

Human Rights & Women Tea Workers: A Study In North Bengal

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Abstract:

North Bengal is famous for its flora, and fauna. A large number of portions of this region are covered by the tea gardens. Tea garden has a glorious history in this area, especially Darjeeling tea which is very famous for its aroma and flavor throughout the world. A large number of people depend on the Tea Garden for their livelihood. But the tea industry of this region also has a dark side. The Tea workers, who are the essential parts of tea production, without whose work production of tea is possible, have a miserable condition. Especially women workers are confronted with many difficulties including trafficking, poor health and hygiene status, insecure livelihood opportunities etc. So, it indicates the fact that tea industries are unable to protect the workers and also fail to address the consequences of those problems. This paper highlights various problems of women tea workers, their vulnerability and challenges in tea gardens of North Bengal.

Index Terms - Human Rights, Tea worker

I. INTRODUCTION

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Tea industry makes India as well known globally for production and exports of tea. In addition, it is said that, tea industry is also the second largest job provider to the people next to the Indian Railways .A large number of people are entirely dependent on this industry for their survival. In India in comparison to the male worker, women workers are engaged in large numbers. From the beginning period tea industry is increases of women workers on regular bases in contrast to other industrial sectors (Bhadra,2004).Though tea employers are interested to employed women workers in tea industry but they are not concern regarding to provide various facilities mentioned in the PLA, even they are not aware about the human rights. However, the tea industry violates various human right and women workers are the victims of this violation.. In India in comparison to the male worker, women workers are engaged in large numbers. From the beginning period tea industry is increases of women workers on regular bases in contrast to other industrial sectors (Bhadra,2004).Though tea employers are interested to employed women workers in tea industry but they are not concern regarding to provide various facilities mentioned in the PLA, even they are not aware about the

human rights. However, tea industry violates various human right and women workers are the victims of this violation. This paper highlights the sufferings and challenges of women tea workers in North Bengal special reference to violation of human rights

II. Human Rights and Some Provisions:

In India the Rights and Fundamental rights are important parts of the Indian Constitution. These fundamental rights are regarded as human rights of all citizens, irrespective caste, gender, class, religion etc. There are six fundamental rights ensured in Indian Constitution, those are:

- a. Right of Equality which provides equality to all the Indian citizens and also ensures equal opportunity in case of public employment and prohibits the state from discrimination against any one in matters of employment on the bases of religion, race, caste ,sex, descent, place of birth, place of residence or any of them.
- b. Right of Freedom that assures freedom of speech, freedom of expression, freedom of assembly without arms, freedom of movement throughout the territory of our country, freedom of association, freedom to practice any profession, freedom to reside in any part of the country.
- c. Right against Exploitation criticize human trafficking, child labor, forced labor making, and also disallow any act that forced a person to work without wages where he was lawfully allowed not to work or to receive remuneration for it. Unless it is for the public use, like community services or NGO work.
- d. Right to Freedom of Religion ensures religious freedom to all the citizens and assures secular states in India. It also provides freedom of conscience and the right to preach practice and propagate any religion of their choice.
- e. Cultural and Educational Rights that look after the rights of cultural, religious and linguistic minorities by permitting them to conserve their heritage and protecting them against discrimination. Educational rights guarantee education for everyone irrespective of their caste, gender, religion, etc.
- f. Right to Constitutional Remedies assures people to go to the Supreme Court in India to ask for enforcement or protection against violation of the fundamental rights. Though there are various human rights in our Indian constitution for the protection of all citizens human rights violation is not a new phenomenon for tea industry.

III. Methodology:

This study is followed by qualitative research, based on secondary data available from various reports, articles, newspapers etc.

IV. Violation of Human Rights of Women Tea Worker:

The roots of poverty and violation of rights of tea workers originated from British period. At that time the British planters recruit the indigenous *Adivasi* women in tea industry. Many *Adivasi* women were relocated to work as indentured labor in the tea gardens. Historical records show that their working condition were not good. (<https://www.borgenmagazine.com/wp-content/uploads/2020/01/Human-Rights-Violations-in-the-Indian-Tea-Industry.jpg>). British planters exhibited more attention to absorb more women worker for their everlasting production and enjoyment of self promoting steady work force. The planters devalued the women labor force by imposing division of labour, which still continues even today and as a result of that women tea workers suffer a lot. There are legislative provisions come into force after independence to protect the rights of worker as well as women workers but still those provision are not applied properly. They suffer from various kinds of exploitation. Some of the problems and challenges confronted by women worker in tea gardens are discussed bellow which indicates violation of human rights also.

V. Exploitation of Wages:

Though our constitution provides the rights against exploitation to the people but exploitation of wages persists in the tea industry. In case of wages the women tea workers are deprived of getting real wage in the Tea industry in West Bengal and Assam. The wages of workers are the lowest (Bhowmik, 2011). It is observed that the female worker is being deprived of getting her actual wages. Though wage disparity between male and female laborers was put to an end by legislation, many tea planters in West Bengal denied providing real wages to women workers at par with male despite equal pay for equal work. In some tea gardens it was not executed until July 1979. These wage differences were discontinued after a few years due to pressure of various trade unions of plantation laborers. Though legally wage disparity does not exist but in reality, the wage variation applied till today. The women of any age who are infirm, old, inefficient, and lazy or suffer from any chronic disease are employed. They are paid two thirds of the wages of an adult labour. Many adult women laborers are paid less wages and thus wage differences are still there in a different form (Bhadra, 2004). In some tea gardens there are a high number of female casual workers as compared to male. This is significant because practices of casual workers are not entitled to the same benefits as permanent workers (Fact Finding Mission Report 2016).

V. Crisis of Right to Health:

Right to health is an important human right. Women tea workers are always confronted with the problem of violation of health right. Plantation Labour Act 1951 (PLA) assures every workers to get proper health care facilities and management is bound to uphold this amenities like hospital, medical care etc but in reality they are far away to get this entitlement. Most of the planters ignore to execute all the provisions of PLA. As a result of unavailability of required health care facilities within tea garden area hampered the life of children and their family members (Ghosh, 2015). In case of sickness, the worker must travel to the closest city, a distance of 20 km, to a state hospital. The management does not pay for the medical fees incurred when the workers visit the government health facilities (Fact Finding Mission Report 2016). In many tea gardens have some company hospital but the staff members of those hospitals treated the labourers disrespectfully. They are forced to go back there working place long before the working hours (Gothosker.2012). It is observed that only 166 tea estates have hospitals out of 273 tea estates in North Bengal Among 273 tea estates, there is not existent of dispensary in 85 gardens. Ten tea estates have entirely absence of hospital and dispensary. Within 273 tea estates, Primary Health Centres (PHCs) belongs to only 160, 113 tea estates (hills 38, Terai 23 and Dooars 52) have absence of any PHC, among 273 tea estates, 160 provide ambulance. Many of these ambulances are not up to the standard (Ghosh, 2015). Not only has this women worker suffered a lot. They simply do not get maternity care facilities as anticipated. They are deprived of their maternity protection rights. They need to continue performing the same tasks throughout their pregnancy, in spite of some women specifically requesting a light workload as reported by Fact Finding Mission Report 2016. It shows that there is a lack of medical facilities in the tea gardens for the women workers. Many of the hospitals inside the gardens are being run by without efficient doctors. There is also a lack of medicine and underage miss conception is increasing among the tribal women. Some of them die unnoticed during the process of child bearing.

VI. Lack of Proper Living Condition:

According to "Right to life" every person should have proper living conditions. But it is not true for the women tea workers and their family. Tea workers and their children reside in the area in an unhygienic environment of their residential colonies. Their socio-economic condition is poor and mostly these workers remain ignorant of their rights and privileges due to illiteracy. The workers suffer from several illnesses and health problems that are mainly due to poor people and household hygiene, poor sanitation and housing, including lack of education (Pukhan, 2015). The absence of safe drinking water and electricity are the major issues for inhabitants. In short supply and unhygienic drinking water make available to the workers by the company and water tank for supplying water is not sanitized on regular bases (Ghosh, 2015). To solve water problem management has provided tube wells or hand pump in some tea estates (Ghosh, 2015). But these are insufficient to meet the requirements of the workers and their families. Electricity is also not available to all the gardens (Ghosh, 2015). In some plantations, the burdens of fetching of waterfalls are disproportionately on women and girls. The management often fails to provide toilet, latrines at par labor laws (Fact Finding Mission Report 2016).

VII. Women Trafficking:

Trafficking is one kind of violation of human rights. The incident of trafficking is a problem in tea garden areas. It is originated by various reasons in the areas including aspiration for the good life, consumer culture, frequent clashes between parents, lack of proper information of migration risks, unwanted behavior of the parents of the girl child etc. (Chetri and Rai 2015). A study shows that there has been a steady growth of trafficking of children and women from the sick and closed tea gardens of North Bengal. Sickness and closure of tea gardens of North Bengal compelled them to search for other sources of income for which they are being exposed to unwanted trafficking (Ghosh, 2014). The prevalence of trafficking has been elevated in tea gardens with records of closure and sporadic sickness, while those that did not undergo closure or sickness witnessed a trafficking rate of 93.34% followed by closed gardens where the rate was 70.97%. It was 40% for gardens which operated continuously without a break (Chakraborty, 2013). Many of the migrants get into the trap of the traffickers who are mostly known people like relatives and lovers etc (Chetri and Rai 2015).

VIII. Food Insecurity and Malnutrition:

Income generation and food intake of a person are closely related, both are essential for sustaining life. Lack of both these basic necessities may create various problems in human life as a good life always depends on the health of an individual. Malnutrition is a kind of problem which hinders human life. According to the World Health Organization (WHO) malnutrition refers to “inadequate intake of protein, energy, and micronutrients and by frequent infections or disease”. The workers are totally dependent on the management for the essentials of life. Even for the very necessary service of drinking water; workers are entirely dependent on management which does not seem to see this as being an essential service (PKMS and IUF, 2005). For this reason it has become impossible for the worker to survive when a garden remain close or become sick, closure of the plantation would mean no income or no food. As a result, between 2000 and 2015, 1400 people have died in 17 closed tea gardens in North Bengal. In these estates, it was found that severe malnutrition was the main cause of death (Chaudhuri, M. 2015). Majority of the workers and their family members in closed tea gardens take food once a day and their regular meal consists mainly of rice and salt, mixed also with tea flowers and leaves. Wages have often not been paid since before the plantations closure (Fact Finding Mission Report 2016). As a result, malnutrition lessens the ability to toil, and raises the jeopardy of sickness, causing even further ability to work. Nutritionally crooked diets-particularly of women all through their life period have an effect on not only the nutritional comfort for the growing of girls, it also hampered the health of their children, and creates an inter-generational sequence of malnutrition. inadequate breast-feeding breaks also harmful for the development of newborn and little children and squat wages hold back the workers competence to parches healthy and balanced foods thus nutritional security is not guaranteed as prerequisite for workers to be healthy, to be capable to work, to raise their children, to learn and to be capable to go ahead in a hale and hearty social life (Fact Finding Mission Report 2016). Not only this, no special foods are being consumed by women workers during their pregnancy (Sarkar , 2016).

IX. Gender Inequality:

Though our constitution ensures equality to all citizens, inequality exists in the tea industry. Occupational immobility for women workers is an example of it. In tea plantations women workers are generally unskilled to semi-skilled workers. Tribal women are never found to be appointed in the managerial, clerical or supervisory work or any allied positions. Practically the women laborers in tea plantations have no promotion facilities. In every stratum of plantation hierarchy men have monopolized all responsible positions which are after better paid. All the women workers are daily wage workers and they have to perform all types of manual work (Bhadra, 2004). Women workers are almost engaged exclusively as tea pluckers and also barred from any promotional opportunities. This inability to perform other tasks results in the lack of opportunities for higher wages for women (Fact Finding mission report 2016). There are in short of female supervisors and doctors in the tea estates and those women who become engaged in this activities, to gripe the organization often confronted with the problem of retribution (Fact Finding mission report 2016). Such occupational immobility leads these women to stagnation, helplessness and total dependence on their employers and the male members of the family (Bhadra ,2004). There is another important reason for the occupational immobility of women workers. Though tea workers have been living in the same garden and in the same house for a span of 200 years, they have no rights on their own homestead. They never protest against their plights of work and they also do not refuse to work in spite of getting low wages from their employer because they are afraid that they can be evicted by the management at any moment from their home. For the same reason men workers may migrate to other places but one or more of the women members of the family must continue work on the estate (Fact Finding mission report 2016).

X. Some Suggestions:

To overcome the violation of human rights of women tea workers and its surrounding areas some measures are required given as below:

1. Government should pressurize the owner of tea gardens to follow PLA and constitutional safeguards regarding Human Rights.
2. Government should determine fixed wages for the workers on the bases of equality and build a committee to observe this.
3. Government and non government organizations (NGOs) should take initiative to introduce alternative income generation activities for the women worker during this pandemic situation.
4. Management should take initiatives for enhancement of the skill and technique to the women workers as they can perform not only field work but they can be involved in factory work and also in clerical work.
5. Tea industry should provide proper health facilities to women tea workers including crèche, transport facilities.

XI. Concluding remarks:

Behind the glorious history of the tea industry there is a hidden role of tea workers as well as women tea workers. In the case of most of the tea plantation women workers comprised a massive chunk of the work force and they played a vital role in the production process, but instead of their great contribution they lived in a pathetic socio-economic condition, which has great influence on the present day. Specifically they are confronted with various kinds of problems like, low wages, poor health care facilities, poor living conditions, migration, occupational immobility, trafficking, illiteracy, malnutrition etc, which expressly or impliedly effected in a bad manner to the entire tea working community associated with tea industry. In recent times these problems are becoming more specific due to growing problems of closure and sickness of tea gardens, which leads specifically to the women workers in a more vulnerable situation. Sometimes it becomes a challenge to the women worker to save their own life and also protect themselves from all kinds of vulnerable situations. Therefore the problems of working women in tea garden should be and adequately dealt with, and the Indian government ,various NGO and all the employer of tea garden should take initiative to elevate the condition of the women worker and eradicate all kinds of problems and assure to them a healthy, wealthy, and joyful life. Social worker can do a lot to address their problems specially advocating the matter making a strict adherence of provision in tea gardens without which stringent action could be prescribed against the agency. Field practitioners can build a platform with NGO professionals, other likeminded institutions and women organizations to raise voice and enact policy for compliance of rules without any further delay.

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