protect the interest of their members (Bureau, 2012). Traditionally trade unions have been considered as a resistance organization, defending the interests of workers. Trade unions have been taken root in the tea gardens against tremendous opposition from the management and since then, they played an important role in improving the condition of workers. Trade Union means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relation (a) between workmen and employers, or (b) between workmen and workmen, or (c) between employers and employers or for imposing restrictive conditions on the conduct of any trade or business. Trade unions are functioning as the representatives of the workers and they, with their strongest weapon of collective bargaining pressurise the government and the management for their day to day demands. This was not so during the British period where trade unions did not play any effective role. But the freedom from colonial rule ensured certain rights and privileges to trade unions with the help of strong and effective laws such as PLA and Minimum Wages Act. The welfare era is considered the golden era for the trade unions due to the freedom they received from the Constitution as well as independent Indian government. But the liberalised period, trade unions lost some of its previous glory and significance.

The passage of Trade Union Act, 1926 was landmark legislation in the history of trade unions of the country and which opened vistas for trade union rights in India. It is not a comprehensive document covering all aspects of labour welfare, but had created an atmosphere for the formation and working of trade union activities in India. The Act gave legal status to the registered trade unions for the first time in the country and conferred them and their members a measure of immunity from civil suit and criminal prosecution. This was the first labour welfare

measures taken by the colonial government in order to pacify the workers unrest and struggle especially in relation with Bombay textile mills.

A trade union should act as the main link between the estate management and the workers. It is an organisation confronting the management with grievances and demands of the workers. The principal function of trade union is to act as a channel to protect and resolve the grievances of the workers. Unlike the trade unions in other sectors, the spectrum of trade unions in plantation sector extended to all matters of workers. While working in the field they are facing the problem wages, bonus, gratuity, duration of work etc., when they are off the field they are facing different problems in their home such as the facilities in the house, availability of drinking water, maintenance of their house, education of their child etc., These problems make the trade unions of plantations different from other trade unions.

In India trade unions came up after the recommendation of a comprehensive labour code by Rege committee⁴. The Plantation Labour Act passed in 1951 by Indian Parliament in time with the recommendation of the Rege committee. The plantation workers are well aware of the benefits of unionization and assessed the condition of workers without an organized force. This realisation by plantation workers eventually results the formation of trade unions and became members of one or another trade union. The workers themselves played a vital role in pressing their demands and this further led to the growth of unions.

4.3.2.1 Trade Union Movement in India During the Colonial Period

Unlike western countries, trade unionism developed in India both in industrial and agricultural fields simultaneously. In India, trade union movement has been considered as the product of industrial development happened since the World War I. Before independence, trade unions in India were bound to follow the guidelines of Government of India's Factory Act 1881, which was not a perfect act to protect the interests of workers. The system of collective bargaining was totally absent in those days. In these circumstances Narayan Meghaji Lokkande led a labour movement and formed Bombay Mill Owners Association.. In 1918 trade

union movement in India became more organized. Followed by the inspiration received from this, trade union movement flourished in tea plantation industry. The first of this type came into existence in the tea industry of West Bengal in 1946.

The first organized Trade Union in India in the general category named as the Madras Labour Union was formed in the year 1918. In 1926, the Trade Union Act was passed which was a landmark in the history of Trade Unions in the country. The Act gave legal status to the registered trade unions. Through this Act, the workers of the country had received some sort of relief and had opened a favorable atmosphere for the creation of trade unions. Although the trade unions were monitored and controlled by the colonial government, it was considered as a new beginning for the workers' organized life. The period followed immediately after World War 1 was marked by industrial disturbances in India. There was a collective and unified demand from the working class for higher wages appeared in different organisations. They not only demand higher wages but organised themselves to launch marches and demonstrations in public. This ultimately paved the way for the passage of Trade Union Act of 1926 (Nair, 2006). Before the emergence Trade Union Act of 1926, some sort of organization was there for the management, in the tea plantations. Formation of Tea Association was one such organisation. The tea planters formed an association named Indian Tea Association (ITA) in 18 May 1881, with its headquarters at Calcutta for promoting their common interest and objectives. Subsequently many associations were formed in various tea regions of North and South India.

4.3.2.2. Trade Union Movement in Tea Plantation sector of Kerala in the Colonial Period

The history of tea plantation industry in Kerala like in other parts of the country can be grouped into three periods. The first stage was during the British period. During this period the worker's rights were subjugated by British rulers and their working conditions were regulated by them. The workers were considered just like slaves and they were compelled to work in adverse situations without any service benefits. The passing of Trade Union Act, 1926 by the British Government

as a result of strong pressure from the workers, was a landmark in the history of Trade Unions in the country.

The State of Kerala accounted for the highest membership of central and state unions (3633948 persons) followed by Assam (1388792 persons). Women members accounted for 29.54 per cent of the total membership of central and state trade unions. Amongst state unions, the membership of women workers was the highest in Kerala (1504056) followed by Assam (557970). Amongst central unions of women workers, Kerala accounted for the largest membership (67986) followed by Uttar Pradesh (12190) (Bureau ,2012).

While examining the trade union activities during the British colonial period in Kerala, we came to know that there was no freedom for union activities though the Trade Union Act made its presence in 1926. There was no democratic space for union activities. There is difference of opinion regarding the origin of trade union movement in Kerala. One version of argument says that organising labour in the coir industry in Alapuzha began in the early 1920s. The organisation was known as the Travancore Labour Association (TLA). Though the first coir factory was reported to have been established in 1859 by James Darragh. The wage rate before the World War 1 was only four *annas* a day. Soon piece rate was introduced and workers were compelled to work from dawn to dusk. Heavy fines and penalties were imposed even for small mistakes or misbehaviour. In 1920, a famous strike was launched by the workers in the factory M/S Harrison & Crossfield workers in order to register their protest against increase in prices of goods as well as low wages given to them. The leaders of the strike met and proposed to start a union named Travancore Labour Union (TLU). They proposed to limit the working hours 9 hours per day starting from 7 a.m. 12 a.m. in the morning and 1 p.m. to 5 p.m. in the afternoon with one hour lunch break. Their proposal also includes the restricted working time in Saturdays from 7 am 12 pm in the morning and 1 pm 3 pm in the evening. They demanded 50 per cent wage increase and double the wages if the workers engaged in holidays work (Nair, 2006).

Travancore Navika Thozhilali Union was a glorious milestone in the history of trade union movement in Kerala. After Alapuzha, Kollam has been considered as the second most important center of trade union movement in the Travancore state. The TLA in Alapuzha and Kollam Labour Union were the oldest trade unions in the state. The TLA got transformed into Travancore Coir factory Workers Union and Kollam Labour Union became the Kollam Factory Workers Union. Both these organisations inspired working class mobilisation in their respective areas.

The TLA was first trade union to get registration under the Travancore Trade Union Act of 1937. On registration, the TLA was renamed as Travancore Coir Factory Workers Union (TCFWU) and they demanded twenty five per cent increase in wages, standardisation of wage rates for different work, improvement of working condition in factories, abolition of contract labour, prohibition of unauthorised deduction from workers wages by *moopan*, jobbers, contractors etc.,. Under the inspiration of the formation of TCFWU, workers in various job sector had formed trade union and they got affiliated to the All Travancore Trade Union Council (ATTUC) T.V.Thomas was its president and R.Sugathan its secretary. On 27th October 1946, ATTUC raised some issues that the workers were facing and deferred bonus as deferred wage, twenty five per cent increase in their wages, maternity benefit to women workers, accident insurance benefit and Payment of Wages Act.

In Malabar region the thrust for the unification of trade union was strong. In response to this sentiments, a meeting of All Kerala Labour Congress (AKLC) was held at Kozhikode, was part of the first conventions of Congress Socialist party (CSP). Sixteen trade unions were participated in the conference. Maniben Kare, a leading trade union leader from Bombay presided over the function. The leaders such as P.Krishna Pillai and A.K.Gopalan represented various unions and R.Satyan represented Travancore Labour Association (TLA) (Nair, 2006). Trade unions in the early years of Indian independence lacked clarity over their functioning. But in due course of time, they attained great strength and clarity of work. Trade unionism in 1960s was entirely different from 1930s and 1940s. In the earlier days leadership emerged from the working class itself. But by 1930s and 1940s the working class

were subjected to political mobilisation by those outsiders who wanted to fight the British, the Dewan and the Raja.

The success of any trade union depends upon many factors. Leadership is prominent among them. It is quite ironic to say that the vicinity of strong leaders was seen in the plantation sector when trade union right was not there. But in due course of time, the leaders have lost some of their credibility among the rank and file of the workers. This has taken place in different reasons. The union leaders have been taken little interest in the various needs of the workers. The mere increase in wages is naturally not sufficient to enable the workers to build a better house. The unions have failed miserably to make management to implement various provisions of labour friendly legislations including PLA, 1951 (Presenneswari, 1984).

The broad objectives of the trade union, their day to day union activities, programmes, policies and style of action are generally determined by the leadership. They act as the communicating link between the management and the rank and file of workers (Sarkar, 1996). Leadership is considered as the most important factor required in an organized type of working atmosphere. The plantation sector is not an exception. In plantation sector the presence of agricultural and industrial laws are clearly visible. It has been considered the habitat of migrant, illiterate and marginalized communities, workers are less educated and some of them have no education at all. Majority of workers are lay men recruited from different parts of the country. They are not capable of understanding the complexity of laws and procedures regulating them. Here leadership can play a decisive role. The leaders may co-ordinate, control, direct, guide or mobilise the efforts of others (Ghosh, 1993).

There are two types of leaders in the plantation sector, one is the local leaders and the other is the central leaders. Local leaders are their co-workers, neighbors and more often belong to same ethnic group where as the central leaders are outsiders. Thus the relation with leaders with the workers is based on two different ways-one is very close knit free leadership and the other is not so close, rather a formal relationship. More over the central leaders are more educated and

socially upgraded than the local leaders (Sarkar, 1996). The attitude of workers, towards the leaders is different. In the researcher's interaction with the workers, most of the workers opined that the inside leaders can manage the minor activities successfully without the central leaders, but while facing any serious problem, the presence of central leaders is a must. The general workers and the local leaders are not capable of taking any major decisions as they are not sufficiently educated and experienced; they are not fully aware of the rules and regulations of the plantation. The local leaders feel shaky when they are talking to the management or the government's representative.

4.3.2.3. Trade Union in the Welfare Era

After attaining Independence in 1947, the character of the Indian state had changed. The new government's attitude towards the working class was more favourable than that of the earlier colonial one. Trade Unions were allowed to organize tea plantation workers. However the hope of workers to secure better facilities and wages from the national government were not realized. There was large scale unrest and strikes and lockouts multiplied. The disunity in the trade union ranks was aggravated by the starting of three central labour organizations, namely, the Indian National Trade Union Congress (INTUC) in 1947, the Hind Mazdur Sabha (HMS) in 1948 and the United Trade Union Congress (UTUC) in 1949. In the early 1960's, under the leadership of Dr. Maitree Bose, another union known as National Union of Plantation Workers was formed. The spectacular feature of all the first three trade unions is their respective political affiliation. Here the workers enjoyed freedom and the Independent Indian government had a pro-labour stand towards the workers. This can be clearly visible in plantation industry. Furthermore the passing of Plantation Labour Act in 1951 safeguarded the interest of workers. Apart from this Act various measures and policies had been taken by the government to improve the working atmosphere of plantation labourers. These include Minimum Wages Act, 1948, Prohibition of Child Labour Act, 1986, Maternity Benefit Act, 1961, etc.,.

The freedom from colonial regime had resulted in the introduction of trade union rights and privileges further cemented by the constitution. This was not only strengthened already prevalent trade union, but also paved the way for establishment of other trade unions in Kerala. Some of the trade unions formed after independence was Swathantra Trade Union (STU) and Centre of Indian Trade Union (CITU). The birth of STU came to happen in an informal manner. It was on December 8, 1951 when K.M. Seethi Sahib proposed the formation of working class organisation. On May 5, 1957 an organisation was formed with K.M. Haneefa Haji as the president. Since then the organisation has been functioning in a few parts of Kerala especially in Malabar region. This organisation is patronised by Indian Union Muslim League (IUML) of Kerala. In plantation sector this organisation shows its strength in Wayanad district, particularly in HML plantations of Achoor and Arappetta.

The presence of Communist Party dominated trade unions were not immediately seen at the time of Indian independence. There were lot of reasons for the lack of Communist Party patronaged trade unions in the early years of Indian independence. After independence Communist Party of India (CPI) was viewed with suspicion and this suspicion prevented the Communist party members to adopt independent way of functioning. This made the communist workers to initiate an alternative strategy of existence. They intruded in the Congress led INTUC for a few years after independence. The suspicion both by the British authorities and later by the independent Indian government towards the communists compelled the communist members to join congress led INTUC. In 1955 all the communist members of INTUC formed a separate trade union for communist members that is All India Trade Union Congress (AITUC) in Wayanad region with K.P. Gopalan as its president (Gopi & Kunnath, 2006). In 1964, there was a split in Communist Party of India and the workers continued their union activities under the banner of AITUC. But the AITUC pro-congress stand resulted in the creation of the Center of Indian Trade Unions (CITU) splitting from AITUC. The CITU is affiliated with Communist Party of India (Marxist) CPI(M) and the old CPI took control over AITUC.

4.3.2.4. Trade Union Movement in Plantations in Kerala

Very little has been written about the trade union movement in plantations in Kerala. In Travancore, plantation estates were established in around 1860 in the Veli hills under the guidance and direction of Vishakam Thirunal Maharaja and his Dewan (chief executive) Madhava Rao. In the last quarter of the 19th century plantations were established in Wayanad region also (Nair, 2006). Trade unions in Kerala started functioning in plantation sectors of Kerala with a clear and specific objective to fulfill the basic demands such as the regulation of work, protection of wages and bonus and creating a healthy living and working atmosphere. After their formation, trade unions organized different types of struggles in different plantations of the state. Some of their struggles did get the expected result while some others partially succeeded and a few of them were failed miserably. An analysis of trade union struggles in Idukki and Wayand Districts of Kerala are given below.

1. Struggles in Idukki

By 1940s the All Travancore Estate Workers Union had established its control over the plantation in the region from *Kulasekharam* in the South to Vandiperiyar in the North in Travancore. The trade union movement in the plantations in the High ranges covered such centers like Munnar, Devicolam, Peerumedu and Mundakkayam. Among the movements, first to enter was the AITUC and later by the 1950's the INTUC made its entry. The Communist Party led AITUC and Indian National Congress led INTUC controlled all the movements. The trade union movement not only contributed some changes in workers conditions but also produced some eminent leaders across unions. Some of the prominent leaders of AITUC were Rosamma Punnose, M.Sankaran Kutty, P.A.Solomon, R.Ramalingam, Kottayam Bhasi and C.A.Kurian. The prominent, INTUC, leaders were K.Karunakaran, R.Kuppuswami, N.Ganapathyapathy and A.K.Moni (Nair, 2006). After 1957 the Revolutionary Socialist Party (RSP) led United Trade Union Congress (UTUC) was also made their presence in the struggle. The other trade unions like CITU, Hind Mazdoor Sabha (HMS) and BMS were also established their presence in later years in the selected areas.

2. Movement at Peerumade and Mundkkayam

In the early 1920s attention of the Travancore government has been drawn to the evils of *Kangani* system prevailed in the plantations. Working hours in many estates had no ceiling, whenever the planters wanted, the workers had to provide their labour power without being questioned, but some estates had fixed 12 to 13 hours of workload for a day. The workers used to get exhausted with hard labour and they were often punished severely so that good number of workers lost their lives during their work. In such cases the estate supervising staff would ask the other workers to dig a hole and dump the dead body in it. Anyone showing sympathy would be severely punished. Under these circumstances, nobody came forward to register their protest directly. The government sponsored revenue and police officials protected the management rather than the workers. So the workers led a fearful and miserable life (Nair, 2006).

3. Struggle in Wayanad

Wayand was originally part of British administered Malabar district. It was known as the vibrant centre of tea and coffee plantations. Wayanad has a different socio-political and economic environment which made significant influence on the character and behaviour of both employees and workers. The conditions of life and labour in the Wayand estates were inhuman. The workers led a slave like life and the estate owners and planters treated them with repressive measures (Nair, 2006). When communist party was banned in 1948 immediately after independence the activities of AITUC was curtailed and INTUC operated freely which resulted in the growth of INTUC led Malabar District Estate Workers Union. The AITUC started to mobilise the workers in 1946. The leaders such as A.K. Gopalan inspired the workers. The prominent leaders of INTUC in this district were C.K. Govinden Nair and P.K. Gopalan. Since 1968, Wayanad witnessed the emergence of working class solidarity cutting across political ideologies and the credit goes to leaders like V.N. Shivaraman (A.I.T.U.C), P. Kunhikannan (C.I.T.U) and P.K. Gopalan (I.N.T.U.C). As a result of their agitation, the working hours were regulated to 8 hours a day, The Factory Act, 1948 etc, were passed. Apart from regulation of

working hours, they concentrated on the matters of salary and bonus. The constitution of Plantation Labour Committee (PLC) represented by trade union leaders, management and the government is itself a success for trade unions. Over the question of bonus, they all demanded 20 per cent of bonus every year, but the management provided certain amount of bonus on different occasions. With the active involvement of trade unions, the management provided certain living space for the workers. At present the plantations in Wayand region are on the decline due to many reasons. The adverse trends in product prices, liberal cheap imports, decline in India's share in global markets, high incidence of taxes, unplanned expansion of poor management of estates are a few reasons for this (Nair, 2006).

4.3.2.5 Trade Union in the Globalised Era

In the era of LPG, TNCs and MNCs bring their own ideology and labour relation standards to where they invest. In such a scenario with growing emphasis on flexibility and downsizing in the name of reorganization of work, labour market institutions particularly trade unions have been under severe threat. New economic environment not only in India but throughout the world is not hospitable to trade unions and they are no longer capable of protecting the interests of their members (Bhangoo, 2006). Such an environment with its low degree of union organisation, weak social and labour legislation and insufficiently developed system of collective bargaining the trade union lost their earlier significance. In such a situation the employer prefer a union free environment in their enterprise (Scherbakov, 2002). Many factors like the withdrawal government in labour welfare programmes, the the emergence of MNCs and TNCs and the casualisation of workers attributed to the declining of role of trade union in the globalised era.

The LPG had created a space for TNC s and MNCs to function freely without any governmental interference. Before the entry of LPG, the presences of permanent and temporary workers in the plantation sector were widely seen. The temporary workers became permanent after the completion of certain days of work. Here every temporary worker has certain hopes of their work. But the casualisation brimmed their scope. Some of the casual workers are recruited from other states

such Bihar Orissa, Jharkhand etc., and these workforce do not have enough class consciousness and their work is purely based on temporary basis. These workers are brought by agents and a new type of *kankani* system emerged in the plantation system. Consequently, the trade union movement once considered as the vanguard of participatory democracy and social justice, now losing its glory and status, particularly in tea plantation industry. Now the organised labour has reached a critical stage and little bit suspicious whether they can continue its earlier roles as a vanguard of labour (Cracy, 2006). Globalisation has affected the world wide scenario and the way in which the world economic system functioned. Economies which were previously cushioned from external shocks are now facing the impact of fluctuations of global markets. Structural adjustments programmes are undertaken. There is increase of mergers and takeovers in industry, weakening of antimonopoly laws and rise of global consumer markets (Ernesto, 2003).

Privatisation, liberalisation and deregulation are more or less the accepted norms in the world. Countries in order to avoid economic and political marginalisation are opening up their economies. International Labour Organisation (ILO) points out that in this changed environment, especially in a climate of tough competition, monetary discipline, privatisation of utilities and public enterprises, and deregulation of labour markets, the government feels less need to take account of the views of trade unions (labours). Free trade zones are being established since 2001, by providing exemption of taxes and duties and from the rigorous of labour laws. According to Smith, “global competition has increased due to pressure on companies to maintain market share and regulatory regimes weakening. This has increased the pressure to maintain labour standards and lower wages across the world” (Smith, 2018). Flexible production arrangement has become a norm. Part time work, casual employment, agency work, self -employment and unemployment have become common. Global competition has encouraged outsourcing, of plants, relocating the plants abroad, removal of subsidies. As a result of these factors labour is being disempowered. There is the organised workforce, trade unions are becoming weak and their leverage is also declining (Roy, 2004).

Organized workforce is decreasing. Globalisation has compelled the developing nations to carry out structural adjustments programmes. These things have made an adverse impact on their workers. Due to closure of units, shrinkage in public sector employment, reduction different activities of governments resulted loosing of job opportunities in developing countries of the world. Competition has forced restructuring of job sector. This includes labour restructuring leading to massive level of unemployment in different forms. The most vulnerable sections of the society, the poor, women, children and the old people suffered heavily. A new global stratification is also taking place as Guy rightly pointed out. According to him, “a feature of stratification is that of people are detaching themselves or are being detached national regulatory and protective system” (Guy, 2002).

Thus, structural adjustment programmes being earned out in the wake of globalisation has, besides having other repercussions, led to flexible production arrangements-organized workforce on a decline; weakening of trade unions; real wages falling and increased unemployment in different forms. Globalisation has also affected the Indian industry in many ways. In order to remain competitive, managements have introduced flexibility by restructuring companies, not employing permanent category workers, closing down units, departments, transferring jobs from bargainable to non-bargainable categories, introducing functional flexibility, putting pressure to increase productivity, opening parallel plants, employing contract workers and subcontracting out production. In order to keep the company small the trend is to outsource work as far as possible. Units are being relocated in interior places reducing the power of the unions. Voluntary Retirement Services (VRS) is being resorted to the workers. Trade unions have been forced to give up or curb gain and accept job loss due to threat of industrial closure. Norms relating to work load have gone up. Thus globalisation and liberalisation have created an enabling environment for cutting down regular, salaried jobs in organised sector through VRS, contractual employment, sub-contracting, outsourcing, féminisation, etc. and weakening trade unions. Link between the trade unions and political parties is weakening which reduces their economic strength and political influence.

4.4. Other Promotional Agencies of Labour Welfare

There are some other agencies working for the promotion of the tea industry. The agencies such as PLC, Tea Board and the United Planters Association in South India (UPASI) are engaged in the improvement of tea industry. The first two of the below agencies are governmental agency where the representatives of management, workers and the government collectively take decisions and the third one is purely an NGO, working for the promotion of management and the last one was constituted to protect the workers in general.

4.4.1. Plantation Labor Committee (PLC)

The Chairman of this committee is the Labor Commissioner and the Chief Inspector of Plantations as convener. The trade union representatives and the representatives of management are equal in strength. Many occasions Labor Minister of the state itself attends its meeting. The PLC met regularly on the demands of workers or the decisions of the government. The main duty bestowed upon them. The PLC took decisions in matters of bonus, wage fixation and revision, abolition of kangani system, recruitment of casual labourers, gratuity scheme for plantation workers, allowances and other various benefits, charter of demands for workers in plantation industry and other issues related to general welfare of plantation workers.

4.4.2. Tea Board

Tea Board was constituted in April 1954 under section 4 of the Tea Act, 1953 (India, 2016). The board consists of a chairman and 30 members appointed by the Government of India representing different sections of tea industry. The thirty members of the board are; Three members represent Parliament, eight members representing owners of tea estates, six members represent government of tea growing state. Two members represent dealers including exporters and internal traders of tea. Five member represent labor union. Two members represent manufactures of tea. Two members represent consumers, and the remaining two members represent the other interests.

The duties of the board are performed through different committees such as Executive committee, Export Promotion Committee, and Labor Welfare Committee. The Executive committee comprising of nine members including chairman deals with the administrative matters of the board. The Export Promotion Committee comprising of seven members including the chairman, who advises the board on export promotion issue and monitors implementation of various promotional schemes being implemented by the board. The Labor welfare committee comprises of nine members including chairman advises the board on issues relating to labor welfare measures which are not covered under PLA 1951. This committee guide the Board in implementation of various welfare schemes for the benefit of the plantation workers and their wards. The Development Committee comprises of seven members including the chairman advises the board on issues relating to improvement in the tea production and productivity and this committee is responsible for overseeing the various development schemes run by the board.

The board performs different kinds of work in promoting tea industry in India. The first one is that it is rendering financial and technical assistance for cultivation, manufacturing and marketing of tea. Secondly it performs the duties of registering and licensing tea manufacturing, brokers, tea waste dealers and persons engaged in tea business of blending tea etc., Thirdly the Tea Board is aiding research and development activities for augmentation of tea production and improvement of tea quality. Fourthly it extends financial assistance to the plantation workers and their wards through labor welfare schemes. Fifthly it involves the function to encourage and assist both financially and technically the unorganized small growers sector; it also performs the function of collection and maintenance of statistical data and publication. Lastly it engaged in such other activities as are assigned from time to time by the Central Government.

The head office of the Board is located at Kolkatta, West Bengal and is headed by Chairman and being assisted by Deputy Chairman based in Kolkatta and two executive directors who are stationed at Jhohrat and Coonoor. The Board has nineteen offices in India and three abroad. For the smooth administration and

functioning, tea board in the country organized in decentralized manner and established its regional offices in different parts of the country where tea is produced. The regional offices are located in Kolkatta, Coonoor, Coimbatore, Kochi, Kumily and Gudaloor, Jorhat, Dibrugarh, Guwahati, Tezpore, Silchar, Agartala, Ithanagar, Siliguri, Jaipalguri, Kurseong, Mumbai, New Delhi and Palampur. With an objective of worldwide promotion of tea, Tea Board established three overseas offices. It is situated in London, Dubai and Moscow. All these foreign offices of the board are designed to undertake the various promotional measures to boost up export of India in tea.

The Board has been extending towards certain labour welfare measures for tea plantation workers and these measures are confined to those areas which are not covered under PLA 1951. The welfare branch of the board implements the Human Recourse Development Scheme for the benefit of tea plantation workers and their dependents. The support extended through the scheme is supplemental in nature and cover such areas not specifically addressed by the PLA 1951 and the rules framed there under. The activities of support fall under three broad heads - health, education and training.

4.4.3. United Planters Association of South India (UPASI)

The urge to unite for a common cause in the plantation sector traces its origin way back about more than a century ago gave birth to UPASI on 28th August 1893. Thirteen District Planting Associations assembled on 28th August 1893 in the Mayo Hall, Bangalore for a united organization; thus the United Planters' Association of Southern India was formed. The prime purpose for the establishment of this organization was to promote tea industry and indulge in tea research activities by organizing different plantation into a common platform. The relationship between UPASI and scientific research on plantation crops cannot be separated since its inception. In pre-independent era, until 1924, UPASI depends on the financial assistance provided by the then state governments of Madras and Mysore Durbar for agricultural research on plantation crops.

The UPASI Tea Research Institute is located near the Nirar Dam in Valparai, in the Anamallai Hills in Coimbatore District, Tamil Nadu while the administrative/registered office located in Coonoor, the Nilgiris. The UPASI Tea Scientific Department witnessed a very important event in 1999. The UPASI found it necessary to form a separate Tea Research Foundation (hereafter TRF) for better administration of scientific research pertaining to cultivation, production and processing of tea and other allied aspects. Management of the UPASI-TRF vests with the Board of Trustees whose tenure is for three years. The Board of Trustees consists of members not exceeding fifteen and they have to be nominated by the Executive Committee of UPASI. On the government side it consists of two representatives of the Government of India nominated by the Ministry of Commerce and three representatives of the Tea Board, including the Chairman, Tea Board. However, the day to day administration of the Foundation is carried out by the Management Committee, consisting of the six members of the Board of Trustees (nominated by UPASI) and two members of the Board of Trustees (nominees from Ministry of Commerce and Tea Board) besides the Director, the TRF have an ex officio member and the Secretary General of UPASI is the Secretary of the TRF. At present the UPASI TRF comprises the Tea Research Institute at Valparai and its six Regional (Advisory) Centres at Coonoor, Gudalur, Koppa, Munnar, Meppadi and Vandiperiyar as mentioned earlier.

4.4.4. *Labour Welfare Department*

Labour Welfare Department is functioning for the promotion of workers of in the plantation in of Kerala. The functions of this department can be classified into three viz., industrial relations, enforcement and quasi-judicial functions. The disputes can be settled through the process of negotiation and conciliation. If this process failed, the matter is referred to adjudication by labour Courts or Industrial Tribunals. Although, the decisions or settlement of the industrial relations councils are not enforceable by law, enforcement of the various labour legislations is mainly carried out by more than 100 Assistant Labour Officers (Grade II) and 10

Inspectors of plantations. All the deputy labour commissioners except deputy labour commissioner are acting as authority exclusively dealing quasi-judicial functions.

4.5. Conclusion

From the above analysis we may say that the labour welfare mechanism prevalent in tea plantations industry in different periods has not been fully effective. In the British period, the colonial government had paid little attention towards the problems facing the workers. Even the basic rights of workers were denied or curtailed. The government considered the workers as not an integral part of the establishment, instead treated them as slaves. To them workers should perform work from dawn to dusk without questioning. Some isolated protests was there, but these were neglected or suppressed. But after independence, the Indian government, as part of its welfare policy, introduced many reformatory laws in the initial years of India's independence. The acts such as Minimum Wages Act, 1948, The Factory Act of 1948, and PLA, 1951 are few examples to this. The new government paid strong attention towards the workers problems. But in due course of time the leaders became part of the establishment and discarded the working community and more often favored the management.

The informal agencies like trade unions played their respective role in the welfare era. With the strong support from the government, they successfully intervened in labour problems like wage issues, bonus issues and regulation of working hours and came out with success. But the present era trade unions are also facing many problems. They lost partially their strongest weapon of collective bargaining. Instead of collective bargaining, collaborative bargaining came into limelight. As far as trade union activities in plantations are considered, it began its activities during the British colonial era. During this period, trade unions did not enjoy enough freedom. They did not have any specific role to perform. The workers are bound to accept the demands of the employer. There was no effective protective mechanism to look after the workers. The dismal performance of trade unions resulted severe exploitation of workers by the plantation owners. In this context, the advent of LPG further curtailed the bargaining power of trade unions.

They lost some of their powers such as collective bargaining. The rush of MNCs and TNCs in the domestic atmosphere and some of the international agreements by the government adversely affected trade union activities. Apart from this the plantation sector became a less attractive job sector and the management and the plantation owners do not pay much attention to make the job attractive. The regulatory mechanism failed to provide worthy things to the workers. The industry also faces so many challenges from outside the country due to the opening of the market. All resulted in making tea plantation jobs less attractive to the workers. Even the trade unions and their leaders failed to address the workers' problems effectively. Only through a joint venture, these problems can be sorted out, failure of which would definitely paralyse the industry and destroys the vital job opportunity for ever.

Notes

- I. The factories Act, 1948 Act No.63 of 1948 passed by the Parliament on 23rd September 1948.
2. In the past the plantations were facing shortage of labour. At that time the management authorizes some middle men to brought the workers in different parts of the country. This task was fulfilled by the *Kanganis*. Kanganis was a middlemen, more often acted as maisteries in the plantations, authorized by the management to brought the workers. In response to this work they earned commission. These commissions were met out of the wages of the labourers.
3. Daniel was a doctor by profession served more than 30 years in different hospitals of idukki fought against the inhuman attitude of the management towards workers welfare and after the end of his profession; he became an activists and travelled all around the estate for organizing the workers.
4. Labour Investigation (Rege) committee 1944-45 recommendations aimed to improve the evils associated with factories. The commission pointed out the defects of recruitment system prevailed in plantation and recommended direct recruitment instead of kangani type system of recruitment. Later policy makers, while framing PLA, 1951, greatly influence the recommendation of Rege committee.

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CHAPTER V

HUMAN RIGHTS OF TEA PLANTATION WORKERS OF HML: AN ANALYSIS

5.1. General Status of the Respondents

In this chapter an attempt has been made to understand human right situation prevailed in HML tea plantations in Kerala. In this regard opinion from workers, trade union and political party leaders have been collected. In order to cross examine the data, opinions from some management staff is also sought. As a pre-requisite for understanding the problem, the profile of the respondents and their socio-economic background have also been analyzed. The general status of the workers provides some basic statistics about the sample that the researcher has taken for his study. This includes the sample distribution to different plantation estates, gender status, religious composition, occupational status and caste status. Apart from the general data; the other empirical data are collected with the help of scheduled questionnaire and structured interview.

Table 5.1 of below is a brief illustration of the general profile of the respondents. It shows the category wise classification of the respondents based on gender, age, religion caste, education and the type of job. In terms of gender, 34.5 per cent of the respondents are male and the remaining 65.5 per cent of them belong to female category. With regard to age, 1.97 per cent falls below the age group of twenty five, 16.12 per cent belong to the age group of twenty six to thirty five, 33.72 per cent falls within the age group of thirty six to forty five, 42.76 per cent falls between the age group of forty six to fifty five and 5.59 per cent of the respondent is above fifty five years of age. The profile also covers the religious and caste wise data of the respondents. The religious composition of the respondents shows that 49.01 per cent of the respondents belong to Hindu religion followed by Muslims 29.94 per cent and Christians 21.05 per cent. The caste wise classification shows the dominance of marginalized communities in the plantations. A strong presence of

SC community is very apparent in this field with 36.18 per cent representation among the total respondents. Surprisingly, the presence of ST community is very nominal and contributes only 3.29 per cent to the total workforce. Other backward classes of Hindu constitute 9.54 per cent. The literacy level of the respondents as per the above table 5.1 shows that 9.54 per cent of the respondents are illiterate. A major chunk of the respondents, 64.8 per cent, acquired primary education and 23.36 per cent has acquired high school qualification. The study revealed the desperate reality that only 2.3 per cent of the respondents have attained Pre-degree/Plus two qualifications. None of the respondents has attained higher or professional qualification.

Table 5.1
Profile of the Respondents

Gender			Age wise distribution of the respondents					
Male	Female	Total	Up to 25	26-35	36-45	46-55	Above 55	Total
210 (34.53%)	398 (65.47%)	608 (100%)	12 (1.97%)	98 (16.12%)	205 (33.72%)	260 (42.76%)	33 (5.43%)	608 (100%)
Religion wise distribution of the respondents								
Hindu		Islam		Christianity		Others		Total
298 (49.1%)		182 (29.94%)		128 (21.05%)		0 (0)		608 (100)
Caste wise distribution of the respondents								
SC	ST	OBC(H)	OBC(M)		Others		Total	
220 (36.18%)	20 (3.29%)	58 (9.54%)	182 (29.94%)		128 (21.05%)		608 (100%)	
Education wise classification of the respondents								
Illiterate	Primary	High School	PDC/HSC		Others		Total	
58 (9.54%)	394 (64.80%)	142 (23.36%)	14 (2.30%)		0 (0%)		608 (100%)	
Job wise classification of the respondents								
Field worker	Factory worker		Supervisor		Others		Total	
473 (77.80%)	121 (19.90%)		12 (1.97%)		2 (0.33%)		608 (100%)	

Source: Survey source

5.1.1. Religious Composition of People in Kerala

One of the chief characteristic features of Kerala society is the presence of people having different religious faith. People from Hinduism, Christianity and Islam are living harmoniously in this piece of land. The tea plantation sector is a small replica of the state. Table 5.2 below clearly reveals their representation. The overall percentage of workers shows some sort of similarity with the general population of the state.

Table 5.2

Religious Composition of People in Kerala

Religion	Frequency	Percent	Valid percent	Cumulative percent
Hindu	18,282,492,	54.73	54.73	54.73
Islam	8,873,472	26.56	26.56	81.29
Christian	6,141,269	18.38	18.38	99.67
Others	108,828	0.33	0.33	100.0
Total	33,406,061	100.0	100.0	

Source: Senses 2011

As per the general senses 2011 shown in table 5.2 of the above, the percentage of religious representation of the people in the state of Kerala is different from rest of the country. The Hindu religion is the dominant religious community in the state representing 54.73 per cent of the total population. Standing second in the percentage level is the believers of Islam. They constitute 26.56 per cent followed by Christian 18.38 per cent. It is a notable thing that the combined strength of minorities' communities is just near the percentage of Hindu community. The minority communities such as Islam and Christianity together represent 44.94 per cent. It is very interesting to note that the presence of other religious communities is very less in the state. They only constitute 0.33 per cent of the total population. Like the general population of the state, the plantation labourers are also consists of workers from three different religions.

5.1.2. Religious Composition of Workers in HML Plantations

In the state of Kerala, tea cultivation is primarily concentrated in Idukki and Wayanad districts. In the early period majority of tea plantation workers were migrant labourers came from other states and the people from other states and settled in the plantation sector. Now most of those people are assimilated to the native culture, though still they have very strong roots in different parts of Tamilnadu. The forefathers of plantation workers in Idukki belong to Kambam Teni, Madurai and Thiruchiraippally¹. Some of the plantation workers of Wayanad were the inhabitants of Nilgiry in Tamilnadu and the rest of the workers were migrated from different parts of Kerala.

What is noticeable in tea plantation sector of Kerala is the representation of different religion. People from different religious faith is working in tea plantations of HML in Kerala. Workers religion wise percentage is almost similar to the population of the state. Hindu religion is dominant in all the estates of HML except in Achoor. But the strong presence of other religions can also be seen in the above estates. Multi religious faith in the job sector differentiates HML tea plantations of Kerala from job sector in other parts of country. But this does not mean that every community is equally represented, but overall data shows their representation clearly in par with the general population of the state.

Table 5.3
Religious Composition of HML Workers in HML Plantations

Religion	Achoor	Arappetta	Surianelli	Panniar	Total
Hindu	42 (14.09) [26.58]	76 (25.50) [47.5]	132 44.29 [80.48]	48 (16.10) [38.09]	298 [49.01]
Islam	114 (62.63) [72.15]	66 (36.26) [41.25]	2 (1.09) [1.22]	Nil	182 [29.94]
Christianity	2 (1.56) [1.26]	18 (14.06) [11.25]	30 (23.43) [18.30]	78 (60.93) [61.90]	128 [21.05]
Others	Nil	Nil	Nil	Nil	Nil
Total	158 [25.98]	160 [26.31]	164 [26.97]	126 [20.72]	608 [100.0]

Figures given in parentheses specify percentage distribution for the row and those in square brackets for column

Source : The Survey

As mentioned in earlier, religion is not at all a criterion for recruitment of workers in different estates of HML. This clearly reflected in the table 5.3 shown above. While analyzing workers religion, in estate wise, it is clear that the Hindu community dominates entire estates, except Achoor. The representation of Islam and Christianity are not equal in strength in different estates. The presence of Muslim community is very feeble in the plantation of Idukki, where as their presence is widely seen in different estates of Wayanad district. In Achoor estate, the percentage of Muslim community is 62.63 per cent which is larger than the percentage of Hindus (26.58%). The concentration of Muslim workers in Achoor and Arappetta estate shows different reasons. Mummy² points out the reason of Muslim concentration in Arappetta, Achoor and Chundale estate of Wayanad district. Majority of the Muslim community employed in different plantations of HML were hailing from Malappuram and Kozhikode districts. Malappuram was considered as one of the most backward districts in the state in terms of literacy and standard of living in the past. So the less skilled and illiterate people of Malappuram found the estate job as a means for livelihood and were a clear solution from the clutches of poverty. This compelled them to migrate to the estate nearby plantations along with their family.

Areppetta estate, which is considered one of the largest estates of HML, had representative from three different religions of the state. Hindu community had slight edge over its nearest Muslim community. Hindu community has 47.5 per cent representative and the Muslim community has 41.25 per cent among the total workers. Christian community which was less representatives in Achoor estate shows their presence here. Out of the total samples of the estate, 11.25 per cent of the respondent belongs to this category.

In Surianelli estate, the dominance of Hindu community can be seen in the job sector. They constitute 80.48 per cent of the total respondents. The presence of Christian community is only 1.82 per cent followed by Muslims 1.21 per cent. The data relating to religion in Panniar estate shows the Christian community is dominant surpassing the other two dominant religious groups. Christian community

constitute 61.90 per cent of the total sample selected from there followed by Hindus 38.09 per cent. It is interesting to note that the researcher could not find any representatives from Muslim community and others in the sample.

5.1.3. Caste Representation in Kerala

Like religion caste is not a determining factor for seeking employment in different estates of HML. The state of Kerala has not only the presence of different religions, but the presence of different castes as well. In religious wise representation, Hindu religion is dominant and within Hindu religion, it can found that different types of castes. Among the caste hierarchy some castes are considered forward and some castes are considered as backward on the basis of some parameters. Some of the castes are considered forward on the basis of their birth in a few communities and having better standard of living where others are considered as lower caste based on their birth position and status in the society. The following table clearly shows the caste representation in the state of Kerala.

Table 5.4
Caste Representation in Kerala

Caste	Frequency	Percent	Valid percent	Cumulative percent
SC	3,039,573	9.1	9.1	9.1
ST	484839	1.46	1.46	10.56
Eazhavas	6,981,867	20.90	20.90	31.46
Nairs	4,042,133	12.10	12.10	43.56
Namboodiri Brahmins	668,121	2	2	45.56
OBC(Hindu) other than Ezhavas	3,063,336	9.7	9.17	54.73
Islam	8,873,472	26.28	26.56	81.29
Christians	6,141,269	18.13	18.38	99.67
Others	108,828	0.33	0.33	100.0
Total	33,406,061	100.0	100.0	

Source: Collected from different sources

Table 5.4 shows the representation of caste and religious groups within the state of Kerala. The data shows that the representation of SC in the state is 9.1 per cent. The Scheduled Tribe communities constitute 1.46 per cent and are mainly concentrated in Idukki , Wayanad and Palakkad districts. Eazhava community, one of the dominant communities among the Hindus constitutes 20.90 per cent followed by other backward Hindus 9.17 per cent. The Nairs and Namboodiris constitute 14.10 per cent and others constitute 44.72 per cent of the total population.

Table 5.5
Caste and Community Representation of Workers

Caste	Frequency	Percent	Valid percent	Cumulative percent
SC	220	36.18	36.18	36.18
ST	20	3.29	3.29	39.47
OBC	240	39.47	39.47	78.94
Others	128	21.06	21.06	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.5 indicates caste wise representation of different communities in the estates of HML. Mani³ pointed out the prime reason of caste polarization in different tea plantations of Kerala. To him these people are marginalized and displaced from the so called main-stream society. They were not competent enough to fight with the other forward caste people in terms wealth, employment, education and standard of living. So these people found little solace in tea plantation estates. They believe that these plantations should ensure adequate living and working condition for them. This is one of the prime reasons for the lower caste concentration in the tea plantation of HML. Among the marginalized communities Scheduled Castes had a dominant position consisting of 36.2 per cent of the total respondents. The representation of scheduled Tribe (ST) is very less compared with their SC counterparts and their number is only 3.3 per cent. The presence of Other Backward Classes (OBC) is widely seen in HML plantations. Out of the total respondents, 39.5 per cent of them are OBC, the rest of the members belong to Christian minority

community representing 19.40 per cent of the total respondents. The data reveals an interesting fact about the workers of HML. All of them belong to either the category of marginalized castes or representing different minority religious communities of the state. In the field study, the researcher could not find the presence of any upper caste workers' representation. This clearly reflects that the HML plantations are the abode of marginalized and minority communities. Their standard of living and socio-economic condition is far below than the upper class people. So they opted this job for their daily bread and through which, they believe, they can improve their standard of living and remove poverty and unemployment to a certain level. Tea plantations provide employment for the lowest and weakest sections of the society for many reasons. One of the important reasons is that they are less educated and less skilled. So the management can employ these people with less money.

5.1.4 *Types of Job*

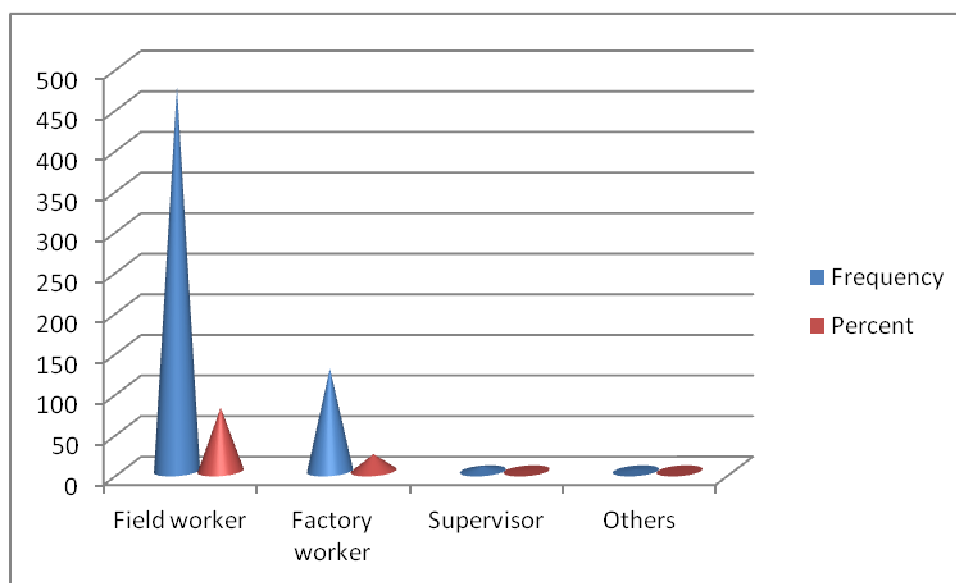
On many occasions the government and judicial institutions of the country defined the Right to Life and Personal Liberty contained in the Constitution of India. The Supreme Court on many occasions emphatically declared that the right to life includes life with dignity. For ensuring dignified life of the workers; types of job and status of job are essential requirements. The job in the plantation sector was not at all a dignified job during the colonial era, but considered somewhat dignified upto 1980s, but less dignified and less attractive during 1990s. Though the independent Indian Government introduced important reformatory laws such as PLA, 1951 and Equal Wages Act, 1948, many of the managements were reluctant to implement many of the welfare provisions of these Acts. The knowledge and understanding of trade unions about these acts are also inadequate and insufficient. In the globalised era the workers are not satisfied with the working conditions prevailing in tea plantations, yet they continue in this job with fewer wages and benefits because they have no other option. Apart from the globalised structure of the economy which proclaims more wages is less quantity of time, the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREG) might be the other reason for creating this job less attractive among the workers⁴.

Table 5.6
Types of job

Type of job	Frequency	Percent	Valid percent	Cumulative percent
Field worker	474	78.0	78.0	78.0
Factory worker	126	20.7	20.7	98.7
Supervisor	6	1.0	1.0	99.7
Others	2	.3	.3	100
Total	608	100.0	100.0	

Source: *The Survey*

Figure 5.1
Types of Job



Source : *The Survey*

Normally a worker in the plantation mean a person employed for hired or reward, whether directly or through any agency to do any work. The workers category consists of four types of workers. They are field workers, factory workers, supervisors and others. The table 5.6 and figure 5.1 shows the representation of workers. The field workers constitute majority among the workers. That is why majority of samples are from this group. Here 474 samples have been collected from them and which represent 78.0 per cent of total representation. Another category of workers found in tea plantations, apart from field workers, are the factory workers.

They constitute 20.7 per cent of the total respondents. Their work is to assist in tea making process. Tea making or production process has gone through different processes. These processes are strictly monitored by the factory manager assisted by supervisors and the factory workers comes the last category. Every factory has been running twenty four hours of work without any break. If they face any shortage of raw materials they bought it from private estates and from private individuals and sometimes from the nearby estates of HML. In some season the shortage of tea leaf automatically occur. In that case, apart from the sources mentioned above, they accumulate the leaf into one factory within the district. The factory workers are seen in a plantation where there are factories and are less in number. This staff employed in factories working on shift basis of 8 hours each. Majority of the workers of this category are male workers. Factory workers represent 20.7 per cent of the total sample. Next to field workers and factory workers there are some supervisor's category. They come in between the management and the workers. Supervisors target is to supervise the field workers. They represent six samples which constitute 1.0 per cent of the total sample. The other people such as nurses in hospitals ayahs and helpers in crush represent two samples and constitute .3 per cent of total samples.

Unlike other agricultural sectors the productivity of plantation labour was never a major consideration in determining wage rate. The plantation in its relation to the outside world was governed by market principle, i.e, the price of its product was fixed through the interaction of demand and supply (Bhouwmilk, 1980).

5.1.5. Status of Job

One of the chief attractions of plantation job in the past was the permanent status of job, the shelter and other welfare facilities provided to the workers'. The company provided labor quarters and medical facilities. Permanent workers shall enjoy all these benefits and the temporary worker would become permanent if they completes continuous job for 180 days. The prime attraction, for the plantation job, in the past was the availability of these benefits. Here trade unions were acted as

mediators to make avail these benefits to the workers. In such situations trade unions role was also considered inevitable by the workers.

Table 5.7
Status of Job

Status of job	Frequency	Percent	Valid percent	Cumulative percent
Permanent	530	87.2	87.2	87.2
Temporary	70	11.5	11.5	98.7
Casual	8	1.3	1.3	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.7 shows the job status of workers. Commonly the workers of tea plantation can be grouped into three categories. These are permanent, temporary and casual workers. The permanent character of the job makes plantation job very attractive. The plantation system provides permanent job for unskilled workers. Among the workers permanent workers represents 87.2 per cent. The presence of temporary workers can also be seen in the tea plantation but their strength is less and represents only 11.5 per cent. In the past, the workers of temporary category work with enthusiasm. Their main aim was to get their job permanent. The other category of workers in the plantation is casual workers. They represent a mere 1.3 per cent. Nowadays there is a tendency of shifting towards casualisation of labour in many of the plantations due to various reasons and this casualisation of work force is helpful to the management to transgress all the labour rules and welfare measures in majority of the plantations. What the management thinks that, if they employ casual workers, they can reduce the welfare expenditure. The casual workers are eligible to get a nominal daily wage without any additional benefits. Their wages are fixed and they can employ the workers whole day without any time limitation and without category of job.

5.1.6. Number of Family Members

The management of the plantations, since its inception itself, encouraged families than individuals. This has two purposes to serve. The first one is that they get the services of husband and wife in the job sector without the risk of additional recruiting. The second thing is that they can groom and train the children to fit for the job. The unskilled and the marginalised families find the job attractive due to many reasons. Important one in this regard was that they get a shelter which protects them from sun and rain. Though the condition of general community and their habitat improved substantially, the condition of workers in plantations remains the same .

Table 5.8
Number of Family Members

Number of family members	Frequency	Percent	Valid percent	Cumulative percent
1	4	.7	.7	.7
2	2	.3	.3	1.0
3	42	6.9	6.9	7.9
4	486	79.9	79.9	87.8
5	72	11.8	11.8	99.7
6	2	.3	.3	100.0
Total	608	100.0	100.0	

Source: The Survey

Table 5.8 above shows the number of members in the family of the respondents. The data reveals that only .7 per cent of the respondents have single member in their family; the.3 per cent of the families have two members and the 7.9 per cent of the families have 3 members. Normally majority of the respondent have families consists of four members, i.e., husband, wife and two children. They constitute the majority representing 79.9 per cent. Again the fifth category of families consists of five members. They represent 11.8 per cent of the respondents. Finally comes last category of six members. They represent.3 per cent of total

samples. The data shown above reveals that large majority of workers has four member family set up.

5.1.7. Educational Status of the Family

Education is considered as one of the important parameters of development. Mahatma Gandhi remarked that education makes a perfect human being. It is very essential for the all round development of human personality. Though the educational status, especially higher educational status of Kerala is far better than any other states in the country. The literacy and higher education enrollment of plantation labour is quite far below than the general population of the state. The framers of the Constitution incorporated an article providing free and compulsory education to all the children. Since then the country has progressed well in providing education and reducing illiteracy. But in some of the working areas still people lacks proper education. The plantation sector is such an area which lacks proper education. The following data shows clearly about the gravity of education among the workers. Here we can get clear understanding about the educational status of the respondents in different plantations. The microscopic view of different estates also shows educational status of the workers is different in different estates.

Table 5.9**Literacy Level of Respondents in Different Estates of HML**

	Achoor (1)	Arepetta(2)	Surianelli(3)	Panniar(4)	Total
illiterate	8 (5.06) [13.79]	32 (55.18) [20]	16 (27.59) [9.76]	2 (3.45) [1.59]	58 [9.53]
Primary	102 (25.89) [64.56]	116 (29.44) [72.5]	108 (27.41) [65.85]	68 (17.26) [53.97]	394 (64.80)
High school	44 (30.99) [27.85]	12 (8.45) [7.5]	40 (28.16) [24.39]	46 (32.39) [36.51]	142 (23.36)
PDC/Plus Two	4 (28.57) [2.53]	Nil	Nil	10 (71.43) [7.94]	14 (2.31)
Degree and above	Nil	Nil	Nil	Nil	Nil
Total	158 (25.99)	160 (26.32)	164 (26.97)	126 (20.72)	608 (100)

Figures given in parentheses specify percentage distribution for the row and those in square brackets for column

Source : *The Survey*

While analyzing the educational status of the respondents' estate wise as indicated in table 5.9 of the above, it is found that some kind of fluctuation in terms of its literacy level is evident. In Achoor estate the level of illiteracy is only 5.06 per cent of the total illiterate respondents where as it is 55.18 per cent in Arepetta estate, it is 27.59 per cent in Surianelli estate and 3.45 per cent in Panniar estate. There are different reasons to this. Some of the estates are dominated by caste marginalized people such as SCs and STs, where as in some estates religious minorities such as Christians and Muslims dominates. The researcher found the level of primary education is around identical in all plantation estates of HML. While making a point about the level of illiteracy in estate wise, the researcher came to know that illiteracy is lower in Panniar estate.

Among the plantations, illiteracy level is very low in Panniar estate and very high in Arappetta estate. Educational level in Achoor estate shows that out of the total respondent, 5.06 per cent belongs to illiterate people, and 25.89 of them are

acquired primary education, 30.99 per cent equipped with high school qualification. It is interesting to note that 28.57 per cent of the plus two qualified respondents are working here. It is desperate to say that none of the respondent has qualified degree and above qualification among the all four estates of HML. In terms of illiteracy, the Areppetta is the highest. It constitutes 55.18 of the total illiterate respondents. The respondent with primary education is also high in the same estate which constitutes 29.44 per cent. This statistics is higher than the other three estates. One of the desperate things about the Areppetta estate is that the high school qualified candidates are very less compared to other estates of HML and they represent 8.45 per cent. The data regarding plus two and degree holders clearly shows that none of the persons have acquired plus two and higher qualifications. The important feature of estate is that out of the 58 illiterate people, 16 of them are in Surianelli estate. Primary educated people represents 27.41 and high school qualified 28.16 per cent and it is again shows an interesting fact that none of them has qualified either plus two or degree. The data from Panniar estate shows something different from other three estates. Illiteracy level is lesser (3.45 percent) in this estate. High school and plus two qualified candidates are more high in this estate representing 32.39 and 71.43 respectively.

5.1.8. Educational Status of Parents and Spouses

The difference between the parental education and the education of the respondent makes the analysis meaningful. Compared with educational status of the respondents, the parental education is very low. The change from parental education to the education of the respondents is not a reformative kind. It only shows a slight change. Illiteracy level among the parents are high but is has lesser among the respondents. But the level of higher education is somewhat similar in both the cases. The educational status of the entire estate workers shows the fact that the government provides the educational facilities and not the management.

Table 5.10**Educational Status of Parents and Spouses**

Educational status	Father		Mother		Spouse	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Illiterate	250	41.1	490	80.6	146	24.0
Primary	358	58.9	118	19.4	438	72.0
High school	0	0	0	0	14	2.3
PDC/Plus Two	0	0	0	0	10	1.7
Degree & above	0	0	0	0	0	0
Others	0	0	0	0	0	0
Total	608	100	608	100	608	608

Source : The Survey

Education is a blessing for human being. Proper education not only enhances knowledge but creates self sufficiency and dignity among the people. Absence of education creates exploitation in one form or the other. In the tea plantation sector lack of education makes the workers ignorant about various laws and acts meant for their welfare. Table 5.10 of above shows the desperate condition of educational status of parents and spouses. Among them there are 41.1 per cent illiterate fathers, 80.6 per cent illiterate mothers and 24.per cent illiterate spouses. This data shows the level of illiteracy among the three categories of people. Illiteracy is more among the mothers and less among the spouses. The primary education level of three categories shows that, there are 58.9 per cent among fathers, 19.4 among mothers and 72 per cent among the spouses. None of the fathers and mothers has achieved more than primary education. However 2.3 per cent spouses qualified high school and 1.7 per cent qualified plus two degree. It is very unfortunate to say that none of their parents, have high school and above qualification.

The literacy rates of spouses are better than the parents due to many reasons. Literacy level of the spouses shows that 24 per cent of them are illiterate, 72.0 per cent are primary qualified, 2.3 per cent of the respondents has high school education and 1.6 per cent has plus two level education. This shows an improvement in

educational status of spouses compared with fathers and mothers. Like the parents higher education status is zero among the spouses too.

5.1.9 Educational Status of Children

Education is one of the important parameters for development. Better education is a dream everybody whether a workers' children or the children of wealthy person. As mentioned in the earlier part, majority of plantation workers are either belong to illiterate or primary educated category. None of them had attained higher educational qualification. Though the state of Kerala has achieved tremendous progress and prosperity in the field of higher education, but the pace of growth in the plantation sector is very slow. The following table 5.11 shows these things in detail.

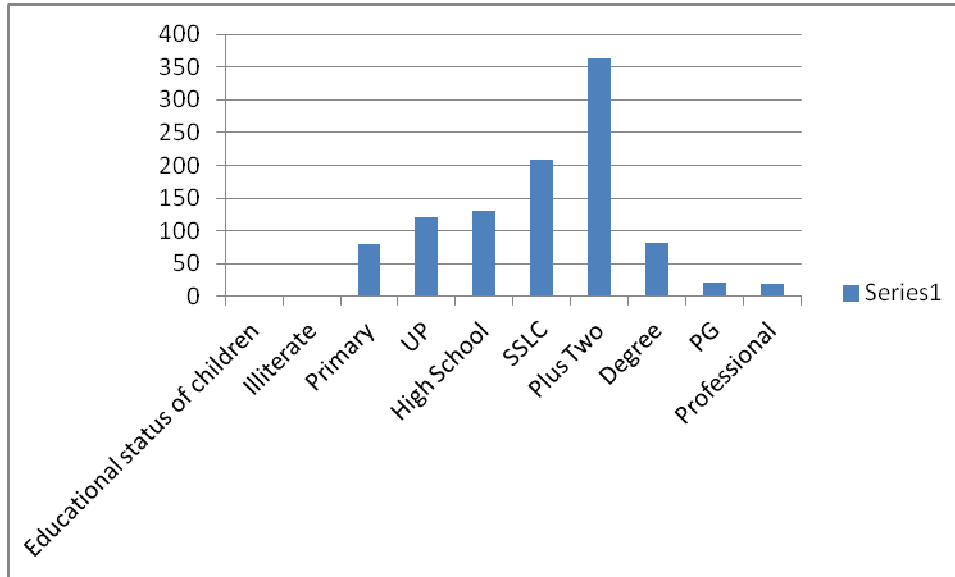
Table 5.11
Educational Status of Children

Educational status of children	Number
Illiterate	2
Primary	80
UP	120
High School	130
SSLC	209
Plus Two	363
Degree	81
PG	22
Professional	20

Source: Survey

Figure 5.2

Educational Status of the children



This table 5.11 and figure 5.2 shows the educational background of the children of the respondents. There are two illiterate children in the plantations of HML. Primary educated children are 80 in number. There are 120 children having upper primary education and 130 high school candidates. These persons had not qualified Secondary School Leaving Certificate (SSLC) but studied high school class. There are 209 SSLC completed children and 363 who have completed plus two. Degree qualified children are 81. Post Graduate students are 22 and the professional graduates are 20 in number.

5.1.10. Family Members Working Area

From colonial period itself the tea plantation management preferred families than individual members for the recruitment of workers. There were colonial interests behind this kind of recruitment. As mentioned earlier, life of the plantation workers revolves around the particular plantation in which they work. Their community life is confined to their plantation itself. They are working with minimum wages. In this circumstances, the researcher is very eager to know the family members working area. The table 5.12 below shows the working area of the respondents' families.

Table 5.12
Family Members Working Area

Student	392
Unemployed	626
Govt. Job	36
Private Job	216
Self Employed	176
Others	180

Source: Survey

The table 5.12 of above the working area of the respondents family. It is a welcome sign to see there are 392 student members in the family of the respondents. Unemployed persons constitute the majority of family members and consist of 626 persons. There are 36 persons having government jobs and it shows some ray of hope for this community in future. There are 216 persons engage in private jobs. Sometimes these people consist of spouses of the respondent. It is interesting to note that 176 self-employed persons are also in their family. The rest of 180 family members belong to the others category.

5.1.11. Distribution of Average Daily Employment in Different Plantations of Kerala

Kerala is very fortunate to have favorable climatic condition to cultivate different plantation crops. This climatic distinctiveness attracted many planters both in India and abroad to start different plantation crops in this state. The plantation owners of that time exploited the climatic condition of the state and planted some crops which became the backbone of the state's agriculture for decades. Tea, coffee, rubber and cardamom are the prominent plantation crops in the state. These plantation crops provide daily employment to thousands of people. The state of Kerala is considered the land of different types of agricultural commodities. Plantation, which comes under both industry and agriculture, is dominant in the state. There are different types of plantation crops widely seen in the state. The

prominent among them is tea coffee, rubber, cardamom, arc nut etc,. Cultivation of these crops requires favorable climate. These commodities are cultivated on the basis of the availability of suitable climate. Table 5. 13 also shows the estimated average daily employment of workers who engaged in different fields of agriculture.

Table 5.13

Distribution of Average Daily Employment in Different Plantations of Kerala

Plantation item	Total average daily employment	Per cent	Cumulative per cent
Tea	52326	67.82	67.82
Rubber	13187	17.09	84.91
Cardamom	3255	4.22	89.13
Coffee	2368	3.07	92.2
Others	6010	7.8	100.0
Total	77146	100.0	

Source: Economic Review 2017

Table 5.13 shows the distribution of employment opportunities in different plantations and shows the dominance of tea plantations over other plantations. Tea cultivation surpasses the other plantations and dominates the field with 67.82 total average daily employment opportunities followed by rubber with 17.09 per cent, cardamom with 4.22 per cent, coffee with 3.07 per cent and other crops provides 7.8 per cent. Data above shows the domination of tea in the plantation sectors of the state. The lesser per cent of cardamom and coffee shows that these plants are cultivated only in a few areas of the state. The data reveals the popularity of tea over other plantation crops in Kerala and this popularity resulted in large scale tea cultivation and provides wide range of employment opportunities to the workers in rural areas of the state.

5.1.12. Income of the family

The socio-economic conditions prevailed in the working area affect the productivity of workers. One of the important determinants in this regard is the income status of the family. The authority provides each of the workers a residential

area and these residential areas are far away from outside community. So their life is restricted to the plantations. In order to lead a dignified life in this type of life setting, income of the family has to play a vital role. Apart from income every member is entitled to get adequate bonus, education, health facilities etc., but many of the plantations failed to ensure the above said provisions. In this scenario they are depend upon their family income. With this income they have to run their family, provide education to the children and sometimes met the medical expences.The following data reflects the income of the family members.

Table 5.14
Income of Family Members

Income	Frequency	Per cent
Upto 5000	2	0.33
5001-10000	440	72.37
10001-15000	131	21.55
15001-20,000	30	4.93
Above 20000	5	0.82
Total	608	100

Source: Survey source

Working conditions affect the productivity of workers. Wage rate and incentives, fringe benefits, working hours, leave facilities, social and physical working conditions. All these components of working conditions affect the productivity of tea plantation workers.

The authority of tea industry provides each permanent worker with a house. Their children inherit this house after the death of their parents. Living conditions in these houses were found to very subhuman. More than five people live in a room of only 222 square feet. Cooking and living are done in the same room. It was observed during our field visit that in many cases, cows and goats are reared in a corner of the same room by building a partition. Not only is the room small, but its windows and doors are also very small. Most of the rooms have mud walls and straw roof. During the rainy season, living conditions in such houses becomes deplorable since

rainwater enters the room through the broken roofs. Minor portions of the respondents of the tea workers said that they built a second room at their own expense. Working conditions affect the productivity of workers. Wage rate and incentives, fringe benefits, working hours, leave facilities, social and physical working conditions and all these components of working conditions affect the productivity of tea.

Economic status is a necessary condition for preserving social security. In order to lead a dignified life, better economic condition is a necessity. In the present scenario life itself is expensive. The people living in tea plantation estates, have to purchase the food article from the market to feed their family apart from other expenses related with their family. They are not able to cultivate the agricultural goods that the other people outside the plantations usually do. So they have to purchase everything from the market. Better purchasing power requires better income. The table 5.14 of the above shows the income status of workers.

Figure 5.3

Income Status of Family Members

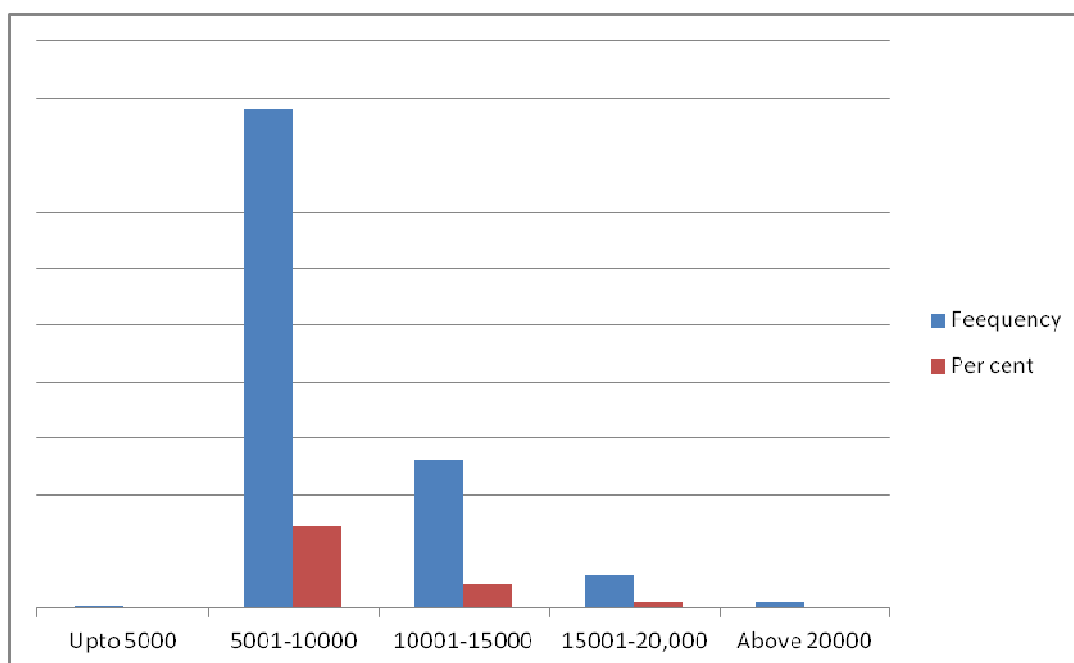


Table 5.14 and figure 5.3 shows the monthly income of family members. The data shows that 0.33 per cent of families receive an income up to Rs.5000 per

month. The majority of families come under the income group between 5001-10000. They represent 72.37 per cent and 21.55 per cent comes under the income group of 10001-15000. A mere 4.93 per cent are holding a monthly income of 15001-20000 and only 0.82 per cent of the respondents are getting a monthly income above 20,000. The majority of respondents comes under the income 10001-15000 and this illustrates the pitiable income status of workers. This clearly indicates the economic condition of the respondents and their family.

5.1.13. Type of House

A better house is a dream of everybody for leading a dignified life. The PLA, 1951, made it obligatory for the employer to provide and maintain necessary accommodation facilities for every worker and his family residing in plantations (India, 2008). In Kerala different people living in different type of living atmosphere. It is commonly found that majority of the people in the state living in concrete or tiled houses. But the situation prevailed in plantations is quite different. Data collected from the field shows that majority of the workers are living in asbestos houses. They have no option to demand the type of roof they required. It is decided by the management. Living under such roof is quite difficult during summer. But they are bound to live in such a situation due to the lack of other possible alternate options. The following data will clearly shows the roof of workers residing in plantation sector.

Table 5.15
Type of House

	Frequency	Percent	Valid percent	Cumulative percent
Thatched	0	0	0	0
Asbestos	556	91.4	91.4	91.4
Tile	42	6.9	6.9	98.4
Concrete	10	1.6	1.6	100.0
Others	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.15 above illustrates the house type of the respondents. It is a great relief to find that none of them are living in the thatched house. But the data shows that 91.4 per cent of the families are living under asbetto roof. Now days it is very difficult to find people living under asbetto roof outside the plantation sector. Data above shows that 6.9 per cent respondents working in the plantation are living under tiled roof. A mere per cent of 1.6 workers are living under concrete roof and these workers are working in plantation and living in outside the plantations. None of the plantations of HML, that the researcher had conducted research, provides concrete house to the workers. The plantation owners since the British period onwards followed the same policy in matters of workers residence. The workers are compelled to live in such an atmosphere because there is no other possible alternatives to them.

5.1.14. Ownership of the House

A safe and better house is a dream of every people. A better house does not mean a house with all the facilities. But it is a place for safe living. Own a house is a dream for the people living in all walks of life. Table 5.16 below clearly shows the ownership status of the house among plantation workers.

Table 5.16
Ownership of the House

Ownership of the house	Frequency	Percent	Valid percent	Cumulative percent
Self	26	4.3	4.3	4.3
Joint	6	1.0	1.0	5.3
Company	576	94.7	94.7	100.0
Government	0	0	0	100.0
Others	0	0	0	100.0
Total	608	100.0	100.0	

Source: The Survey

Table 5.16 shows the ownership of the house of the respondents. The data shows that 94.7 per cent of workers are living with the space provided by HML

management. This reflects the workers dependent with the estates. Majority of the workers depend the management for their residence and after the retirement, they should return the house to the management or any member of the family who succeeds him or her. But nowadays younger generation is not interested in plantation job. The result is that after their retirement the family confronts the serious problem of accommodation. A nominal per cent (1.0) resides in a joint family system and none of them are living in the houses provided by the government.

5.1.15. Room Facility in the House

Shelter for human being is not a mere protection of his life and limb. It is a home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter therefore includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civil amenities like roads so as to have easy access. Therefore right to shelter, does not mean a mere right to a roof over one's head, but includes the right to the entire infrastructure necessary to enable them to live and develop as a human being (Singh v.State of UP, 1996). In this angle shelter provided by the tea plantations of HML do not satisfy the basic requirements of the workers. All *paddy*⁵ lines provided to the workers by the management have single room. The entire family is compelled to live in a single room which really disturbs their personal life, privacy, their family life. Even the child does not have the facility to read and write. Apart from this, every shelter have television. The presence of television provides some sort of relief, no doubt, but it also disturbs the students. All the family members are bound together to see television in a single room, makes difficulties in the family. Further to say that majority work force having families consisting of four members. In this atmosphere they are compelled to live in a single room along with their son, daughters and some time with their parents. If their children are lesser age that should not be a problem, but living along with youth creates problems. This may create some nuisance in their family life. Even wife husband relation affected much with this kind of settlement.

Table 5.17

Room facilities in the House

Room facility	Frequency	Percent	Valid percent	Cumulative percent
No room	0	0	0	0
One	586	96.4	96.4	96.4
Two	12	2.0	2.0	98.4
Three	10	1.6	1.6	100.0
Four	0	0	0	100.0
	608	100.0	100.0	

Source: The Survey

The table 5.17 of the above shows that 96.4 per cent of the respondents are living in a single room house, 2 per cent have double room in their house, 1.6 per cent of the respondents are living in three room houses and none of them are living in a house with more than three bedrooms. The respondents living in two room and three rooms' houses are not provided by the management. These houses are owned by the respondents and they depend on the plantation for their job and other welfare facilities.

5. 1.16. Bathroom Facility in the House

Another difficulty the workers are facing in their residential area is related with bathroom facilities. As per the provisions of PLA 1951, it is compulsory on the part of management to provide bathroom facilities to both men and women. But the researcher could not find such facilities in any of the estates under HML. On the contrary all the families have a single bathroom in their residence.

Table 5.18

Bathroom Facility in the House

Bathroom facility	Frequency	Percent	Valid percent	Cumulative percent
One	608	100.0	100.0	100.0
Two	0	0	0	100.0
Three	0	0	0	100.0
More than three	0	0	0	100.0
No bathroom	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

From table 5.18, it can be found that all the respondents have a single bathroom in their house. The workers have no bathroom facilities in the working field. They have to spend 8 am to 5 pm with one hour lunch in the field. That means the workers have to spend at least eight hours in the field without any bathroom facilities. At the same time their house has only a single bathroom both for male and female. This has affected their dignified.

5.1.17. Maintenance of the House

The plantation sector in the country have long years of existence. The British colonial powers introduced this plantation in the country with different objectives. They established this kind of set up in colonial countries for the satisfaction of their colonial interests. They maintained strict hierarchy in the plantations where the workers, whom are Indians recruited from different parts of the country, stood far below than the managerial staff. Majority of the managerial staff were Europeans. On the basis of this hierarchy, they constructed residential area also. The workers were provided minimum accommodation facilities. After the end of colonial rule, the plantation sector continued with somewhat similar atmosphere. There, the workers are facing severe problems. They are compelled to live in the same house constructed long years back by the colonial powers. Several decades have passed since independence. But majority of the plantations in the country still provides the same accommodation facilities and the workers are living in a desperate condition.

Majority of the management are reluctant to the maintenance of the house. Table 5.19 below will tell us the pathetic situation prevailed in the plantation sector in the maintenance of the house.

Table 5.19
Maintenance of the House

Who repairs the house	Frequency	Percent	Valid percent	Cumulative percent
Company	120	19.8	19.8	19.8
State Govt.	0	0	0	19.8
Local self Govt.	0	0	0	19.8
Self	24	3.9	3.9	23.7
Nobody	464	76.3	76.3	100
	608	100.0	100.0	

Source : The Survey

Table 5.19 of the above shows the maintenance status of workers house. In plantation sector, the worker's whole life revolves around the field and their residence. After their work, they are stay in the houses provided by the management. These dwelling places are called *paddy* or *layam*. Various acts and laws in connection with the workers residence, authorizes the management to do timely maintenance at regular intervals of time. But only 19.8 responded in favor of the company does the maintenance of their house. Large majority (76.3%) of the workers responded that nobody had taken interest in the maintenance of their house. Only 3.9 responded that they themselves do the repair work. This not only disturbs the individual, but the entire family. Because, instead of individuals, families are recruited in the plantations and each and every family consists four to six members. If the company is reluctant to do the maintenance, that will affect the whole family. Further nobody responded in favor of government in relation with the maintenance of the house.

5.1.18. Duration of Maintenance

Majority plantation residential areas were built by the colonial powers in the past. During the period they built the residence according to the prevailing needs of the workers. Now a days, things have changed. There is drastic improvement in the residential status of the workers. Both the central governments and state governments are providing facilities to the homeless people outside the plantation sector through different schemes. But the workers of plantations are still holding the same *paddy lines* built by the colonial powers. In these circumstances timely maintenance of their house is an important thing without which the workers are not able to fulfill the needs of their family. The table below 5.20 shows data wise calculation of the time duration of the maintenance of the house.

Table 5.20
Duration of Maintenance

Duration of Maintenance	Frequency	Percent	Valid percent	Cumulative percent
Between 1-3 month	18	3.0	3.0	3.0
Between 3-6 month	14	2.3	2.3	5.3
Between 6-12 month	52	8.5	8.5	13.8
Above 1 year	60	9.9	9.9	23.7
No repair	464	76.3	76.3	100
Total	608	100.0	100.0	

Source : The Survey

The timely maintenance of the house, whoever living is not a matter, is important for every human, being whether he is living in a paddy line or a concrete bungalow. The above table 5.20 reveals the time duration of the maintenance of their houses. In the case of our own house, we usually do the maintenance at regular intervals in an effective manner. In plantations, the management is duty bound to do the maintenance. Thus the researcher examined these factors in detail with the help of questions, interview and discussions with the workers. Their reply was not satisfactory towards the management. Only 3 per cent responded that the interval of

repair is between one to three months, 2.3 per of the respondents had the opinion that the management does the repair work of the house and it will take three to six months to finish, 8.5 per cent of the respondents opined that it will take six to twelve months duration to complete the process, 9.9 per cent said that will take more than year to complete. The 76.3 per cent which constitute the large majority had the opinion that no repair work has done by the management. Data shows the total negligence on the part of the company towards workers basic necessity

5.2. Health Facilities Prevailed in Plantations

Health is considered as the greatest wealth of every individual whether he stays in apartment of slums. In plantations sector health is a serious matter of concern. Labourers are living in a chained hut system. Whatever diseases affected his neighbors may have its repercussions in nearby places. Epidemic diseases may spread very fast. As per the various acts of the government both the center as well as the states, it is mandatory on the part of the management to provide better health facilities to the workers. Presently the hospitals run by the management are functioning only name sake and most of the medical facilities are provided by the government. It is very difficult for a worker to approach government hospitals and health centers because the worker has to spend their time dawn to desk in the field. After their work, they are not in a position to get the services of government hospitals and health centers. Many of the health centers are away from their house. The below table 5.21 shows the distance of health centers from their residential area.

Table 5.21

Distance to Primary Health Centers

Distance to PHC(KM)	Frequency	Percent	Valid percent	Cumulative percent
Upto 1	54	8.9	8.9	8.9
Between1-3	240	39.5	39.5	48.4
Between3-5	292	48.0	48.0	96.4
Above 5	22	3.6	3.6	100
Total	608	100.0	100.0	

Source : The Survey

The above 5.21 shows the distance from the workers' *layam* to primary health centers. The availability of primary health centers was not at all a concern for the workers in the past because the plantation hospitals were having sufficient medical facilities. As far as the health facility is concerned, every plantation is bound to set up hospitals exclusively for the workers. Hospital facility provided by the management was satisfactory for the workers until 1990s. The management run hospitals were adequate medicines and staff. But gradually this facility disappeared and the management gradually withdrawn from labor friendly relations and it made the government the sole responsibility of providing health to the workers. The researcher asked one question related to the distance of health centers. The 8.9cent the workers responded that Primary Health Centers (PHC) are available within the radius of 1km., 39.4 had opined PHC between 1-3 km.radius, 48 per cent had responded that the PHC is between 3-5 km.radius and 3.6 per cent had opined that PHC is beyond 5 km radius. Most of the workers are living in the place provided by the management. In such a situation it is obligatory on the part of management to provide ample medical facilities. In the absence of hospitals, it is difficult for the workers to get sufficient medical facilities. As per the provision of PLA 1951, the management is bound to provide medical facilities to the workers including the maternity benefit facilities. Most of the plantations, except Arappetta and Surianelli group hospitals⁶ that the researcher did not find the regular service of women doctors, though women outnumber men in total representation of workers. In Achoor estate there was a hospital with two dispensaries and sufficient health staff. They provided medicines for the workers throughout the day. Now this facility disappeared and the hospitals functioning only name sake. Only once in a week or twice in a weak, the doctors' service is available.

The estate hospitals are providing treatment to outsiders. This was not so in the previous years. Apart from this, there is group hospital in Arappetta division. It was a referred hospital. The workers from all the estate hospitals get treatment in the hospital. But nowadays the management cut short the strength of hospital staff and in times emergency, they referred the patient to nearby government hospitals or Kozhikode medical college. The atmosphere in Idukki is also not different. Here

also the patients are referred to Kottayam Medical College. In Panniar division the doctors service is available only once in a week. This atmosphere is prevailing all the estates in Idukki. On many occasions the patients are either to depend government hospitals or medical college or private hospitals.

5.2.1. Types of Disease

Table 5.22 below shows diseases found among the workers. As per the various provisions of laws prevailed in plantation sector, adequate health facilities should be provided by the management. Majority of the estates have their own hospitals, but majority of the hospitals are running in name sake and the researcher could not find any patients with serious disease.

Table 5.22
Types of Disease Affected

Types of disease affected	Frequency	Percent	Valid percent	Cumulative percent
Skin	82	13.5	13.5	13.5
Kidney	0	0	0	13.5
Cancer	0	0	0	13.5
Goiter	2	.3	.3	13.8
Others	524	86.2	86.2	100
Total	608	100.0	100.0	

Source : The Survey

Regarding the percentage status of diseases affected to the workers as per the table 5.22 of the above, it is found that 13.5 per cent of the respondents are victims of skin disease. This might be due to their engagements with different reasons. The data shows that none of the respondents has affected serious disease such as cancer and kidney. Majority of them are affected commonly found diseases. Their per cent is 86.2. The other type of diseases include fever, head ache, stomach etc., The nominal presence of goiter affected patients are also there and their percentage is mere .3 per cent.

5.2.2 Availability of Medical Treatment

In the past majority of the tea plantations had large number of workers and the product had wider popularity in domestic and overseas. The competition level was also very low. The management got wider profit and paid less to the workers. They provided minimum hospital facilities to the workers and during this period the workers were not affected with severe diseases. The hospitals had the services doctor, nurses and the facilities; group hospital was also there for attending the referred cases from plantations. But in due course of time, the management withdrawn from the welfare activities and reduced the facilities of the company hospitals to a minimum level. Now a days in majority of cases they referred to the nearby government hospitals. In Idukki they refer majority of the cases to Kottayam Medical College and in Wayanad, they refer to Kozhikode Medical College.

Table 5.23

Availability of Treatment

Where do get treatment	Frequency	Percent	Valid percent	Cumulative percent
Company hospital	40	6.6	6.6	6.6
Govt. hospital	544	89.5	89.5	96.1
Private hospital	24	3.9	3.9	100.0
Own	0	0	0	100.0
Others	0	0	0	100.0
Total	608	100.0	100.0	

Source: The Survey

Table 5.23 above shows some interesting statistics regarding the treatment details of the workers. In plantations, the workers' whole life revolves around plantations. It is different from the workers from other sectors. These workers are not only working in the plantations but living in the plantation as well. So they need special care and attention. The PLA 1951 emphatically declared the provision for decent health facilities for the plantation workers. For this purpose every plantation should set up hospitals with sufficient number of doctors and hospital staff. But unfortunately this is not happened. If this could happen, the life of workers would

have been better. On the contrary the workers depend more on government hospitals. In this study the researcher found that only 6.6 per cent of the workers goes to company hospitals for their treatment. The 89.5 per cent of the respondents approach government hospitals for treatment. Only 3.9 per cent depend private hospitals. This shows that the government bears the expense of the workers, though the management is bound to provide it.

5.2.3. Details of Medical Expenditure

In the present scenario medical expenditure is an expensive one. Comparatively speaking the workers were received medicines in the hospitals and these hospitals were having sufficient medical staff. These facilities were provided by the management free of cost. In the present scenario the majority of the plantations are not providing medical facilities as in the past. The plantation workers are considered the lowest paid category of workers. Out of their income they are not in a position to spend for diseases. The table 5.24 reveals details of medical expenditure.

Table 5.24

Details of Medical Expenditure

Treatment is in private hospital who bears the expense	Frequency	Percent	Valid percent	Cumulative percent
Company	6	1.0	1.0	1.0
Advances but deduct from salary	0	0	0	1.0
Self	602	99.0	99.0	100.0
Govt.	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.24 of above is related with the health of the workers. If the workers treatment is in private hospital the 99 per cent responded that they should bear the expenses themselves and only 1 per cent indicated the expenses are met by the management. This analyses pauses a big question about the role of management in

health of the workers, even though the acts such as PLA 1951 made it compulsory on the part of the management to do so.

5.2.4.. *Percentage of Medical Expenditure*

Plantation workers are lowest paid workers in the state. Earlier plantation job was attractive due to the welfare facilities they were provided to the workers including the health facilities. Without this they were unable to meet the needs of their families out of their meager salary. But now a days, the management is not providing adequate health facilities to the workers.

Table 5.25
Percentage of Medical Expenditure

Share of medical expenditure(per cent)	Frequency	Percent	Valid percent	Cumulative percent
Upto 10	414	68.1	68.1	68.1
Between 10-20	156	25.7	25.7	93.8
Between 20-30	38	6.2	6.2	100.0
Between 30-40	0	0	0	100.0
Others	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.25 above shows how much amount spend by the workers towards medical expenses. Plantation workers are considered as the lowest paid category of workers in the state. Out of their income they have to meet their different needs starting from food to school expenses of their children. Apart from this, they have to spend some money for their medical expenses. Thus among the respondents, 68.1 percent, which constitute the majority, spend up to 10 per cent of their income towards medical expenditure. Another 25.7 per cent of the respondents spend between 10 to 20 per cent of their income for their medical expenditure. It is interesting to note that 6.2 per cent spend 20 to 30 per cent of their income for medical expenses. This is a sizable number.

5.3. Workers Knowledge About Various Acts

Knowledge about various acts and constitutional provisions relating to their work will definitely improves the status of their job. In connection with the tea plantation workers, the most important act is the PLA, 1951. This act really transformed plantation industry from the dark ages to a democratic space. Apart from this act, the constitutional provisions such as Fundamental Rights guarantee a dignified life. The researcher tried to understand their knowledge about these acts and provisions, the result is very desperate. In connection with human rights of workers the researcher incorporated three acts such as UDHR, 1948, Fundamental Rights and PLA, 1951 in the questionnaire, which are considered precious all over the world. The knowledge about these laws will prevent exploitation to a certain extend.

5.3.1. Workers Knowledge of PLA, 1951

The PLA was enacted in 1951 with a view to provide welfare measures to plantation labourers and to regulate the condition of work in plantation. The act covers entire country except Jammu & Kashmir and entire plantation crops such as tea, coffee, rubber, cinchona, cocoa, oil palm and cardamom plantations which measures five hectares or more and in which fifteen or more persons employed (India T. G., 2008).

Table 5.26

Workers Knowledge About PLA, 1951

	Frequency	Percent	Valid percent	Cumulative percent
Heard but not clear	66	10.9	10.9	10.9
Don't know	318	52.3	52.3	63.2
Clear knowledge	200	32.9	32.9	96.1
Know	24	3.9	3.9	100.0
No opinion	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

The table 5.26 describes about workers knowledge about the PLA, 1951. Some of the questions contained in the questionnaire are related with their knowledge of PLA 1951, which is considered as one of the reformative legislations in connection with the plantation workers. But their response shows a negative result. The data shows 10.9 per cent respondents replied that they heard about the PLA but their knowledge is very limited. It is more pitiable to learn that 52.3 per cent does not have basic knowledge about PLA 1951. The PLA is considered as one of the fundamental legislations of the country exclusively for plantation workers. But the data shows only 32.9 per cent had clear knowledge about PLA 1951. This clearly reflects the ignorance of workers towards one of the basic documents which covers plantation workers rights enormously. Even though the government after independence, introduced this law for improving the basic requirements of workers, but there is a wide gap between theory and practice. Theoretically speaking PLA, 1951 is a wonderful document covering diverse requirements of the workers. But in practice the workers are not rewarded as provided in the document. The huge percentage of respondents does not know this act and which indicates the ineffectiveness of PLA, 1951 to the plantation workers life.

5.3.2. Workers Knowledge about Fundamental Rights

Fundamental Rights of Indian Constitution guarantees rights of the people in all walks of life. It ensures equality, freedom and justice. Among the fundamental rights, Right to Life and Personal Liberty guaranteed in Article 21 is important. Right to live implies the right to food, water, decent environment, education, medical care and shelter. These are the basic human rights known to any civilized society. Further Fundamental Rights contained in the Constitution of India covers wide variety of rights like Right to Equality, Right to Freedom; Rights against Exploitation etc.

Table 5.27
Workers Knowledge about Fundamental Rights

	Frequency	Percent	Valid percent	Cumulative percent
Heard but not clear	48	7.9	7.9	7.9
Don't know	328	53.9	53.9	61.8
Clear knowledge	206	33.9	33.9	95.7
Know	26	4.3	4.3	100.0
No opinion	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

Table.5.27 of the above shows the workers knowledge about the fundamental rights of Indian Constitution. It reveals how much the workers are ignorant about the basic law of the land, especially about fundamental rights. The 7.9 per cent respondents opined that they heard about fundamental rights from somebody or newspaper or electronic media but they have no clear idea about the concept. However the majority, 53.9 per cent of the respondents favored to answer 'do not know' anything about it. It is a relief to learn that 33.9 per cent have clear knowledge about fundamental rights. The 4.3 of the respondents answered that they know about it.

5.3.3. Workers Knowledge about UDHR

The end of the Cold War and massive human rights violations across the globe opened a new chapter in the history of human rights. The countries of the world set certain principles to regulate the violation of rights and ensure individuals and countries certain basic rights. These rights or principles are UDHR. As far as human rights are concerned it is the basic document for the protection of human rights. The UDHR is the official declaration of human rights across the globe by the United Nations on December 10, 1948. The Universal Declaration of Rights are politically and legally universal having been accepted by all the states and incorporated into their own laws (Henkin, 1989).

Table 5.28

Workers Knowledge about UDHR

	Frequency	Percent	Valid percent	Cumulative percent
Heard but not clear	30	4.9	4.9	4.9
Don't know	524	86.2	86.2	91.1
Clear knowledge	26	4.3	4.3	95.4
Know	28	4.6	4.6	100.0
No opinion	0	0	0	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.28 of the above reveals about workers' knowledge about UDHR, a worldwide document of human rights. Plantation workers knowledge about UDHR as result of the field survey conducted by the researcher in the estates of HML, shows that majority of the respondents lacks clear knowledge about this, 86.2 per cent does not have any knowledge about the world human rights document through which the nation incorporated some precious rights to its citizens. Only 4.3 per cent opined that they have a clear knowledge about the concept. This clearly shows that most of the workers are unaware about various supporting documents in relation with rights of the workers.

5.4. Grievance Mechanism Prevails in Plantations

In any organization or industry, conflict of interest may frequently occur. The divergent interests of the management and the workers sometimes lead to conflict of interests. In order to amicably settle these disputes some sort of preventive mechanism is essential. In the plantation sector there are different mechanisms to mitigate the workers grievances. Generally the workers are using various methods to solve their grievances with the help of formal and informal agencies. On many occasions they share their grievances informally to trade union leaders, friends as well as political party leaders. When they face any serious problem, instead of contacting these informal agencies, they approach the Government.

Table 5.29
Grievance Mechanism Prevailing in Plantations

Where You lodge complaints	Frequency	Percent	Valid Percent	Cumulative Percent
Direct to company	8	1.3	1.3	1.3
Trade Union	598	98.4	98.4	99.7
Media	0	0	0	99.7
Friends	2	.3	.3	100
Labour Department	0	0	0	100
Total	608	100.0	100.0	

Source : The Survey

The table 5.29 above shows that 98.4 per cent of the respondents stage their complaint direct to trade unions. The common workers do not know whether these trade unions are competent enough to solve their grievances or not. There are formal mechanisms to redress the grievances of the workers. The management and the Labour department are such type of mechanisms to hear about the complaints of workers. In spite of approaching formal agencies the workers contract trade unions. Shivaraman⁷ describes the strict hierarchy prevailed in the plantation sector between the workers and the management. For common workers the management is not approachable always for various reasons. The most important reason is that they are less educated and the management staff is better educated and sometimes they are coming from outside the state. So the workers endorse trade unions to approach the management in matters of conflicting situations.

5.5. Management and the Workers

Now a days, the British recruited or trained managements are disappeared. Instead, in its place, the nationally recruited managements came to occupy the slot. But whoever be the management is not the concern of the workers. Their assesment is based purely on qualitative aspect. While analyzing the role of management it is very essential to understand various opinions prevailing in plantations. For the workers, the management failed miserably to safeguard their interests. The workers

are unable to analyze in depth views regarding the management. Due to the lack of clear understanding about the hierarchy and functioning of the company, the workers are not competent enough to assess the merits of the management. However the trade union leaders are somewhat confident to assess the functioning of management. Most of the trade union leaders that the researcher interviewed responded that the managements are inefficient in protecting the workers welfare.

Plantation sector job is different from other sector job for various reasons. In other sector job, the relationship between the employer and the employee is over within their allotted time of work. Normally it is eight hours. But in tea plantations or any other plantations, the workers are working and living within the plantations. So the workers require many things. Apart from their wages, bonus, gratuity and other working benefits, they are entitled to get adequate living space, safe drinking water, and educational facilities for their children, safe habitat, and adequate health facilities. The various acts made it compulsory on the part of the management to provide all these things. But the actual experience shows that these are neglected in tea plantations. Their educational status is not improved in par with general population of the state.

Table 5.30

Role of Management in Workers Welfare

	Q1	Q2	Q3	Q4	Q5	Q6
Strongly Agree	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Agree	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Satisfactory	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Disagree	7(1%)	0(0%)	5(1%)	8(1%)	11(2%)	172(28%)
Strongly Disagree	601 (99%)	608 (100%)	603 (99%)	600 (99%)	597 (98%)	436 (72%)
Total	608 (100%)	608 (100%)	608 (100%)	608 (100%)	608 (100%)	608 (100%)

Source: The Survey

Figure 5.4

Role of Management in Workers Welfare

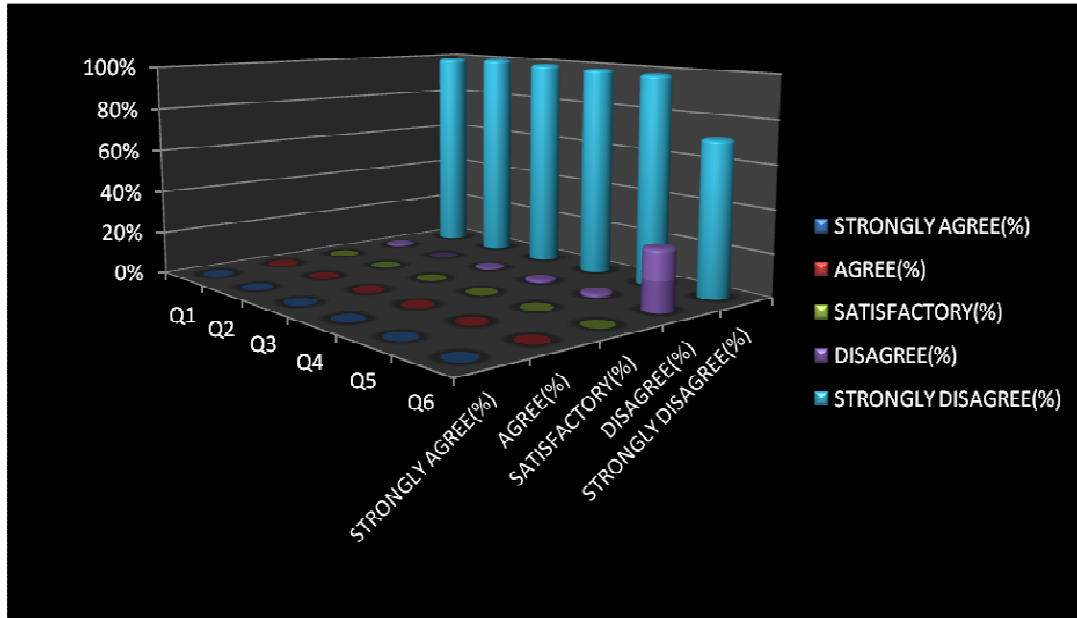


Table 5.30 and figure 5.4 clearly shows the data and graphical representation of the respondents towards management to the workers needs. To understand the opinion of workers about the role of management, five scaling questions being asked. The first question seeks to know whether the workers are satisfied with the health facilities provided by the management. Here 99 per cent totally disagreed and 1 per cent disagreed. This indicates the failure of management in providing health facilities to the workers. The second question is related with the bonus and salary received by the workers, the third question is connected with the primary facilities provided by the management at work place, the fourth question enquires about the role of management in providing constitutional safeguards to the workers, the fifth one is related exclusively on the measures for safeguarding women and the last questions is focusing on the provision of providing better working atmosphere. In all these cases data reveals the fact that the management failed miserably. In all the questions, except one, the workers disagree about the role of management in providing the basic necessities. In the last question the workers response is divided into two ‘disagree’ or ‘completely disagree’. But the result is the same that they are not responding in favour of the management though the management is bound to

provide various safeguards as per PLA 1951, and other legislation of the government.

The table 5.30 and figure 5.5. of the above clearly caricatures the hypocritical attitude of the management. Before the government, the management says that they run the plantations in a loss and the major share of their wealth is distributed exclusively for salary purpose and this results heavy loss for the management. In this regard, Moorthy, AITUC leader in Wayanad talks about the hypocritical attitude of the management. According to him the management has two types of accounts one submitted before the government and another for submitting to their own share holders⁸. The account submitted to the government is always in a big loss. He also said that the expenditure part includes head office expenditure. The management tables this argument whenever the workers demand wage rise or bonus.

At present the attitude of management towards workers in every field of activity has changed. In health sector the establishment of hospitals aimed to safeguard the workers. But what is happening in the present scenario is that the hospitals are not functioning effectively. Even though the majority of plantation workers are women, the lack of lady doctors is a commonly found phenomenon in many of the estate hospitals. The selection criteria for the labourers in plantations are different from other sectors. Here the management preferred families rather than individuals. In this matter it is the duty of the management to provide necessary facilities for the workers children. In order to take care of the workers children, the PLA 1951 made it mandatory on the part of management to provide crush for the pre-school children. For this purpose the management appointed salaried crush teachers. But now, this system has disappeared.

Prasad⁹ narrated the recreational activities prevailed in Areppetta estate long years back. During the period the management encouraged sports and games. The match between the estate staff in different games such as Shuttle badminton, Billiards, Lawn Tennis was common. Majority of the estate staff were coming from Mangalore and Coorg district of Karnataka. The estate had a football team and the

management provided ground and adequate ball for the players. But today only a shadow of these activities can be seen.

5.6. Political Parties and Trade Unions in Workers' Welfare

Trade union is a," continuous association of wage earners for the purpose of maintaining and improving the condition of their working lives" (Webb & Beatrice, 1920). There are lots of functions the trade union could perform in tea plantations. The primary function is connected with the wages and salaries of workers. Here they can play a major role. If the trade unions are reluctant or inefficient, the management is always turning down the reasonable demands of the workers, whenever such demand comes into the discussion table. The other important functions of the trade unions are connected with ensuring suitable working conditions. These include better livelihood for the workers when they are in the working field or the place they are staying. These include better safeguard of the health of the workers, provision for sanitation, rest rooms, drinking water, leave, rest, and holidays with pay. The recent years the performances of trade unions are not so efficient in these areas.

In plantations, the management is exploiting the workers. In the past, the plantation job was an attractive one because the workers employed here is unskilled and less educated. To get a permanent job with residential status makes the job very attractive. During that period life was not expensive. Food items, education and health are not so expensive. So they managed all these things with their limited income. Things have changed now and they are not in a position to manage all their daily needs. Their wages are not revised at regular intervals. The management brought casual labourers from nearby Tamilnadu for a flat rate that is 300 to 400 rupees per day. In earlier period the workers who engaged in spraying pesticides were performing four hours of work. Nobody was indulged in overtime work because it is dangerous to their health. Now the management compels the workers to do overtime work. If they are not willing, the casual workers are there to do this work. The governmental machineries are not effectively monitor all these things. Trade unions are also not effective in solving these matters.

Though PLC meeting, Labour Commissioner is acting as the chairman, the Chief Inspector of Plantations is acting as the convener. The management representatives and the representatives of the workers are equal in strength. The workers representatives are coming from different trade unions such as AITUC, CITU, and INTUC etc. Their voices are not so strong enough to compete with the management to take decisions in favour of workers in matters of wage and bonus. There are a number of reasons to this development. Now the workers strength is declining. The government attitude towards the workers and the plantations are changing. The management itself functions on the basis of profit rather than welfare. The availability of casual workers, who are ready to work long hours without any additional benefits such as proper housing, medical facilities, provident fund, gratuity and other social security benefits, helpful to the management. This has altering the traditional hierarchy of job and the inclusion of casual workers benefits the management to manage the estate even without the service of the permanent workers. The trade unions lost their collective bargaining power due to the change of atmosphere and the decline of workers strength. This scenario makes it difficult for the workers to fulfil their essential needs.

Table 5.31

Involvement of Workers in Trade Union Activities

Involvement of workers in trade union activities	Frequency	Percent	Valid percent	Cumulative percent
Member	354	58.22	58.22	58.22
Active member	212	34.87	34.87	93.09
Office bearer	24	3.95	3.95	97.04
Not a member	6	0.98	0.98	98.02
No opinion	12	1.98	1.98	100.0
Total	608	100.0	100.0	

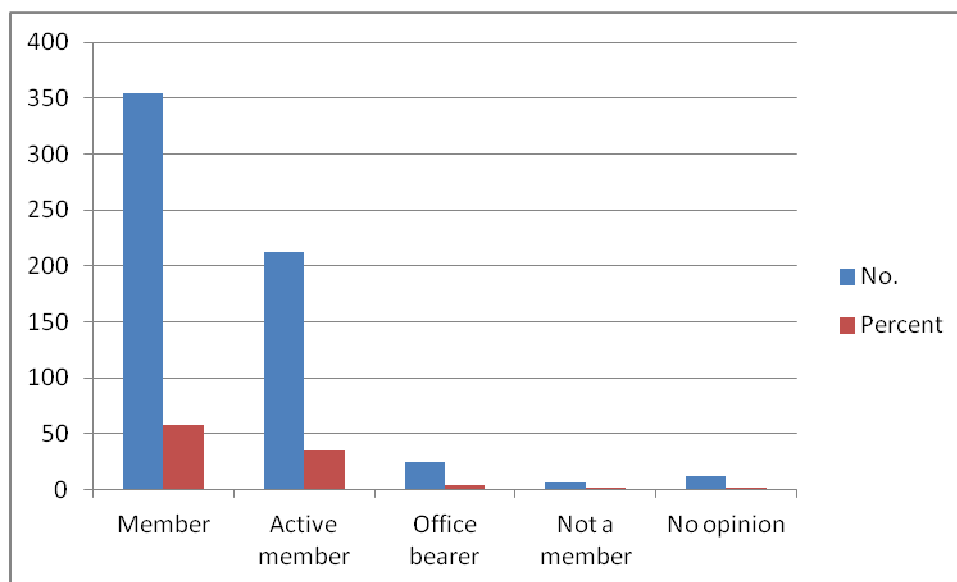
Source : The Survey

Table 5.31 shows some interesting statistics about the workers involvement in trade union activities. Almost all the respondents are members of trade unions. This does not mean that they are very active in trade unions and political activities. Here

the narration of Gafoor¹⁰ is significant. He said that a trade union is a mutually trusted organization without which the life of the workers would have been impossible. Though the British left the country long years back, almost all practices followed by the plantations had colonial touch. The ordinary workers are not efficient to handle these practices. So they need some support which can be available in the form of trade unions. The above table reflects the opinion of workers in relation with their involvement in trade union activities, 58.22 per cent respondents said that they are the members of trade union and their membership only for name sake, 34.87 per cent of the respondents are active members, 3.95 per cent of the respondents are office bearers of trade unions and 1.98 per cent responded that they have no opinion regarding trade unions. This indicates that they take the membership for certain unavoidable things and at the same time keeping away from the active involvement in trade union activities.

Figure 5.5

Workers Involvement in Trade Union Activities



The plantation system compelled the workers to be part of trade unions. During the British period most of the officials were either Europeans or the people of upper echelons of the society. This compelled some middle man to speak for the workers. Majority of the workers are unskilled and illiterate. They were not in a

position to convey their demands and grievances to the management. These strengthened trade unions and this practice still persists in plantations of the state. This practice continued after independence and the trade unions, with the sympathetic attitude of the government, functioned effectively to a greater extent. In the opinion of a trade union leader, their intervention was somewhat satisfactory between 1947-1990. Table 5.31 and the figure 5.5 clearly shows the workers involvement in trade union activities.

Table 5.32

Workers Opinion About Trade Unions

Your opinion about trade union	Frequency	Percent	Valid percent	Cumulative percent
Very essential	354	58.2	58.2	58.2
Necessary for collective bargaining	212	34.9	34.9	93.1
Necessary for decent salary	24	3.9	3.9	97
All of these	12	2.0	2.0	99.0
None of these	6	1.0	1.0	100.0
Total	608	100.0	100.0	

Source : The Survey

Table 5.32 reflects workers opinion about trade unions. Regarding questions in connection with the opinion on trade unions, there are five responses. The answers such as trade unions are very essential, necessary for collective bargaining, necessary for decent salary, all of these and none of these answers are given. But their response shows how they view trade union. The 58.2 of them responded as it is very essential, 34.9 of the responded as it is necessary for collective bargaining, 3.9 had the view that all of the three functions performed by the trade union and 1 per cent indicated their preference as none of these. Even though they lack adequate literacy as indicated earlier, they are in favor of the existence of trade unions in tea plantations for various reasons.

Table 5.33**Trade Union Activities in Different Estates**

Position	State 1 Achoor	Estate 2 Arepetta	Estate 3 Surianelli	Estate 4 Panniar	Total
Member	128 (36.16) [81.01]	102 (28.82) [63.75]	78 (22.04) [47.56]	46 (12.10) [36.51]	354 [58.23]
Active Member	18 (8.49) [11.39]	54 (25.48) [33.75]	78 (36.79) [47.56]	62 (29.24) [10.20]	212 [34.86]
Office bearer	8 (33.33) [5.06]	2 (8.34) [1.25]	4 (16.67) [2.43]	10 (41.67) [1.94]	24 [3.95]
Not a member	2 (33.34) [1.27]	0 (0)	4 (66.67)	0 (0)	6 [0.98]
No opinion	2 (16.67) [1.27]	2 (16.67) [1.25]	0	8 (66.67) [6.35]	12 [1.97]
Total	158 [25.99]	160 [26.31]	164 [26.97]	126 [20.72]	608 [100]

Figures given in parentheses specify percentage distribution for the row and those in square brackets for column

Source : The Survey

Table 5.33 clearly indicates estate wise analysis of trade union activities. Among the total respondents 58.23 are mere members of trade unions. These members are taking membership and participating in the demonstrations organized by the trade unions, 34.86 per cent of the respondents are active in trade union activities. These members are not only taking membership and participating demonstrations and strikes, but they are also engaging in matters of strengthening the trade unions in letter and spirit. They are involving in propaganda, sticking posters and preparing notice boards, banners etc,. It is very interesting to note that only 3.95 per cent of workers reached the status of leadership. These leaders, apart from performing their routine work, engaging in decision making process of the trade unions through regular meetings and conferences. Analyzing estate wise data

of trade union involvement of workers in Achoor estate shows that, 81.01 per cent of its total members are mere members of trade union. Only 8.49 per cent of members in estate no.1 are active members of trade union and 1.27 per cent are not members of any of the trade unions. These data clearly shows their attitude towards trade unions.

While analyzing the data of Areppetta estate we get slightly different picture. The 28.82 per cent of its respondents are mere members of trade unions. In contrast with the first estate the active members per cent is higher consists of 25.48 per cent. Office bearers percentage are 8.34. In Surianelli estate, 22.04 per cent are mere members, 36.79 per cent of them are active, 16.67 per cent are office bearers. In the last estate that is in Panniar estate 12.10 per cent are mere members of trade unions and 41.67 are office bearers.

Cross examining the various trade union activities of respondents, it is found that majority of them are mere members. Among the estates majority of the members are belong to 'mere member' category. Mere member's category is high in Achoor estate. Among the active members, the representatives' status is high in Surianelli estate and lowest in Achoor estate. It is important to note that majority of the office bearers are from Pannair estate.

In the era of LPG with growing emphasis on flexibility and downsizing in the name of reorganization of work, labour market institutions particularly trade unions have been under severe stress and pressure. New economic environment not only in India but throughout the world is not hospitable to trade unions and labor movements. They are no longer capable of protecting the interests of their members (Bhangoo, 2006). Trade union membership which rose during earlier periods showed a sharp decline since 1991. The phenomenal rise of trade unions after independence showed a sharp decline during 1990s (Rao, 2007). These declining tendencies not only affected the strength of plantation workers but affected the very functioning of the unions in the plantations. During 1980s through their strongest weapon of collective bargaining trade unions intervened in labor welfare effectively. Plantation labour was attractive in those days due to the benefits it provided to the

unskilled workers such as permanent job, decent wages, bonus, gratuity and residence. Now a days, the wages of the plantation workers not improved in par with other sectors. Most of the residential huts are in a ruined condition and bonus, once considered a privilege, now become a concession on the part of the management. The emergence of MGNREG also causes the plantation job less attractive (Shivaraman, 2017).Table 5.34 below reveals some data regarding the role of political parties and trade union in labour welfare in the tea plantations of HML.

5.6.1. Role of Trade Union and Political Parties in Protecting Human Rights of Workers

The workers know very well about the importance of trade unions and this is the reason all of them are members of any of the trade union. But today trade unions cannot intervene in the core issues facing the workers. The trade union leaders and political party leaders represent the workers in the PLC meeting; a body consists of the representatives of the government management and the workers. This body is authorized to revise the wages if it requires. But what is happening in the present day plantation set up is that the workers are denied adequate wages. The representatives of the management through their annual account statement tabled before the government shows the company is running a big loss which results denial of salary increase and bonus to the workers. The women workers protest against TATA tea industry in Munnar in 2015 for revision of their wages brought forward the double standard of the trade unions. They strongly believed that the trade unions on many occasions supported the management and these results in low wages for the workers. They severely criticised the attitude of trade unions. They believed the trade unions are responsible for the pathetic situation of the workers in plantations.

Table 5.34

Role of Trade Unions and Political Parties in Protecting Human Rights of Workers

	Q1	Q2	Q3	Q4
Strongly Agree	227(37%)	0(0%)	0(0%)	0(0%)
Agree	351(58%)	4(1%)	0(0%)	7(1%)
Satisfactory	0(0%)	0(0%)	0(0%)	0(0%)
Disagree	23(4%)	5(1%)	0(0%)	2(0%)
Strongly Disagree	7(1%)	599(99%)	608(100%)	599(99%)
Total	608(100%)	608(100%)	608(100%)	608(100%)

Source :The Survey

Figure 5.6

Role of Political Parties and Trade Unions in Workers Welfare

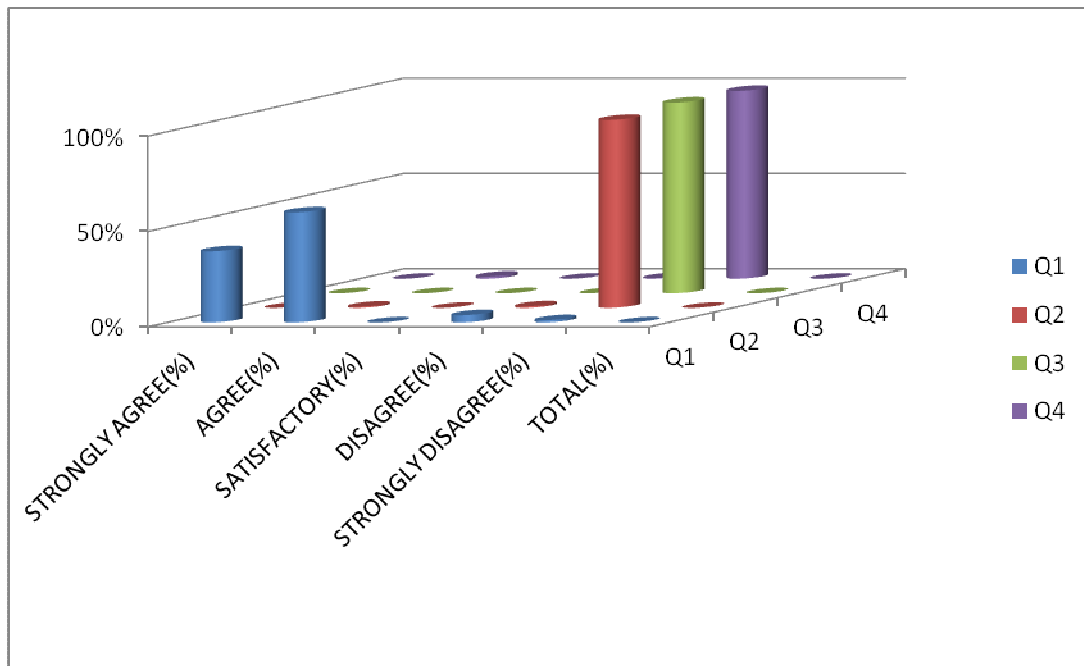


Table 5.34 and Figure 5.6 show the role of political parties and trade unions in workers welfare. Regarding the role of political parties and trade unions the researcher asked five scaling questions. The primary purpose of asking such questions is to get in depth view of the workers opinion in the above said matter. These questions include the role of trade unions in safeguarding the workers needs

both primary and secondary. Here four questions were asked to know about the role of political parties and trade unions in workers different needs. In the plantation field the workers facing different kind of problems such as ill treatment by the management staff while working, problem of job allotment, the weighing of tea leafs. These are the problems some of the workers have encounter in the field. To assess the performance of trade unions in the field the question was 'whether trade union is performing well in protecting workers rights in the work site'. Here all the workers were either completely agrees with the statement that the trade unions are performing in well protecting the workers at work site.

The second question is related with the statement whether the trade unions are providing better housing facilities and intervene timely for its maintenance. In response to this statement 99 per cent of the workers strongly disagreed and 1 per cent disagreed. Here the workers discard the role of trade unions in intervening the maintenance of their house. The third question was related with the wages and bonus of the workers. The statement read, 'trade unions are doing well in policy decision making in relation with wages, bonus and other service matters'. Here also the workers completely discarded the statement and responded to the disagree option. The fourth question is related with whether the political parties have taken a pro-labour stand towards the workers problems. Here 99 per cent of workers disagreed and 1 per cent agrees with the statement. Overall opinion regarding the above said questions reveals that the trade unions are interfering well in the problems related with the work site only and they are not in a position to intervene some of the burning issues of the workers regarding bonus, wage rise, maintenance of the houses and the problem facing workers particularly women workers.

5.7. Role of the Government in Workers Welfare

In the British colonial period, tea plantations were not regulated by the government effectively due to the fact that majority of the companies were British owned companies. During the period, the workers were denied their basic rights and were severely exploited. During the freedom struggle, the leaders of Indian National Congress (INC) were well aware of the situations prevailed in the plantation sector. Keeping these facts in their mind, they introduced some drastic legislation after

independence. These measures were aimed to improve the living standard of the workers. But the managements were reluctant to implement majority of these legislations in total. The result was that the workers did not get the benefits what the leaders aimed to achieve. In the LPG era the government lost some of their control over the managements. In the cases of tea plantations, selling of tea is an important activity. Here entire tea selling is revolves around tea auction. If the tea get better auction price, the trade unions and the workers demand more wages and other benefits. In auction the relationship between the buyers and sellers should be co-cordial. But in many occasions the central government agencies create difficulties in auction. This results difficulties in tea selling and which creates dead stock of tea. So the companies are bound to obey the decision of auction managers of the central government.

As part of the study, the researcher also interviewed some management representatives. All of the representatives responded that the company is on the verge of destruction. Lifting fertilizer subsidies, running legal dispute with the government and private parties are a few causes for this sorry state of affairs. The government is not providing ample support. The company is running seventy two crore loss. In order to produce one kg of tea, the cost of production is 114 rupees. Tea Board and UPASI is functioning only name sake¹¹. In 1996 the workers wage was 51.05 rupees and one kg tea dust had 70 rupees.

Table 5.35

Role of Government in Workers Welfare

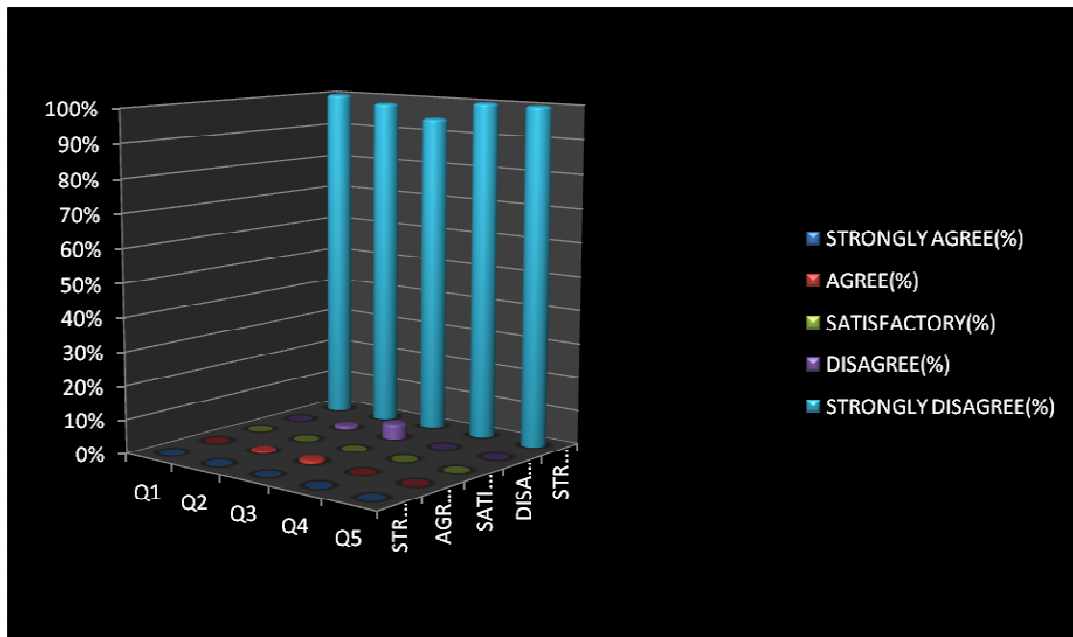
	Q1	Q2	Q3	Q4	Q5
Strongly Agree	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Agree	0(0%)	4(1%)	6(1%)	0(0%)	0(0%)
Satisfactory	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Disagree	0(0%)	7(1%)	28(5%)	0(0%)	0(0%)
Strongly Disagree	608 (100%)	597 (98%)	574 (94%)	608 (100%)	608 (100%)
Total	608 (100%)	608 (100%)	608 (100%)	608 (100%)	608 (100%)

Source: Survey

Table 5.35 shows the number of workers responded against five scaling questions related with the role of government. Overall performance of government addressing the different problems of workers is somewhat similar in all the five cases.

Figure 5.7

Role of Government in Workers Welfare



The role of government in plantations is a widely discussed in the present scenario in table 5.35 and figure 5.7. Here in order to test the role of government in workers welfare, five questions being asked. All questions are scaling questions starting with a statement. The first question is started with a statement, ‘the government agencies are well in safeguarding the service related acts of plantation workers’. For this question the responses received was 100 per cent disagree option. The second question starts with the statement ‘satisfied with the performance of government in deciding your wages and protecting rights’. The responses received on this question are 98 per cent strongly disagree, 1 per cent disagreed and the remaining 1 per cent agreed. The third question is related with whether the workers satisfied with the performance Local self government institutions in labour welfare. The responses were 94 of per cent completely disagreed, 5 per cent disagreed and

the remaining 1 per cent agreed. The fourth question whether the workers are satisfied with the performance of state government or not. Here 100 per cent labourers stayed with the option 'completely disagree', and the fifth and last question is whether the workers are satisfied with the performance of central government in labour welfare and the entire response was 'completely disagree'. These all shows that there is no space to the governments in the minds of workers and the workers believed that governments have negative attitude towards workers sad state of affairs. Thus role of governments in creating the crisis in tea industry is very wide. It was the liberalization, privatization and globalisation policies of the governments that drove the companies out of existence. As a result of these policies cheap imported tea from Kenya, Srilanka and other countries flooded Indian market sending the domestic prices very low and the estates are unable to overcome the problem related with cost of production which makes a crisis in tea industry.

5.8. Role of Non-governmental Organizations in the Plantations of HML

In any kind of the labour field we can see the presence of some Non-Governmental Organizations and other such groups working for the welfare of workers. This NGOs or groups are non profit, non-partisan in character in many occasions. They are free from religious and caste affinities. They are focusing only the general welfare of stakeholders. But what is happening in tea plantations of Kerala is that, none of such organizations showed their strong presence there. Apart from these NGOs, media can also play an important role through their reporting and can draw the attention of the policy makers in the welfare of workers. But the study conducted by the researcher shows that the weak presence of this organizations and had created more harm to the plantation sector. Majority of the workers are not aware about the various safeguards for them. Table 5.36 below shows the data wise analysis of these problems.

Table 5.36

Role of Non-governmental Organizations in the Plantations of HML

	Q1	Q2	Q3	Q4
Strongly Agree	0	0	0	0
Agree	0	0	0	0
Satisfactory	0	0	0	0
Disagree	0	0	0	0
Strongly Disagree	608	608	608	608
Total	608	608	608	608

Source : The Survey

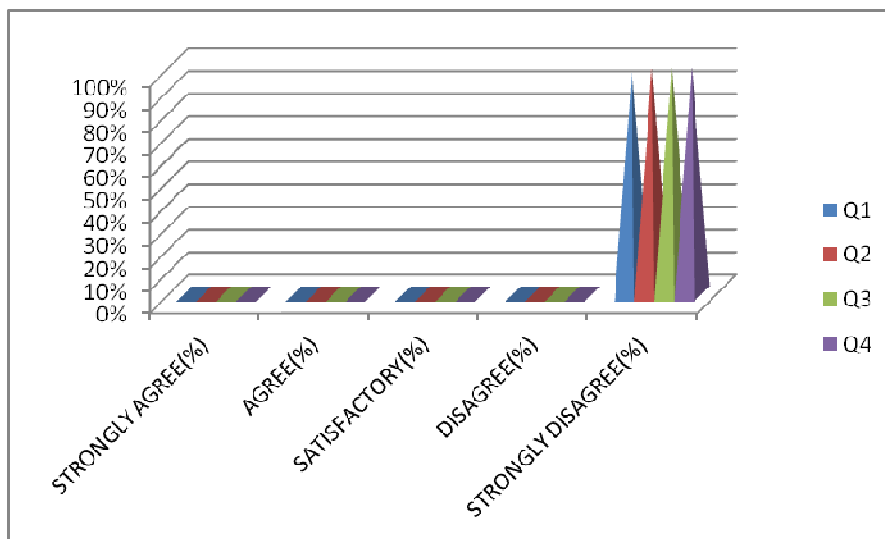
Table 5.37

	Q1	Q2	Q3	Q4
Strongly Agree (%)	0%	0%	0%	0%
Agree (%)	0%	0%	0%	0%
Satisfactory (%)	0%	0%	0%	0%
Disagree (%)	0%	0%	0%	0%
Strongly Disagree(%)	100%	100%	100%	100%
Total(%)	100%	100%	100%	100%

Source : The Survey

Figure 5.8

Role of Non-governmental Organizations in the Plantations of HML



In order to attain the response regarding the role of NGOs and other organizations in workers welfare there are five scaling questions were asked. The first question is 'whether satisfied with the performance of mass media in workers needs'. The second question is related with 'whether the workers satisfied with the performance of NGOs in labour welfare of tea plantations'. The third question 'whether they satisfied with the performance of religious organization in the welfare of workers'. The fourth question 'whether news papers and other periodicals bring the attention of the government to the desperate condition of tea plantation workers'. The workers response towards all the questions as per table 5.36 and 5.37 and figure 5.8 shows the same result and the workers completely disagreed towards all such questions.

5.9. Conclusion

While analyzing human right situations prevailed in tea plantation estate of Harrison Malayalam Limited, it is understood that, the workers of this plantation are facing some human right issues, which makes their life miserable and difficult. The unskilled workers of this plantation, majority of whom were illiterate, enjoyed some sort of social security benefits. These workers with limited ambition were satisfied with the earning that they had received. Human right issue was not an issue of serious concern for the tea plantation workers of Harrison Malayalam Limited then. However now a days, they are facing many serious human right issues. The general statistics of workers of HML shows that all of them are come under either the category marginalized sections or minority religious groups. These people opted this job not with big ambitions, but to get rid of poverty and unemployment. Apart from that, gender difference is also a major concern in tea plantations. Here women workers constitute majority. Unlike their male counterparts, women workers are facing certain unique issues that could be resolved in a unique manner. But the management is not interested to solve the women workers issues in a unique manner. Lack of bathroom facilities in the work site is one such problem facing women. Other human right issues that the workers of this plantation are facing, in general are issues of education, health related issues, wage and bonus related issues

and the residential area related issues. Though the Plantation Labour Act, 1951, and some other statutes makes it compulsory for the management to provide various social security provisions to the workers such as better housing facilities, medical facilities, educational facilities, special facilities to women and children. Apart from this, the workers are eligible to receive wage revision once in three years. Bonus is a great solace to the workers. They spend their wages for their daily living. They expect bonus with great enthusiasm. Out of this money, they fulfil other needs. But in the present scenario, timely revision of wages is not taking place at regular intervals. The management is reluctant to give bonus. The prime attraction for the plantation job was the accommodation facilities provided by the management to the workers' family. Though it is not sufficient enough to accommodate all the family members, yet it gives protection from sun and rain. Since the colonial period itself this practice was there. The management provides these facilities since the colonial era itself due to some reasons. The important reason is that they get the services of entire family.

There are many agencies to safeguard and protect tea plantation workers' rights. After independence, the formal agencies such as the government played their respective role in ensuring minimum social security measures with the help of reformatory laws and legislation. They monitored the welfare measures in the plantation sector. They intervened effectively in the revision of wages and bonus at regular intervals. But at present the data shows that the governmental machinery is not functioning effectively in matters of workers' welfare. These results the workers in the plantation sector the lowest paid category among the workers of other sector. In deciding wages, bonus, health facilities, this mechanism is a big failure. Timely revision of wages, adequate bonus, and timely maintenance of the house should be ensured by the management and should be monitored by the government. In both the cases the governmental machinery is a failure.

The workers in the plantations spend their entire life in the plantation. So the management is duty bound to provide proper living and working atmosphere. The living atmosphere includes proper maintenance of the house, safe drinking water,

health facilities to the workers and their families and adequate room and bathroom facilities to the workers. The working atmosphere includes better wages, bonus, a dignified working atmosphere. Being the abode of majority women workers, they should ensure women workers protection. But the empirical data reveals the management is reluctant to do things. Majority of the hospitals in the plantations are running only in name sake and majority of the cases are attended in government hospitals. The management failed to provide wage increase at regular intervals. Bonus, is considered as an additional income which should be utilized for purchasing some necessary things which they cannot buy out of their salary, is a dream for the workers on many occasions. The management is a failure in providing all these things.

The political parties' trade unions are inevitable for protecting workers various interests. In the colonial past the management exploited the workers enormously. They worked from dawn to dusk without any time limitations. But the establishment of trade unions in the plantation sector improved the working and living conditions of the workers. But nowadays due to complexities in the industrial sector due to the liberalization policy, the political parties and trade unions lost some of their earlier supremacy. This resulted to the weakening of trade unions. In the plantation the present study reveals the fact that the trade unions performs only minimum functions. They are unable to intervene effectively in protecting service related matters including wages and bonus. Absence of new recruitment and the less attraction of this job put the trade unions in a dilemma.

The non-governmental organizations are nonprofit organizations working in different areas of life for the protection of different needs of the people. They intervened effectively in case of human rights violations in any part of the world. They intervene in the preservation of environment and preventing deforestation in India. But their presence is not found in any of the plantations where the study is carried out. The media both print and electronic are not intervening effectively into the problems of workers. Non-governmental Organisations do not have credibility in the mind of workers of the plantations.

Let me conclude by saying that the plantation workers are also human beings and are entitled to receive certain requirements while working both in the field and factory. They are not getting these entitlement at present. The fact is that this the plantation itself is going on a serious crisis in the globalised era. The import of tea from other countries and auction related issue and the lifting of fertilizer prices create certain difficulties in its functioning. All these could not solve in day or two. A comprehensive formula should be evolved in order to confront the problems facing tea plantations. Here the workers issues must clearly be addressed. The management's difficulties should be discussed and the problems of children and women workers are to be sorted out. If the institutions, both formal and informal, have a clear intention to intervene the above said matters, otherwise the majority of the problems discussed above will remain unresolved.

Notes

1. Sree Devi Anpuraj is the President of Chinnakanal Grama Panchayath and belong to Communist Party of India (CPI) reveals the whereabouts of workers in Idukki region.
2. Mummy is a communist leader CPI (M)) and his family and forefathers were native of Malappuram had close contact with the management.
3. Mani was a CITU leader and spend more than 35 years in different plantations of HML in Wayanad district.
4. N.C.Prasad is the president of Pozhuthana Grama Panchath spend around 30 plus years in different divisions of Achoor estate describes the present crisis facing tea industry.
5. Paddy or layam is a chained hut meant for labourers. All the labourers are living in a single building which consists of six or seven rooms.
6. Group hospital is meant for workers in all the plantations of HML. Four plantations for HML in Wayanad, have a group hospital in Mooppand. Similarly the five plantations of Idukki, have a group hospital at Surianelli. Each of these plantations

have their own hospitals. But the serious case is referred to group hospitals where the service of surgery was also available.

7. Shivaraman is an NCP leader and was a supervisor and trade union leader. He spends around 33 years in HML estate.
8. Moorthy AITUC leader spend most of his life in and around different tea estates of HML especially in Arappetta and Sentinel Rock in Wayanad district narrates the hypocritical attitude of management in keeping records.
9. An estate worker worked as temporary in Arappetta estate and lived in paddy rooms has recollected his memories about the recreational activities performed by the managers of HML.
10. He is a field worker in Achoor estate Peringoda division and spend twenty years of his service as a worker both temporary and permanent level.
11. The management representatives now working in Mayfield had served Nagamala, Surianelli, Moongalar, Achoor, Arappetta and again Surianelli recollected his thoughts about the role of the government in the sad state of affairs in the plantations of HML.

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CHAPTER VI

CONCLUSION

6.1. Introduction of Findings

Harrison Malayalam Limited tea plantations, with 6080 workers, is one of the leading tea manufacturing units in the state of Kerala. The Company started its functioning in the colonial period and continued its existence in the present day also. In the course of their existence, certain level of changes occurred in the structure of the company. The first one was related with their ownership. Before independence it was fully under the control of the British Government. Independence brought changes in the structure of the company and many of their shares being *Indianised*. Presently in the liberalized era, the company's attitudes towards welfare policies, which are bound to provide by the company to the workers are also changed. Now the workers of this industry are facing many human rights issues that should be addressed by both formal and informal institutions prevailing in the state. These issues are highlighted in the introductory chapter.

The second chapter of the thesis draws a picture on various human rights theories such as liberal, socialist and the feminist. Liberal thought was individualistic in character and gave much emphasis on civil and political rights. In the liberal period, the contribution of social contract thinkers, utilitarian's and neo-liberal thinkers are highlighted. In contrast to this view the socialist view of human rights explained in detail. The feminist view of human rights is also mentioned in this chapter because gender issues are a serious concern in the tea plantations of Harrison Malayalam Limited.

The third chapter gives an account of major tea plantation centers in Kerala and explains the reason behind the concentration of tea plantations in the two districts of Kerala. General features of all the tea plantation estates of Harrison Malayalam Limited in Kerala, are also discussed here. The impact of globalization

upon tea industry, especially in connection with the workers are analysed in this chapter.

The fourth chapter '*Labour Welfare in Tea Plantations of Kerala*' focused on the various welfare mechanisms prevailed in tea plantations in three different periods colonial period, independent period and the globalised period. The differences occurred towards the welfare policies of the management in these periods are highlighted. Here some of welfare laws such as the Plantation Labour Act, 1951, Equal Pay for Equal Act, 1948, introduced by the independent Indian government, its impact and its relevance in the present period are also analysed in detail.

The analysis part of the thesis addresses the question, whether the workers in the plantation has acquired their basic human rights. It goes further to assess the role performed by different stakeholders such as the management, government, trade union, political parties and non-governmental organization for the promotion of these rights. The major findings of the study are given below.

6.2. Findings in Relation with General Statistics

While analyzing the employment opportunities in plantation sector it is found that tea plantation provides 52326 (67.82%) daily employments to the workers followed by rubber 13187 (17.09%). Cardamom plantation provides 3225 (4.22%) employment, coffee sector provides 2368 (3.07%) employment and other sectors provide 6010 (7.8%) daily employment. The above statistics shows the dominance of tea plantation over other plantations in providing employment to the common people of Kerala.

With regards workers gender statistics, there are two hundred and ten (34.54%) male workers followed by three hundred and ninety eight (65.46%) women workers. Majority of the male members are serving in the factory. In the field they are mainly engaging in spraying of pesticides and pruning the tea trees. Only a nominal number of male members are engaging in plucking of leaves. Majority of women members are doing the work of plucking of leaves.

Religious wise composition of workers shows that three hundred and ten (51%) of the respondents are from the minority religions such as Muslims (29.94%) and Christians (21.05%). These communities together constitute only 44.94 per cent of the total population of the state as per the 2011 National Census, whereas their composition in HML is 51 per cent. The number of workers of Hindu religion is two hundred and ninety eight (49.01%) and which is just below the general population of the state where the percentage of Hindu community is 51 per cent. In connection with the caste, it is found that tea plantations of HML are the abode of marginalized and minority communities. The SC community represents two hundred and twenty (36.18%) followed by twenty ST respondent (3.29%), OBC Hindu represents fifty eight (9.54%), and the religious minorities such as Muslims and Christians represent one hundred and eighty two (29.9%) and one hundred and twenty eight (21.1%) respectively.

With regard to job status of workers, five hundred and thirty (87.17%) workers are permanent, seventy (11.51%) workers are temporary and there are eight (1.3%) casual workers and these casual workers are recurring 400 rupees per day without any other benefits enjoyed by the other two type of workers of the above. While classifying the workers on job wise, it is found that majority of workers belong to field workers representing four hundred and seventy three (77.80%) respondents followed by factory workers one hundred and twenty one (19.90%), supervisors twelve (1.97%) and others represent two (0.33%).

With regard to number of members in the family, it is found that only four (0.66%) of the respondents have single member in their family, two (0.33%) respondents have two members in their family, forty two (6.90%) respondents have three members in their family, four hundred and eighty six (79.94%) members, which constitutes the majority, have four members in their family, seventy two (11.84%) respondents have five members in their family and the remaining two (0.33%) respondents have six members in their family.

In connection with the literacy level of the respondent, it is found that fifty eight (9.53%) of the workers are illiterate, three hundred and ninety four (64.80%)

workers are primary educated, one hundred and forty two (23.36%) of the respondents are high school qualified, fourteen (2.31%) of them are PDC/Plus two qualified and none of them have attained higher educational qualifications.

With regard to income of the family, it is found that two (0.33%) of the family have a monthly income below five thousand, four hundred and forty (72.37%) members which represents the majority have a family income between 5001-10000 thousand rupees, one hundred and thirty one (21.55%) families have a monthly income between 10001-15000 thousand rupees, thirty (4.94%) of them are receiving an income between 15001-20000 and a few families five (0.83%) of the families are receiving an income above 20000 thousand.

With regard to the residential status of the respondent it is found that all the plantation laborers are living in a single room house. It is desperate to say that five hundred and fifty six (91.44%) of the respondents are living in a house with asbestos sheet followed by forty two (6.90%) of them are living in tiled house, and ten (1.64%) of the workers are living in concrete houses.

With regard to the ownership of the house it is found that twenty six (4.3%) of the family members are living in their own house, five hundred and seventy six (94.7%) of the respondent are living in the house provided by the management and six (1.0%) of them are living in a house owned jointly. In connection with room facilities in the house it is found that five hundred and eighty six (96.38%) of the respondent have single room in their house, twelve (1.98%) of the respondent have two bedrooms room house and ten (1.64%) of the families have three rooms their house. But whatever may be their room facilities they have a common feature that the entire respondents have single bathroom in their house. With regard to the maintenance of their house it is found that four hundred and sixty four (76.31%) had the opinion that nobody bothers about the maintenance their house and majority of their residential building are in a ruined condition. One hundred and twenty (19.74%) workers replied that the company does the repair work but the duration of repairmen is not according to needs of the workers but to the interests of the

company and twenty four (3.95%) responded that they themselves do the repair work.

With regard to the question about the duration of repair, it is found that eighteen (3%) of them responded that it will take one to three months, fourteen (2.3%) of respondent had the view that it will take in three to six months time, fifty two (8.5%) of them believed that it will take six to twelve months for maintenance, sixty (9.9%) of them believed it will take above one year for maintenance and four hundred and sixty four (76.3%) of them as responded that nobody repairs the house.

6.3. Findings Related with the Availability of Health Facilities

With regard to the health facilities provided by the company, it is found that the medical facilities provided to the workers is insufficient. Plantation hospitals are running in name sake. There is a shortage of medical staff. The presence of lady doctors is insufficient, though women outnumber men in work force. Another interesting fact about the treatment facilities to the workers is that on many occasions, the plantation hospitals refer the patient into government hospitals. So the government is bound to bear medical expenses.

With regard to the availability of Public Health Centers, it is found that fifty four (8.88%) of the respondents have the availability of PHC within 1km, radius, two hundred and forty (39.47%) have the availability of PHC between one to three km.distance, two hundred and ninety two (48.02%) have the availability of three to five km, distance and twenty two (3.62%) of the respondents have the availability of health centers above five kms distance.

With regard to the availability of medical facilities, it is found that forty (6.58%) of the respondents depend upon company hospital run by the management for their treatment. The large number of workers five hundred and forty four (89.48%) depends upon government hospitals for their treatment and twenty four (3.94%) depends upon private hospitals.

With regard to a question 'who bears medical expenses if the treatment is in private hospital', it is found that only six (0.99%) of them believed that the company

reimburse the money they spend. But six hundred and two (99.01%) of them believed that their treatment is in the private hospital, they themselves bear the medical expenses.

With regard to the percentage of expenditure, it is found that four hundred and fourteen (68.09%) laborers spend up to ten per cent of their money to medical expenditure, one hundred and fifty six (25.66%) of the respondent spend between ten to twenty per cent of their money to medical expenditure and thirty eight (6.25%) of the workers spend twenty to thirty per cent of their income to medical expenditure.

6.4. Finding Related with the Knowledge of Different Human Rights Documents

The researcher asked certain questions, to understand the workers' knowledge about various human rights documents such as Universal Declaration Human Rights, Fundamental Rights of Indian Constitution and Plantation Labour Act, 1951, which are closely connected with the tea plantation workers.

With regard to workers knowledge about Plantation Labour Act ,1951, it is found that three hundred and eighteen (52.3%) of the respondent do not know anything about PLA, sixty six of the respondents only heard about the Act but their knowledge about the same is not clear, two hundred (32.9%) of workers knew about the Act, twenty four (3.9%) of the workers know something about the Act, but lacks clarity.

With regard workers knowledge of Fundamental Rights of Indian Constitution, it is found that three hundred and twenty eight (53.9%) workers, which constitute the majority, did not know about fundamental rights, forty eight (7.9%) of them heard about this, but lacks clear knowledge, two hundred and six (33.9%) laborers have clear knowledge about the document and twenty six (4.3%) knew about this document but lacks clarity.

In connection with the knowledge about another worldwide documents that is, UDHR, it is found that five hundred and twenty four (86.18%) workers are not

aware about the world wide human rights document, thirty (4.93%) of the workers heard about this world wide declaration of human rights, but they lack clarity, twenty six (4.28%) workers have clear knowledge about UDHR and twenty eight (4.6%) of the workers heard about the document but lacks clarity on what it is.

6.5 Findings Related with the Grievance Mechanism prevailed in the plantations

With regard to grievance mechanism prevailed in plantation industry it is found that, there are plenty of option before the workers. Firstly they can approach directly to the concerned estate. Secondly the workers can approach the governmental agencies such as Labour Department. Thirdly they can place their complaints in the media or seek the opinion of trade unions. Workers credibility towards these agencies shows that, five hundred and ninety eight (98.4%) people approach trade unions for mitigating their grievances, only eight (1.3%) of the respondents depends management for solving their grievances and a mere two (.3%) approach their friends.

6.6 Findings Related with the Role of Management

In plantation, the management has lot of responsibilities and duties to perform. The workers family life is purely restricted to work place and the place in which they are living; they required a lot of things. They are in need of better accommodation facilities, health facilities, and educational facilities to their children, special care and attention to women workers. Apart from this, in order to live a decent life, they are badly in need of decent wages and timely revision of wages, sufficient bonus which makes the job more attractive.

With regard to the role of management in providing education, it is found that the management failed to provide education to the children of workers. They only provided crèche to the workers's children. But now a days this facility rarely found in HML instead the government provides pre primary facilities nearby schools adjacent to plantation estates. None of the HML estates run educational institutions. On many occasions their educational needs are fulfilled either by the government or

private educational institutions. The workers are unable to spend much on education much with their meager wages.

With regard to their wages and timely revision of wages, it is found that the management is reluctant to revise the wages of workers at regular intervals'. Sometimes they raise wages nominally and simultaneously raise the workers target also.

In connection with health facilities, the management provided better health facilities in the past, but in the present day they are not bothering about the health of the workers. Instead, they refer majority of the cases to the government hospitals in such a way cutting their expenditure on health.

6.7. Findings in Relation with Trade Union and Political Parties

The performance of trade unions and political parties can be viewed in two separate spheres. The first one is the sphere they directly contact with the workers. In this respect they act as one among them. The second sphere of trade union activities is outside the plantations. The issues related with the wage increase, rising of bonus and other welfare activities come under this category. With regard to the role of trade unions and political parties in the former, it is found that the performance is satisfactory in the field where as in latter case their involvement is less attractive. The trade unions are helping the workers in the field in such matters when the workers directly conflict with the management. They are actively involving in 'weighing the tea leaves'. They interfere when there is a conflict between the management and the workers. Over the second sphere of trade unions mentioned above, it is found that with regard to the revision of wages, increase of bonus, maintenance of the houses and implementation of various legislations passed in favor of them, their performance is not effective as the survey sources reveals.

In connection with the workers involvement in trade union activities, it is found that three hundred and fifty four (58.22%) of the workers are ordinary members of the trade unions, two hundred and twelve (34.87%) of the members are active members, only twenty four (3.95%) of the workers are office bearers, six

(0.98%) laborers are not a member of trade union and twelve (1.98%) of the respondents has no response in this matter.

With regard to the workers involvement in trade unions, estate wise data, shows that one hundred and twenty eight workers in Achoor estate, one hundred and two from Areppetta estate seventy eight from Surianelli estate and forty six from Pannier estate are mere members of trade unions. The active member status of trade unions in different estates shows that it is more in Surianelli (78) and less in Achoor (18) and the remaining two estates of Areppetta and Panniar remains 54 and 62 respectively.

With regard to representation as office bearers of trade unions in different estates, it is found that ten office bearers are from Pannier estate, eight from Achoor estate two from Areppetta and four from Surianelli. Out of the six non members of the trade unions, two are from Achoor estate and four from Suranelli estate. With regard to the responses no opinion on trade union, it is found that two from achoor, two from Areppeteta and eight workers from Pannier responded that they have no opinion about trade unions and it is found that none of them from Surianelli had hostile attitude towards trade unions

With regard to workers overall opinion about trade unions, it is found that three hundred and fifty four of the respondent believed that trade unions are very essential, two hundred and twelve of the respondents believed that it is very essential for collective bargaining, twenty four of the workers said that it is necessary for a decent salary, twelve of them believed that trade unions are necessary and six of them totally discarded all the above opinions.

6.8. Findings Related With the Role of the Government

Regarding the role of governments in implementing various provisions of PLA, 1951, which is a comprehensive document covering the welfare of workers, the researcher found that, the government institutions failed miserably. From the responses received, it is found that the Central, State and Local Self Government institutions are not intervened effectively in labour welfare matters. This inability of

the governments resulted in the negative attitude of the management towards workers' on various issues such as timely revision of wages, bonus, and health facilities and timely maintenance of labor lines. As per the various acts the management should provide all the health facilities, educational facilities, timely revision of wages. But in actual practice the government bears the medical expenses and other welfare expenses and the management is running away in providing all these facilities to the workers. The Panchayath Raj Institutions can intervene in some matters such as timely maintenance of paddy lines. But this has not happened effectively.

6.9. Findings Related With the Role of NGOs, Media and Others

With regard to the questions related with the role of NGOs, media and other organizations in workers welfare, the researcher find that they could not play their respective role in drawing the attention of the governments to the real condition of workers in relation to their wages, bonus and pathetic condition of paddy lines. From workers' responses, it is found that the intervention of such groups in worker's welfare is very weak and dismal. The role of the media in connection with workers welfare, it is found that they are not in picture. The same is the case with other organizations such as religious organizations. In summing it can be said that, these organizations are not positively intervened in workers' welfare. Here informal agencies are a big failure or keeping mum on the burning issues facing plantation workers.

6.10. General Suggestions

It has been observed that majority of paddy lines are made of asbestos sheet creates health problem. It is suggested that the government especially the Local Self government Institutions should direct the management to remove asbestos sheets e with tile, aluminum or concrete. It has been observed that HML plantations are the abode of marginalized communities and it is suggested that special care and attention should be provided to their empowerment. It has been observed that majority of tea plantation families consists of four or more members. They are living in a single room house with single bathroom facilities and as per the PLA separate

bathroom facilities must be provided for both male and female. It has been suggested that the room facilities and bath room facilities to be improved.

6.11. Suggestions Related With the Health Facilities Provided to the Workers

It has been observed that the medical facilities provided to the workers are not enough. The estate hospitals are not functioning effectively and the non availability of women doctors is frequent, though women outnumber men in work force. It is suggested that the health facilities of the workers must be improved. Presence of lady doctors are to be ensured in all the estates. The estate hospital facilities must be improved.

6.12. Suggestions Related with the Various Human Rights Documents

It has been observed that the knowledge of workers in various human rights documents such as PLA 1951, Fundamental Rights of Indian Constitution and the UDHR. It is suggested that the government should take necessary steps to make awareness among the workers through legal literacy programme.

It has been observed that Labour department is not effective to handle the pathetic situation in tea plantations. On many occasions the workers approach the trade union for their grievances rather than the department. This happens only because of the workers lack of understanding about the grievance mechanisms. It is suggested that the government should strengthen the labour department and entrust them with regular and strict monitoring responsibilities over the plantation.

6.13. Suggestions to Trade Unions and Political parties

It has been observed that majority of the trade union leaders are from male gender, though majority of the workers are coming from the female category. These trade unions are not effective in regulating the management from doing anti-labor policies. It is suggested that trade union should restructure its leadership pattern and include more women workers in the leadership. It has been observed that trade unions are not effective in ensuring decent wages, bonus and timely maintenance of workers house. It is suggested that the trade union leaders should focus on workers

interests and not the interest of management. Reformatory measures should also be taken to improve trade union activities.

6.14. Suggestions to the Management

It has been observed that the welfare facilities provided by the management, especially in heath field, is not satisfactory to the workers and in many cases their medical expenses are met by the government though the PLA authorize the management to provide health facilities. It is suggested that the health facilities in the factory hospitals must be improved. Here panchayath raj institutions have an important role to play. It has been observed that the majority of work force in tea plantation is women and almost large majority of them are engaged in field work. In the field there are no facilities even to satisfy their primary needs. They have to spend 8 am to 5 pm with 1 hour break. It is suggested that toilet facilities must be provided to the workers at the work site. It has been observed that the tea plantation of Harrison Malayalam Limited is a place of caste and minority concentration. They have been facing manifold problems like identity question. It is suggested that the government with the help of management must rehabilitate the workers in the plantation itself. It has been observed that the residential area, that is paddy line, is not maintained properly by the management. It is still in a dilapidated condition. It has been suggested that the government must entrust the management to do the timely repair of workers *paddy* lines. In this matter panchayath raj institutions have to play an important role.

6.15. Suggestions to the Government

It has been observed that in plantation residential area toilet facilities are not adequate. Separate toilet facilities, for male and females' to be not provided as mentioned in Plantation Labour Act, 1951. It is suggested that the government should take initiative to establish separate toilet facilities for men and women workers. It has been observed that the educational status of workers and their children is very low. It has been a dwelling place of illiterate persons. It is also observed that there is no educational institutions run by the management for workers. It is suggested that the government should provide the worker's children

ample opportunity for higher education; the government take necessary steps to make them literate people. It is also suggested that the government should entrust the management to start higher educational institutions exclusively for workers.

It has been observed that the tea plantation job is less attractive for the workers. The children of the workers are not interested doing the job. They are under paid. They are denied bonus. It is suggested that the government should monitor tea plantation and make the job an attractive one by giving timely revision of wages distribution of bonus and other facilities to the workers. It has been observed that the income level of the family is not satisfactory and many unemployed members are in their family. It is suggested that some seats in the management cadre should be reserved for workers children.

6.16. Suggestions to NGOs, Media and Others

It has been observed that the civil society organizations and the media failed miserably to address human right issues of the workers. It is suggested that these organizations should keenly observe the happening in the plantations and should report and draw the attention of the government whenever the workers basic rights are being questioned.

6.17. Conclusion

The workers general characteristics shows that the plantation owned by Harrison Malayalam Limited in Kerala is the abode of marginalized and minority communities. Scheduled Caste communities represent around one third of total workers. Workers are also coming from Scheduled Tribe, Other Backward Communities, Muslim and Christian background. These people came from different parts of country and working in plantations, not because of they have higher ambitions, but for feeding their family and get rid of poverty.

The workers of Harrison Malayalam Limited plantations are governed by human rights norms contained in the Constitution of India and other reformative legislations such as Plantation Labour Act, 1951 in the domestic level and Universal Declaration of Human Rights and International Labour Organization and other

conventions such as International Covenant on Civil Political Rights and International Covenant on Economic and Social Rights at the international level. The Universal Declaration Human Rights talks about rights in different walks of life across the globe irrespective of caste, color, religion and nation. International Labour Organization emphatically declares that the right to labour is a human right and it addresses labor problems extensively. In that sense the workers of Harrison Malayalam Limited come under the purview of human rights prescribed by the Constitution of the country and enlisted in United Nation's documents. In India Constitution and judgments related to Article 21 on various occasions emphatically declared that right to life indicates life with dignity. In this context findings from the analysis of field data collected by the researcher revealed some novel things. The laboures working in Harrison Malayalam Limited plantations are facing lots of problems in relation with their dignified life. These include their salary issues, bonus problems, health facilities and problems related to their residence.

The empirical data collected by the researcher and its analysis shows that the workers are not satisfied with the living and working conditions including salary and bonus prevailing in Harrison Malayalam Limited. The tea plantations of Harrison Malayalam Limited is different from the other tea plantations of the state in many respects. It is an established company which has estates in both Wayanad and Idukki. It is a company regulated by the governmental laws and different acts constituted from time to time. Hence accordingly the company is expected to provide minimum wages, regulated working hours, provided residential area in the form of paddy lines. But the workers are still living in the same paddy lines which were constructed even before independence and majority of paddy lines are in a ruined condition. The management is reluctant to initiate timely maintenance of the workers, paddy lines.

In the structural analysis of field data fully affirmed the first hypothesis about the role of government in protecting the rights of workers. Effective governmental intervention towards the welfare of workers was there in the 1980s. However, presently, the governmental machinery failed to safeguard the various

needs of workers. The governmental machinery is not effective in monitoring the implementation of various acts such as Plantation Labour Act, 1951. The majority of workers believe that the income statement produced by the company before the government and workers are more often a bogus statement. On the contrary, they prepare real one for the share holders. The governmental machinery failed to monitor these manipulations. The government machinery is not effective in ensuring decent wages also. The bonus is considered a prime attraction and a reward is not at all ensured. As per the Bonus Act, a minimum of 8.33 per cent should be provided by the management in every year. But the data shows that the workers rarely get the stipulated bonus and on many occasions they get a nominal bonus. The management often says that they are not receiving any kind of support from the government or from the formal and informal groups. On the contrary the government is imposing various taxes such as agricultural tax, lifting the subsidies to fertilizers etc., The local self-government institutions are also not in a position to monitor the safeguard mechanism prevailed in plantations. Further lack of education is another serious concern for tea plantation workers. Thus in monitoring and the implementation of labour welfare programmes the governmental machinery is a big failure. Thus the first hypothesis is validated.

The concrete realities of plantation workers in of Harrison Malayalam Limited plantations in Kerala reflected from this extreme field interactions and quantitative analysis of the data further endorsed this. Regardless of the study it is reflected in testing the second hypothesis. The trade unions with their strongest weapon of collective bargaining intervened in labour welfare problems. But in due of course of time, the collective bargaining disappeared and instead of its place collaborative bargaining came into the field of plantations. In safeguarding the wages and timely revision of wages the trade unions are a big failure. Due to their inefficiency, the workers are not enough to get adequate wages and decent bonus, reluctance on the part of management to maintenance of the paddy lines. In confronting all these matters trade unions are not competent enough. Different political parties, came to power and served as opposition on many occasions. But their involvement in labour welfare in plantations is not an effective. The above

findings do not mean that the workers are totally against trade unions. Almost all the workers are members of trade unions and they believed that the trade unions are successful in preserving some rights of workers in the field such as monitoring correct measurement of their tea leaf etc.,. They also support the workers when the management creates some immediate problems of workers. But that does not mean that the overall performance of trade unions is always effective in protecting the workers' rights. So the second hypothesis is validated.

Empirical data collected from the field is in conformity with the third hypothesis related with the role of management in workers welfare. In order to test this, different angles of labour problems are closely analyzed. In sum, the workers are not satisfied with the role of management towards the workers welfare. They are not receiving timely revision of their wages. The management failed to provide 8.33 per cent of bonus. The salary revision policies of the management show their hypocritical attitude. Whenever they raise their salary, automatically raises their target too. This kind of anomalies can be only seen in plantation system. As far as health facilities and educational facilities are concerned, the management hospitals are not functioning effectively and almost all of the cases reached in the plantation hospitals are referred either to nearby government hospitals or private hospitals. As per the various acts, the management is duty bound to provide health facilities. The hypothesis validated in relation to the role of management towards the worker's welfare.

The findings from field study also in parity with the last hypothesis. The role of informal organization such as non-governmental organizations, press and religious organizations are analysed here. The informal organizations can play a decisive role in workers welfare. They can draw the attention of the government about the pathetic situation prevailed among the working community in plantations. They can also draw the attention of the government in various problems in plantations. In all these matters the informal groups are utter failure in tea plantations. Thus the workers are least bothered about these civil society

organizations. On the contrary their silence is a boon for the management to further transgress the rights of workers. In that sense the last hypothesis is also validated.

Finally we may say that the different agencies, both formal and informal, failed miserably to improve plantation workers life. Though the Constitutional provisions and the worldwide documents proposes plethora of rights to the workers, their implementation is not effective in the plantation of Harrison Malayalam Limited. In technical terms machinery is available to protect the workers, but in practice these machineries are not effective in fulfilling the workers various needs. To address the wage and other service related matters, there lies different formal institutions such as State Labour Department and Plantation Labour Committee. But in practice all these working machineries failed miserably to provide anything worthwhile to the workers. This resulted in the declining of the rights of workers' and their standard of living which adversely affected their family life. Apart from this, the data received from the management sources shows that the plantations itself is in crisis due to many reasons such as the import policy of the government, lifting of fertilizer subsidies and the auction policy followed by the government. This should be rectified and the government should ensure decent working atmosphere where the rights of the plantations workers are fully protected. Therefore the government machinery and the management should intervene in the above said issues of the marginalized plantation workers. They should be rehabilitated with adequate living and working condition. Only in this way some of the human rights issues of the workers can be resolved.

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Appendix 1

HUMAN RIGHTS OF TEA PLANTATION WORKERS:A CASE STUDY OF HARRISON MALAYALAM LIMITED IN KERALA

Questionnaire

1. Sex : 1.Male 2.Female
2. Age : 1.Below 25 2.25-35
3.36-45 4. 46-55
5. Above 55
3. Marital status : 1.Married 2. Unmarried
4. Religion : 1.Hindu 2.Islam
3.Christianity 4. Others
5. Caste : 1.SC 2.ST
3.OBC 4.FC
5.Others
6. Name of estate :
7. Division :
8. Status of Type : 1.Permanent 2.Temporary
3.Casual
9. Type of job : 1.Field worker 2.Factory worker
3.Supervisor 4.Others
10. Number of members in your family : 1.Between 1-2 2.Between 2-4
3.Above 4

11. Education (Self) : 1. Illiterate 2. Primary
 3. High School 4. PDC/+2
 5. Degree & Above 6. Others
12. Father's Education : 1. Illiterate 2. Primary
 3. High School 4. PDC/+2
 5. Degree & Above 6. Others
13. Mother's Education : 1. Illiterate 2. Primary
 3. High School 4. PDC/+2
 5. Degree & Above 6. Others
14. Spouse' Education : 1. Illiterate 2. Primary
 3. High School 4. PDC/+2
 5. Degree & Above 6. Others.

Children's education

15. Primary :
16. High School :
17. SSLC :
15. PDC/+2 :
18. Degree :
19. Post Graduation :
20. Medical/Engineering :

Distance from your house to educational institutions

- 1.Upto 1km. 2.Between 1-3 3.Between 3-5 4.Above 5
21. LP
22. UP
23. HS
24. +2
25. College
-
26. Roof type of your house 1. Thatched 2.Asbetos
3.Tile 4.Concrete
5.Others
27. Ownership of the house 1. Self 2.Joint
3.Provided by the company
4.Government provided 5. Others
28. If the house is provided by 1. Single room 2.Two room
the company, number of 3.Three room 4.Above 3
rooms in your house 5.No room
29. How many bath rooms are 1. One 2.Two.
in your house? 3. Three
4. More than three 5.No Bathroom
30. Who repairs your house? 1. Company 2.State govt.
3. Local self government 4.Self
5.Nobody

31. Duration of repair 1. Between 1-3 month 2. Between 3- 6
3. Between 6-12 4. above 1 year
5. Nobody
32. Your cooking fuel 1. Wood 2. Gas
3. Induction Cooker 4. Carosine
5. Others
33. Your source of drinking water 1. Own well 2. Borewell
3. Water authority 4. Company provided
5. Other source
34. Distance from your house to public health centers 1. Upto 1km. 2. Between 1-3.
3. Between 3-5 4. Above 5
35. What type of decease affected 1. Skin deceases 2. Kidney
3. cancer 4. Others
36. Where do you get treatment 1. Company hospital 2. Government hospital
3. Private hospital 4. Others
37. If your treatment is in private hospital who bears the expenses: 1. Company 2. Company advances but reduced from the salary
3. Self 4. Others
38. What is the percentage of expenditure spend for medical purposes 1. Upto 10 per cent 2. Between 10-20
3. Between 20-50 4. None of these

39. Your trade union involvement 1. Member 2.Active member
3.Office bearer 4.Not a member
5.No opinion
40. What is your opinion about trade union activities? 1. It is very essential 2.it is necessary for collective bargaining
3. It is necessary for getting decent salary 4.None of this
5.All of these
41. Your knowledge about Plantation Labour Act of 1951. 1. Heard but not clear 2.Do not know
3.Clear knowledge 4.know
5.No opinion
42. Your knowledge about Fundamental Rights in our constitution 1 .Heard but not clear 2.Do not knows
3.Clear knowledge 4.know
5.No opinion
43. Your knowledge about UDHR 1. Heard but not clear 2.Do not know
3.Clear knowledge 4.know
5.No opinion
44. Where you lodge complaints against the company 1. Direct to company 2.Trade Union
3.Media 4.Friends
5.Labour department

Home appliance

45. Television : 1. Yes 2.No
46. Grinder : 1. Yes 2.No
47. Refridgerator : 1. Yes 2.No
48. Washing machine : 1. Yes 2.No
49. Computer : 1. Yes 2.No
50. Internet : 1. Yes 2.No
51. Mobile phone :
52. Two wheelers :
53. Four wheelers :
54. Any other :

Working area of family members

55. Unemployed
56. Student
57. Govt. job
58. Private Job
59. Self employed
60. Others

Indicate tick mark across the following statements

Q.No.	Statements	Stongely Disagree	Disagree	No opinion	Agree	Stongely agree
61	Satisfied with the health facilities provided by the company					
62	Satisfied with the present job					

Q.No.	Statements	Stongely Disagree	Disagree	No opinion	Agree	Stongely agree
63	Satisfied with the bonus&salary you received					
64	Opinion about the family members opting this job					
65	Satisfied with primary need facilities provided by the company at work place					
66	Opinion about your children opting this job satisfactory					
67	Company has taken keen interests towards women workers					
68	Trade union are performing well in safeguarding your salary					
69	Trade unions are doing well in the maintainence of your house					
70	Trade unions are doing well in timely revision of wages					
71	Political parties has taken a pro labour stand towards workers					
72	The government agencies are performing well in safeguarding wage and service of workers					
73	Satisfied with the performance of govt. in deciding your wages and protecting the workers					
74	Satisfied with the performance of local self govt.institutions with regard your welfare					
75	Satisfied with the performance of state govt.in labour welfare					

Q.No.	Statements	Stongely Disagree	Disagree	No opinion	Agree	Stongely agree
76	Satisfied with the performance of central govt.					
77	Satisfied with the performance of mass media in workers needs					
78	Satisfied with the performance of NGO's in labour welfare of tea plantations					
79	Satisfied with the performance of religious organization in the welfare of workers					

Appendix II

Interview Schedule (With the Trade Union Leaders)

- Background that led to the formation of Trade Union in the state
- What type of problem faced trade union in the present era?
- What type of rederssal mechanism for solving the dispute of workers?
- What is your attitude towards Plantation Labour Act 1951?
- What type of attitude your company is having towards trade union?
- Is there any change in the policy of Government after the implementation of Panchayath Raj Act of 1993?
- Are you satisfied with the wages and bonus that the workers received from the management?
- What type of behavioural changes towards the workers?
- Do you believe the process of globalisation made an impact upon the functioning of the trade union?
- What are the important problem facing tea plantation in the present day world?
- How do you address the problem of shortage of labour?
- What is your opinion about the casual of workers?
- What is the future of trade union movement?
- What type of welfare measures taken by the management for the workers in different period of time?

- What type of attitude of the government towards the workers in different period of time?
- What is the attitude of legal machinery towards the workers?
- What type of welfare measures taken by management in the globalised era?
- Do you feel any mistake on the part of trade union towards the welfare activities of the workers?
- Do you feel any erosion of trade union membership? If Yes what is the reason
- What is your opinion about the use fertilisers by the company in different occasions?
- What type of discussions occurred in the Plantation Labour Committee meetings?

Appendix III

Interview Schedule (with the Management)

- Background that led to the formation of Tea Plantation industry in the state
- What type of problem faced by your company in these days from different agencies?
- What type of rederssal mechanism for solving the dispute of workers?
- What is your attitude towards Plantation Labour Act 1951?
- What type of attitude your company is having towards trade union?
- Is there any change in the policy of Government after the implementation of Panchayath Raj Act of 1993?
- What type of behavioural changes towards the workers?
- Do you believe the process of globalisation made an impact upon the functioning of the trade union?
- What are the important problem facing your company?
- How do you address the problem of shortage of labour?
- What is your opinion about the casual of workers?
- What type of welfare measures taken by the management for the workers in different period of time?
- What type of attitude of the government towards the workers in different period of time?

What type of welfare measures taken by management in the globalised era?

Do you feel any mistake on the part of trade union towards the welfare activities of the workers?

What is your opinion about the use fertilisers by the company in different occasions?

What type of discussions occurred in the Plantation Labour Committee meetings?

Appendix IV

THE PLANTATIONS LABOUR ACT, 1951

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent, commencement and application.
2. Definitions.
3. Reference to time of day.

CHAPTER IA

REGISTRATION OF PLANTATIONS

- 3A. Appointment of registering officers.
- 3B. Registration of plantations.
- 3C. Appeals against orders of registering officer.
- 3D. Power to make rules.

CHAPTER II

INSPECTING STAFF

4. Chief inspector and inspectors.
5. Powers and functions of inspectors.
6. Facilities to be afforded to inspectors.
7. Certifying surgeons.

CHAPTER III

PROVISIONS AS TO HEALTH

8. Drinking water.
9. Conservancy.
10. Medical facilities.

CHAPTER IV

WELFARE

11. Canteens.
12. Creches.
13. Recreational facilities.

SECTIONS

14. Educational facilities.
15. Housing facilities.
16. Power to make rules relating to housing.
- 16A. Liability of employer in respect of accidents resulting from collapse of houses provided by him.
- 16B. Appointment of Commissioners.
- 16C. Application for compensation.
- 16D. Procedure and powers of Commissioner.
- 16E. Liability to pay compensation, etc., to be decided by Commissioner.
- 16F. Saving as to certain rights.
- 16G. Power to make rules.
17. Other facilities.
18. Welfare officers.

CHAPTER IVA

PROVISIONS AS TO SAFETY

- 18A. Safety.
- 18B. Power of State Government to make rules.

CHAPTER V

HOURS AND LIMITATION OF EMPLOYMENT

- 19. Weekly hours.
- 20. Weekly holidays.
- 21. Daily intervals for rest.
- 22. Spreadover.
- 23. Notice of period of work.
- 24. Prohibition of employment of children.
- 25. Night work for women and children.
- 26. Non-adult workers to carry tokens.
- 27. Certificate of fitness.
- 28. Power to require medical examination.

CHAPTER VI

LEAVE WITH WAGES

- 29. Application of Chapter.
- 30. Annual leave with wages.
- 31. Wages during leave period.

SECTIONS

- 32. Sickness and maternity benefits.

CHAPTER VIA

ACCIDENTS

- 32A. Notice of accident.
- 32B. Register of accidents.
- 32C. Compensation.

CHAPTER VII

PENALTIES AND PROCEDURE

- 33. Obstruction.
- 34. Use of false certificate of fitness.
- 35. Contravention of provisions regarding employment of labour.
- 36. Other offences.
- 37. Enhanced penalty after previous conviction.
- 37A. Power of court to make orders.
- 38. Exemption of employer from liability in certain cases.
- 39. Cognizance of offences.
- 39A. Protection of action taken in good faith.
- 40. Limitation of prosecutions.

CHAPTER VIII

MISCELLANEOUS

- 41. Power to give directions.
- 42. Power to exempt.
- 43. General power to make rules.

THE PLANTATIONS LABOUR ACT, 1951

ACT NO. 69 OF 1951 [2nd November, 1951.]

An Act to provide for the welfare of labour, and to regulate the conditions of work, in plantations.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. **Short title, extent, commencement and application.**—(1) This Act may be called the Plantations Labour Act, 1951.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint
- (4) It applies to the following plantations, that is to say,—
 - (a) to any land used or intended to be used for growing tea, coffee, rubber [cinchona or cardamom] which admeasures [5 hectares] or more and in which [fifteen] or more persons are employed or were employed on any day of the preceding twelve months;
 - (b) to any land used or intended to be used for growing any other plant, which admeasures [5 hectares] or more and in which [fifteen] or more persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification in the Official Gazette, so directs.

[*Explanation.*—Where any piece of land used for growing any plant referred to in clause (a) or clause (b) of this sub-section admeasures less than 5 hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of the

same employer, then, for the purposes of this sub-section, the piece of land first mentioned shall be deemed to be a plantation, if the total area of both such pieces of land admeasures 5 hectares or more.]

(5) The State Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any land used or intended to be used for growing any plant referred to in clause (a) or clause (b) of sub-section (4), notwithstanding that—

(a) it admeasures less than [5 hectares], or

(b) the number of persons employed therein is less than [fifteen]:

Provided that no such declaration shall be made in respect of such land which admeasured less than [5 hectares] or in which less than [fifteen] persons were employed, immediately before the commencement of this Act.]

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “adolescent” means a person who has completed his [fourteenth] year but has not completed his eighteenth year;

(b) “adult” means a person who has completed his eighteenth year;

(c) “child” means a person who has not completed his [fourteenth] year;

(d) “day” means a period of twenty-four hours beginning at midnight;

(e) “employer” when used in relation to a plantation, means the person who has the ultimate control over the affairs of the plantation, and where the affairs of any plantation are entrusted to any other person (whether called a managing agent, manager, superintendent or by any other name) such other person shall be deemed to be the employer in relation to that plantation;

[*Explanation.*—For the purposes of this clause, “the person who has the ultimate control over the the affairs of the plantation” means in the case of a plantation owned or controlled by—

- (i) a company, firm or other association of individuals, whether incorporated or not, every director, partner or individual;
- (ii) the Central Government or State Government or any local authority, the person or persons appointed to manage the affairs of the plantation; and
- (iii) a lessee, the lessee;]

[(*ee*) “family”, when used in relation to a worker, means—

- (i) his or her spouse, and
- (ii) the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year,

[and includes parents and widow sister, dependent upon him or her;]

[(*eee*) “inspector” means an inspector of plantations appointed under sub-section (*I*) of section 4 and includes an additional inspector of plantations appointed under sub-section (*IA*) of that section;]

[(*f*) “plantation” means any plantation to which this Act, whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools, and any other premises used for any purpose connected with such plantation, but does not include any factory on the premises to which the provisions of the Factories Act, 1948 (63 of 1948) apply;]

- (*g*) “prescribed” means prescribed by rules made under this Act;

[(*h*) “qualified medical practitioner” means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916 (7 of 1916), or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956), and includes any person having a certificate granted under any Provincial or State Medical Council Act;]

(i) “wages” has the meaning assigned to it in clause (h) of section 2 of the Minimum Wages Act, 1948 (11 of 1948);

(j) “week” means a period of seven days beginning at mid-night on Saturday night or such other night as may be fixed by the State Government in relation to plantations in any area after such consultation as may be prescribed with reference to the plantations concerned in that area;

[(k) “worker” means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical [and includes a person employed on contract for more than sixty days in a year], but does not include—

(i) a medical officer employed in the plantation;

(ii) any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed [rupees ten thousand];

(iii) any person employed in the plantation primarily in a [managerial or administrative capacity, notwithstanding that his monthly wages do not exceed ten thousand]; or

(iv) any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals;]

(l) “young person” means a person who is either a child or an adolescent.

3. Reference to time of day.—In this Act, references to time of day are references to Indian Standard Time being five and a half hours ahead of Greenwich Mean Time:

Provided that for any area in which the Indian Standard Time is not ordinarily observed, the State Government may make rules—

(a) specifying the area;

- (b) defining the local mean time ordinarily observed therein; and
- (c) permitting such time to be observed in all or any of the plantations situated in that area.

[CHAPTER IA

REGISTRATION OF PLANTATIONS

3A. Appointment of registering officers.—The State Government may, by notification in the Official Gazette,—

- (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit, to be registering officers for the purposes of this Chapter, and
- (b) define the limits within which a registering officer shall exercise the powers and discharge the functions conferred or imposed on him by or under this Chapter.

3B. Registration of plantations.—(1) Every employer of a plantation, existing at the commencement of the Plantation Labour (Amendment) Act, 1981 (58 of 1981) shall, within a period of sixty days of such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days of the coming into existence of such plantation, make an application to the registering officer for the registration of such plantation:

Provided that the registering officer may entertain any such application after the expiry of the period aforesaid if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

- (2) Every application made under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed.
- (3) After the receipt of an application under sub-section (1), the registering officer shall register the plantation.

- (4) Where a plantation is registered under this section, the registering officer shall issue a certificate of registration to the employer thereof in such form as may be prescribed.
- (5) Where, after the registration of a plantation under this section, any change occurs in the ownership or management or in the extent of the area or other prescribed particulars in respect of such plantation, the particulars regarding such change shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.
- (6) Where as a result of any intimation received under sub-section (5), the registering officer is satisfied that the plantation is no longer required to be registered under this section, he shall, by order in writing, cancel the registration thereof and shall, as soon as practicable, cause such order to be published in any one newspaper in the language of, and having circulation in, the area where the plantation is situated.

3C. Appeals against orders of registering officer.—(1) Any person aggrieved by the order of a registering officer under sub-section (6) of section 3B may, within thirty days of the publication of such order in the newspaper under that sub-section, prefer an appeal to such authority as may be prescribed:

Provided that the appellate authority may entertain an appeal under this sub-section after the expiry of the aforesaid period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period.

- (2) After the receipt of an appeal under sub-section (1), the appellate authority may, after giving the appellant, the employer referred to in sub-section (5) of section 3B and the registering officer an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

3D. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the form of application for the registration of a plantation, the particulars to be contained in such application and the fees to be accompanied along with such application;
 - (b) the form of the certificate of registration;
 - (c) the particulars regarding any change in respect of which intimation shall be given by the employer to the registering officer under sub-section (5) of section 3B and the form in which such change shall be intimated;
 - (d) the authority to which an appeal may be preferred under section 3C and the fees payable in respect of such appeal;
 - (e) the registers to be kept and maintained by a registering officer.]

CHAPTER II

INSPECTING STAFF

- 4. Chief inspector and inspectors.**—(1) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the chief inspector of plantations and so many duly qualified persons to be inspectors of plantations subordinate to the chief inspector as it thinks fit.

[(1A) The State Government may also, by notification in the Official Gazette, appoint such officers of the State Government or of any local authority under its control, as it thinks fit, to be additional inspectors of plantations for all or any of the purposes of this Act.]

- (2) Subject to such rules as may be made in this behalf by the State Government, the chief inspector may declare the local area or areas within which, or the plantations with respect to which, inspectors shall exercise their powers

under this Act, and may himself exercise the powers of an inspector within such limits as may be assigned to him by the State Government.

- (3) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

Powers and functions of inspectors.—Subject to any rules made by the State Government in this behalf, an inspector may within the local limits for which he is appointed—

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made thereunder are being observed in the case of any plantation;
- (b) with such assistants, if any, as he thinks fit, enter, inspect and examine any plantation or part thereof at any reasonable time for the purpose of carrying out the objects of this Act;
- (c) examine the crops grown in any plantation or any worker employed therein or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;
- (d) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

6. Facilities to be afforded to inspectors.— Every employer shall afford the inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act.

7. Certifying surgeons.—(1) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act

within such local limits or for such plantation or class of plantations as it may assign to them respectively.

- (2) The certifying surgeon shall carry out such duties as may be prescribed in connection with—
 - (a) the examination and certification of workers;
 - (b) the exercise of such medical supervision as may be prescribed where adolescents [are], employed in any work in any plantation which is likely to cause injury to their health.

CHAPTER III

PROVISIONS AS TO HEALTH

8. **Drinking water.**—In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.
9. **Conservancy.**—(1) There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.
 - (2) All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.

Medical facilities.—(1) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers [and their families] as may be prescribed by the State Government.

- (2) If in any plantation medical facilities are not provided and maintained as required by sub-section (1) the [State Government upon a request by the chief inspector] may cause to be provided and maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

- (3) For the purposes of such recovery the chief inspector may certify the costs to be recovered to the collector, who may recover the amount as an arrear of land-revenue.

CHAPTER IV

WELFARE

- 11. Canteens.**—(1) The State Government may make rules requiring that in every plantation wherein one hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for—
- (a) the date by which the canteen shall be provided;
 - (b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;
 - (c) the foodstuffs which may be served therein and the charges which may be made therefor;
 - (d) the constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen;
 - (e) the delegation to the chief inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).
- 12. Creches.**— [(1) In every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by the employer suitable rooms for the use of children of such women workers.

Explanation.—For the purposes of this sub-section and sub-section (IA), “children” means persons who are below the age of six years.]

[(IA) Notwithstanding anything contained in sub-section (I), if, in respect of any plantation wherein less than fifty women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of such women workers is less than twenty, the State Government, having regard to the number of children of such women workers deems it necessary that suitable rooms for the use of such children should be provided and maintained by the employer, it may, by order, direct the employer to provide and maintain such rooms and thereupon the employer shall be bound to comply with such direction.]

- (2) [The rooms referred to in sub-section (I) or sub-section (IA)] shall—
- (a) provide adequate accommodation;
 - (b) be adequately lighted and ventilated;
 - (c) be maintained in a clean and sanitary condition; and
 - (d) be under the charge of a woman trained in the care of children and infants.
- (3) The State Government may make rules prescribing the location and the standards of [the rooms referred to in sub-section (I) or sub-section (IA)] in respect of their construction and accommodation and the equipment and amenities to be provided therein.

13. Recreational facilities.—The State Government may make rules requiring every employer to make provision in his plantation for such recreational facilities for the workers and children employed therein as may be prescribed.

14. Educational facilities.—Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number, the State Government may make rules requiring every employer to provide

educational facilities for the children in such manner and of such standard as may be prescribed.

[15. **Housing facilities.**—It shall be the duty of every employer to provide and maintain necessary housing accommodation—

- (a) for every worker (including his family) residing in the plantation;
- (b) for every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation:

Provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family of a deceased worker who, immediately before his death, was residing in the plantation.]

16. **Power to make rules relating to housing.**—The State Government may make rules for the purpose of giving effect to the provisions of section 15 and, in particular providing for—

- (a) the standard and specification of the accommodation to be provided;
- (b) the selection and preparation of sites for the construction of houses and the size of such plot;
- (c) the constitution of advisory boards consisting of representatives of the State Government, the employer and the workers for consultation in regard to matters connected with housing and the exercise by them of such powers, functions and duties in relation thereto as may be specified;
- (d) the fixing of rent, if any, for the housing accommodation provided for workers;
- (e) the allotment to workers and their families of housing accommodation and of suitable strips of vacant land adjoining such accommodation for the purpose of maintaining kitchen gardens, *** and for the eviction of workers and their families from such accommodation;

- (f) access to the public to those parts of the plantation wherein the workers are housed.

[16A. Liability of employer in respect of accidents resulting from collapse of houses provided by him.]—(1) If death or injury is caused to any worker or a member of his family as a result of the collapse of a house provided under section 15, and the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity, the employer shall be liable to pay compensation.

- (2) The provisions of section 4 of, and Schedule IV to, the Workmen's Compensation Act, 1923 (8 of 1923), as in force for the time being, regarding the amount of compensation payable to a workman under that Act shall, so far as may be, apply for the determination of the amount of compensation payable under sub-section (1).

16B. Appointment of Commissioners.—The State Government may, by notification in the Official Gazette, appoint as many persons, possessing the prescribed qualifications as it thinks fit, to be Commissioners to determine the amount of compensation payable under section 16A and may define the limits within which each such Commissioner shall exercise the powers and discharge the functions conferred or imposed on him by or under this Act.

16C. Application for compensation.—(1) An application for payment of compensation under section 16A may be made to the Commissioner—

- (a) by the person who has sustained the injury; or
- (b) by any agent duly authorised by the person who has sustained the injury; or
- (c) where the person who has sustained the injury is a minor, by his guardian; or
- (d) where death has resulted out of the collapse of the house, by any dependant of the deceased or by any agent duly authorised by such dependant or, if such dependant is a minor, by his guardian.

- (2) Every application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.
- (3) No application for compensation under this section shall be entertained unless it is made within six months of the collapse of the house:

Provided that the Commissioner may, if he is satisfied that the applicant was prevented by sufficient cause from making the application within the aforesaid period of six months, entertain such application within a further period of six months.

Explanation - In this section, the expression “dependant” has the meaning assigned to it in clause (d) of section 2 of the Workmen's Compensation Act, 1923 (8 of 1923).

16D. Procedure and powers of Commissioner.—(1) On receipt of an application under section

16C, the Commissioner may make an inquiry into the matter covered by the application.

- (2) In determining the amount of compensation payable under section 16A, the Commissioner may, subject to any rules that may be made in this behalf, follow such summary procedure as he thinks fit.
- (3) The Commissioner shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;

- (e) issuing commissions for the examination of witnesses or documents;
 - (f) any other matter which may be prescribed.
- (4) Subject to any rules that may be made in this behalf, the commissioner may, for the purpose of determining any claim or compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist him in holding the inquiry.

16E. Liability to pay compensation, etc., to be decided by Commissioner.—*(1)*

Any question as to the liability of an employer to pay compensation under section 16A, or as to the amount thereof, or as to the person to whom such compensation is payable, shall be decided by the Commissioner.

- (2) Any person aggrieved by a decision of the Commissioner refusing to grant compensation, or as to the amount of compensation granted to him, or to the apportionment thereof, may prefer an appeal to the High Court having jurisdiction over the place where the collapse of the house has occurred, within ninety days of the communication of the order of the Commissioner to such person:

Provided that the High Court may entertain any such appeal after the expiry of the period aforesaid if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period:

Provided further that nothing in this sub-section shall be deemed to authorise the High Court to grant compensation in excess of the amount of compensation payable under section 16A.

- (3) Subject to the decision of the High Court in cases in which an appeal is preferred under sub-section (2), the decision of the Commissioner under sub-section *(1)* shall be final and shall not be called in question in any court.

16F. Saving as to certain rights.—The right of any person to claim compensation under section 16A shall be without prejudice to the right of such person to recover compensation payable under any other law for the

time being in force; but no person shall be entitled to claim compensation more than once in respect of the same collapse of the house.

16G. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of sections 16A to 16F (both inclusive).

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(i) the qualifications and conditions of service of Commissioners;

(ii) the manner in which claims for compensation may be inquired into and determined by the Commissioner;

(iii) the matters in respect of which any person may be chosen to assist the Commissioner under section 16D and the functions that may be performed by such person;

(iv) generally for the effective exercise of any powers conferred on the Commissioner.]

17. Other facilities.—The State Government may make rules requiring that in every plantation the employer shall provide the workers with such number and type of umbrellas, blankets, rain coats or other like amenities for the protection of workers from rain or cold as may be prescribed.

18. Welfare officers.—(1) In every plantation wherein three hundred or more workers are ordinarily employed the employer shall employ such number of welfare officers as may be prescribed.

(2) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section (1).

[CHAPTER IVA
PROVISIONS AS TO SAFETY

- 18A. Safety.**—(1) In every plantation, effective arrangements shall be made by the employer to provide for the safety of workers in connection with the use, handling, storage and transport of insecticides, chemicals and toxic substances.
- (2) The State Government may make rules for prohibiting or, restricting employment of women or adolescents in using or handling hazardous chemicals.
- (3) The employer shall appoint persons possessing the prescribed qualifications to supervise the use, handling, storage and transportation of insecticides, chemicals and toxic substances in his plantation.
- (4) Every employer shall ensure that every worker in plantation employed for handling, mixing, blending and applying insecticides, chemicals and toxic substances, is trained about the hazards involved in different operations in which he is engaged, the various safety measures and safe work practices to be adopted in emergencies arising from spillage of such insecticides chemicals and toxic substances and such other matters as may be prescribed by the State Government.
- (5) Every worker who is exposed to insecticides, chemicals and toxic substances shall be medically examined periodically, in such manner as may be prescribed, by the State Government.
- (6) Every employer shall maintain health record of every worker who is exposed to insecticides, chemicals and toxic substances which are used, handled, stored or transported in a plantation, and every such worker shall have access to such record.
- (7) Every employer shall provide—
- (a) washing, bathing and clock room facilities; and

(b) protective clothing and equipment,

to every worker engaged in handling insecticides, chemicals or toxic substances in such manner as may be prescribed by the State Government.

(8) Every employer shall display in the plantation a list of permissible concentrations of insecticides, chemicals and toxic substances in the breathing zone of the workers engaged in the handling and application of such insecticides, chemicals and toxic substances.

(9) Every employer shall exhibit such precautionary notices as may be prescribed by the State Government indicating the hazards of insecticides, chemicals and toxic substances.

18B. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the restriction on employment of women and adolescents for handling hazardous chemicals under sub-section (2) of section 18A;

(b) the qualifications of supervisor appointed under sub-section (3) of section 18A; (c) the matters for training of workers under sub-section (4) of section 18A; (d) the medical examination of workers under sub-section (5) of section 18A;

(e) the facilities and equipment to be provided to the workers engaged in handling insecticides, chemicals and toxic substances under sub-section (7) of section 18A;

(f) the precautionary notices to be exhibited under sub-section (9) of section 18A.]

CHAPTER V

HOURS AND LIMITATION OF EMPLOYMENT

19. Weekly hours.— [(1)] Save as otherwise expressly provided in this Act, no adult worker shall be required or allowed to work on any plantation in excess of [forty-eight hours] a week and no adolescent *** for more than [twenty-seven hours] a week.

[(2) Where an adult worker works in any plantation on any day in excess of the number of hours constituting a normal working day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to twice the rates of ordinary wages:

Provided that no such worker shall be allowed to work for more than nine hours on any day and more than fifty-four hours in any week.

(3) For any work done on any closed holiday in the plantation or on any day of rest, a worker shall be entitled to twice the rates of ordinary wages as in the case of overtime work.]

20. Weekly holidays.— (1) The State Government may by rules made in this behalf—

(a) provide for a day of rest in every period of seven days which shall be allowed to all workers;

[(b) provide for the conditions subject to which, and the circumstances in which, an adult worker may be required or allowed to work overtime.]

(2) Notwithstanding anything contained in clause (a) of sub-section (1) where a worker is willing to work on any day of rest which is not a closed holiday in the plantation, nothing contained in this section shall prevent him from doing so:

Provided that in so doing a worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

Explanation 1.—Where on any day a worker has been prevented from working in any plantation by reason of tempest, fire, rain or other natural causes, that day, may, if he so desires, be treated as his day of rest for the relevant period of seven days within the meaning of sub-section (1).

Explanation 2.—Nothing contained in this section shall apply to any worker whose total period of employment including any day spent on leave is less than six days.

- 21. Daily intervals for rest.**—The period of work on each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest for at least half an hour.
- 22. Spreadover.**—The period of work of an adult worker in a plantation shall be so arranged that inclusive of his interval for rest under section [21] it shall not spreadover more than twelve hours including the time spent in waiting for work on any day.
- 23. Notice of period of work.**—(1) There shall be displayed and correctly maintained in every plantation a notice of periods of work in such form and manner as may be prescribed showing clearly for every day the periods during which the workers may be required to work.
- (2) Subject to the other provisions contained in this Act, no worker shall be required or allowed to work in any plantation otherwise than in accordance with the notice of periods of work displayed in the plantation.
- (3) An employer may refuse to employ a worker for any day if on that day he turns up for work more than half an hour after the time fixed for the commencement of the day's work.
- [24. Prohibition of employment of children.**—No child shall be employed to work in any plantation.]
- 25. Night work for women ***.**—Except with the permission of the State Government, no woman

*** worker shall be employed in any plantation otherwise than between the hours of 6 A.M. and 7 P.M.:

Provided that nothing in this section shall be deemed to apply to midwives and nurses employed as such in any plantation.

Non-adult workers to carry tokens.— No *** adolescent shall be required or allowed to work in any plantation unless—

- (a) a certificate of fitness granted with reference to him under section 27 is in the custody of the employer; and
- (b) such *** adolescent carries with him while he is at work a token giving a references to such certificate.

27. **Certificate of fitness.**—(1) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such person will be employed in the plantation if certified to be fit for work, or on the application of the employer or any other person on his behalf with reference to any young person intending to work, examine such person and ascertain his fitness for work *** as an adolescent.

(2) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

(3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian.

28. **Power to require medical examination.**—An inspector may, if he thinks necessary so to do, cause any young person employed in a plantation to be examined by a certifying surgeon.

CHAPTER VI

LEAVE WITH WAGES

29. Application of Chapter.— (1) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement, or contract of service:

Provided that where such award, agreement or contract of service provides for a longer leave with wages than provided in this Chapter the worker shall be entitled only to such longer leave.

Explanation.—For the purpose of this Chapter leave shall not, except as provided in section 30, include weekly holidays or holidays for festivals or other similar occasions.

30. Annual leave with wages.—(1) Every worker shall be allowed leave with wages for a number of days calculated at the rate of—

- (a) if an adult, one day for every twenty days of work performed by him, and
- (b) if a young person, one day for every fifteen days of work performed by him.

* * * * *

[*Explanation 1*].—For the purposes of calculating leave under this sub-section,—

- (a) any day on which no work or less than half a day's work is performed shall not be counted;

and

- (b) any day on which half or more than half a day's work is performed shall be counted as one day.]

[*Explanation 2.*—The leave admissible under this sub-section shall be exclusive of all holidays, whether occurring during, or at either end of the period of leave.]

(2) If a worker does not in any one period of twelve months take the whole of the leave allowed to him under sub-section (1), any leave not taken by him shall be added to the leave to be allowed to him under that sub-section in the succeeding period of twelve months.

(3) A worker shall cease to earn any leave under this section when the earned leave due to him amounts to thirty days.

[(4) If the employment of a worker who is entitled to leave under this section is terminated by the employer before he has taken the entire leave to which he is entitled, the employer shall pay him the amount payable under section 31 in respect of the leave not taken, and such payment shall be made before the expiry of the second working day after such termination.]

31. Wages during leave period.— [(1) For the leave allowed to a worker under section 30, he shall be paid,—

(a) if employed wholly on a time-rate basis, at a rate equal to the daily wage payable to him immediately before the commencement of such leave under any law or under the terms of any award, agreement or contract of service, and

(b) in other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months.

Explanation.—For the purposes of clause (b) of sub-section (1), the average daily wage shall be computed on the basis of his total full-time earnings during the preceding twelve calendar months, exclusive of any overtime earnings or bonus, if any, but inclusive of dearness allowance.

(1A) In addition to the wages for the leave period at the rates specified in sub-section (1), a worker shall also be paid the cash value of food and other

concessions, if any, allowed to him by the employer in addition to his daily wages unless these concessions are continued during the leave period.]

- (2) A worker who has been allowed leave for [any period not less than] four days in the case of an adult and five days in the case of a young person under section 30 shall, before his leave begins, be paid his wages for the period of the leave allowed.

32. Sickness and maternity benefits.—(1) Subject to any rules that may be made in this behalf, every worker shall be entitled to obtain from his employer—

(a) in the case of sickness certified by a qualified medical practitioner, sickness allowance, and

(b) if a woman, in the case of confinement or expected confinement, maternity allowance, at such rate, for such period and at such intervals as may be prescribed.

- (2) The State Government may make rules regulating the payment of sickness or maternity allowance and any such rules may specify the circumstances in which such allowance shall not be payable or shall cease to be payable, and in framing any rules under this section the State Government shall have due regard to the medical facilities that may be provided by the employer in any plantation.

[CHAPTER VIA

ACCIDENTS

32A. Notice of accident.—Where in any plantation, an accident occurs which causes death or which causes any bodily injury to a worker by reason of which the worker injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such a nature as may be prescribed in this behalf, the employer thereof shall send

notice thereof to such authorities, in such form, and within such time, as may be prescribed.

32B. Register of accidents.—The employer shall maintain a register of all accidents which occur in the plantation in such form and in such manner as may be prescribed.]

[**32C. Compensation.**—The employer shall give compensation to a worker in plantation in case of accident and the memorandum relating to such compensation shall be got registered by the employer with the Commissioner in accordance with the provisions of the Workmen’s Compensation Act, 1923 (8 of 1923).]

CHAPTER VII

PENALTIES AND PROCEDURE

33. **Obstruction.**—(1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any plantation, shall be punishable with imprisonment for a term which may extend to [six months, or with fine which may extend to ten thousand rupees, or with both].

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to [six months, or with fine which may extend to ten thousand rupees, or with both.]

34. **Use of false certificate of fitness.**—Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 27 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or allows an

attempt to use it to be made by another person, shall be punishable with imprisonment which may extend to [two months, or with fine which may extend to one thousand rupees, or with both].

35. **Contravention of provisions regarding employment of labour.**—

Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment of persons in a plantation, shall be punishable with imprisonment for a term which may extend to [six months, or with fine which may extend to ten thousand rupees, or with both].

36. **Other offences.**—Whoever contravenes any of the provisions of this Act or

of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to [six months, or with fine which may extend to ten thousand rupees, or with both].

37. **Enhanced penalty after previous conviction.**—If any person who has been

convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to [one year, or with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees, or with both]: Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

[37A. **Power of court to make orders.**—(1) Where an employer is convicted of an

offence punishable under section 36, the court may, in addition to awarding any punishment, by order in writing, require him within such period as may be specified in the order (which the court may, if it thinks fit and on an application made in this behalf by the employer, from time to time, extend) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

- (2) Where an order is made under sub-section (1), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, as the case may be, specified by the court, but if, on the expiry of such period or extended period, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and he shall, on conviction, be punishable with imprisonment for a term which may extend to six months and with fine which may extend to three hundred rupees for every day after such expiry.]

38. Exemption of employer from liability in certain cases.—Where an employer charged with an offence under this Act alleges that another person is the actual offender, he shall be entitled upon complaint made by him in this behalf to have, on giving to the prosecutor in this behalf three clear days, notice in writing of his intention so to do, that other person brought before the Court on the day appointed for the hearing of the case and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that—

- (a) he has used due diligence to enforce the execution of the relevant provisions of this Act; and
- (b) that the other person committed the offence in question without his knowledge, consent or connivance; the said other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be acquitted:

Provided that—

- (a) the employer may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges to be the actual offender and by the prosecutor, and
- (b) if, in spite of due diligence, the person alleged as the actual offender cannot be brought before the Court on the day appointed for the hearing of the case,

the Court shall adjourn the hearing thereof from time to time so, however, that the total period of such adjournment does not exceed three months, and if, by the end of the said period, the person alleged as the actual offender cannot still be brought before the Court, the Court shall proceed to hear the case against the employer.

[39. Cognizance of offences.— No Court shall take cognizance of any offence under this Act except on a complaint made by any worker or an office bearer of a trade union of which such worker is a member or an inspector and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

39A. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.]

40. Limitation of prosecutions.— No Court shall take cognizance of an offence punishable under this Act unless the complaint thereof has been made or is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector:

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

CHAPTER VIII

MISCELLANEOUS

42. Power to give directions.—The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act.

43. Power to exempt.—The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may think fit to

impose, any employer or class of employers from all or any of the provisions of this Act:

Provided that no such exemption [other than an exemption from section 19] shall be granted except with the previous approval of the Central Government.

43. **General power to make rules.**—(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act: Provided that the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897 (10 of 1897), shall not be less than six weeks from the date on which the draft of the proposed rules was published.
- (2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—
- (a) the qualifications required in respect of the chief inspector and inspector;
 - (b) the powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;
 - (c) the medical supervision which may be exercised by certifying surgeons;
 - (d) the examination by inspectors or other persons of the supply and distribution of drinking water in plantations;
 - (e) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;
 - (f) the time within which housing, recreational, educational or other facilities required by this Act to be provided and maintained may be so provided;
 - (g) the types of latrines and urinals that should be maintained in plantations;
 - (h) the medical, recreational and educational facilities that should be provided in plantations;

- (i) the form and manner in which notices of periods of work shall be displayed and maintained;
- (j) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government may be required for the purposes of this Act; ***
- (k) the hours of work for a normal working day for the purpose of wages and overtime;

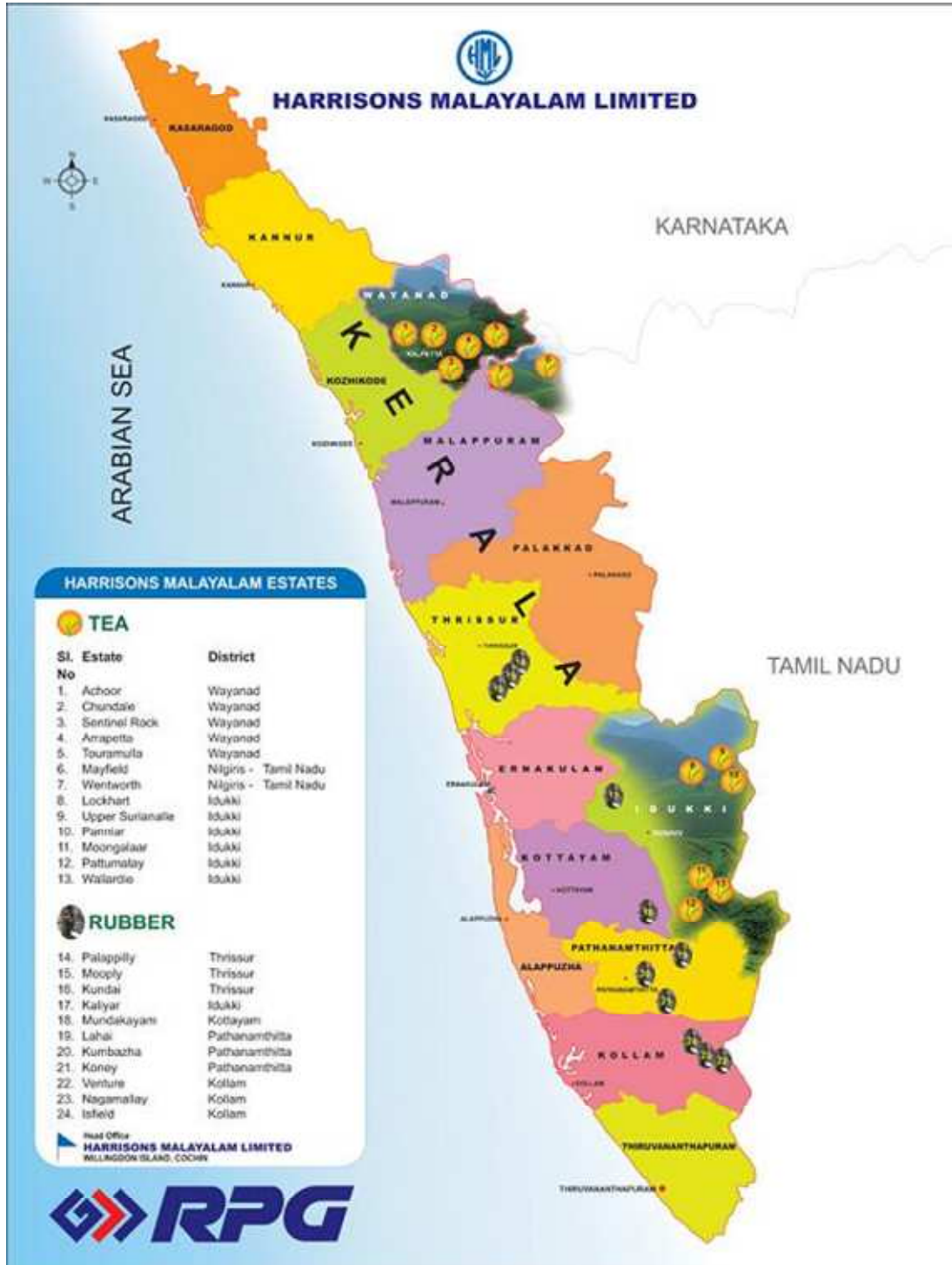
[(l) any other matter which is required to be, or may be, prescribed.]

[(3) Every rule made by the State Government under this Act shall, as soon as may be after it is made, be laid before the State Legislature.]

[(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

Appendix V

Plantations of Harrison Malayalam Limited



Appendix VI

Protest March of Women Workers (Penbilai Orumai) in Munnar in 2015



Appendix VII

Tea Plantations Workers Engaged in Plucking of Tea Leaves



Appendix VIII

Harrison Malayalam Limited Share Holdings

Sl.No	Category	No.of Shares	Percentage
1	Promoters	5644,005	30.58
2	General Public	7020714	38.04
3	Foreign Promoters	3640000	19.72
4	Other Companies	1302952	7.06
5	Others	426406	3.96
6	Financial Institutions	67876	0.37
7	NBFC and Mutual Funds	49660	0.27
	Total	18,151,613	100

Appendix IX

The common grades of CTC

PEK	Pekoe
BP	Broken Pekoe
BOP	Broken Orange Pekoe
BPS	Broken Pekoe Souchong
BP1	Broken Pekoe one
FP1	Flowery Pekoe one
OF	Orange Fannings
PF	Pekoe Fannings
PF1	Pekoe Fannings One
BOPF	Broken Orange Pekoe Fannings
PD	Pekoe Dust
D	Dust
PD	Churamani Dust
PD1	Pekoe Dust One
D1	Dust One
RD	Red Dust
FD	Fine Dust
SFD	Super Fine Dust
RD1	Red Dust one
GD	Golden Dust
SRD	Super Red Dust

Appendix X

Grades in Orthodox Tea

	FP	Flowery Pekoe
Whole leaf	FTGFOP	Fine Tippy Golden Orange Pekoe
	TGFOP1	Tippy Golden Orange Pekoe
	GFOP	Golden Flowery Orange Pekoe
	FOP	Flowery Orange Pekoe
	OP	Orange Pekoe
	BOP	Broken Orange Pekoe one
	GFBOP	Golden Flowery Broken Orange Pekoe
Brokens	BPS	Broken Pekoe Souchong
	GBOP	Golden Broken Orange Pekoe
	FBOP	Flowery Broken Orange Pekoe
	BOP	Broken Orange Pekoe
	GOF	Golden Orange Fannings
Fannings	FOF	Flowery Orange Fannings
	BOPF	Broken Orange Pekoe Fannings
	OPD	Orange Pekoe Dust
	OCD	Orange Churamani Dust
	BOPD	Broken Orange Pekoe Dust
	BOPFD	Broken Orange Pekoe Fine Dust
Dust	FD	Fine Dust
	D – A	Dust – A
	Spl.Dust	Special Dust
	G. Dust	Golden Dust