



Provisions of Social Security in Tea Gardens: Brief Analysis of Existing of Social Security and Their Impact on the Tea Workers.

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Abstract: Social security can be instrumental in reducing the stress caused by unemployment, injury, medical, disability etc. where worker to be specific and people in general can be looked after through the availability of social security benefits. Therefore, tea garden which employed the huge number of workers and their working is being governed by the set of social security laws and well design enacted the Plantation Labour Act 1951. However, in practical, those social security programmes are being undermined slightly. Results, workers would suffer directly and their family too.

Keywords: Social Security, Tea Garden, Tea Workers, Plantation Labour Act.

Introduction:

India's projected population is 129.02 crore with 48.59 per cent female population in India in 2016. At the same time literacy rate stands 77.7 per cent in 2017 against 72.98 per cent in 2011. Male and Female rate in 2017 is 84.7 per cent and 70.3 per cent whereas, in West Bengal stands male is 84.8 per cent and female is 76.1 per centⁱ. According to Tendulkar Committee report India's poverty line is 21.92 per cent i.e national level whereas West Bengal stands 19.98 per centⁱⁱ.

First Millennium Development Goals (MDGs) was adopted by United Nations in 2000 for set of eight international goals to be achieved by 2015 and now Sustainable Development Goals (SDGs) which set the 17 targets to be achieved by 2030, was adopted by 193 member states at the United Nations general Assembly in September 2015 and came into effect on January 1, 2016. Both are inclusive in nature and

holistic in approachⁱⁱⁱ. Public Expenditure on Social Security in India is 1.8 per cent of GDP; much lower even our Asian counter part, as against 4.7 percent in Sri Lanka and China.

Social security has been defined variously by different scholars depending on the context against which they were addressing the concept. The International Labour Organisation which made the first systematic effort to define the term Social Security explained it as, “The security that society furnishes through appropriate organisation against certain risks to which their members are exposed. These risks are essentially contingencies against which the individual of small means and meagre resources cannot effectively provide by his own ability or foresight or even in private combination with his fellows, these risks being sickness, maternity, invalidity, old age and death. It is the characteristic of these contingencies that imperil the ability of the working man to support himself and his dependents in health and decency.(ILO)William Beveridge, father of the British Social Security System, defines Social Security as follows:“The term Social Security is used to denote the securing of an income to take the place of earnings when they are interrupted by unemployment, sickness or accident; to provide for retirement through age; to provide against loss of support by the death of another person, and to meet exceptional expenditures such as those connected with birth, death and marriage. Primarily, Social Security means security of income up to a minimum, but the provision of an income should be associated with treatment designed to bring the interruption of earnings to an end as soon as possible.”(P.C. Sikligar, ‘Social Security,’ 2002, Utality Books: New Delhi, p.8.)

According to Dreze. J. and Sen. A. “The basic idea of Social Security is to use social means to prevent deprivation and vulnerability to deprivation.”¹⁰ (Jean Dreze and AmartyaSen, ‘Public Action For Social Security’ in E. Ahmed Jean Dreze, John Hills and AnartyaSen (eds.) ‘Social Security in Developing Countries,’ 1999, Oxford University Press: New Delhi, p.5.) Robin Burgess and Nicholas Stern Summarises the objective of Social Security as “The prevention by social means of very low standards of living irrespective of whether these are the results of chronic deprivation or temporary adversity.”

It is a kind of programme which has been designed to cope up with the issues like poverty, sickness, health etc. Every society irrespective of its size has their own programme to eradicate the abject poverty and make the people to realize their dream being a human and part of the polity.

Social security is not only concerned about the benefits like medical care, sickness benefit, unemployment benefit, old age and invalidity benefits, employment injury benefits, family and maternity benefits but it (social security) has been further widened which includes the provision for housing, safe drinking water, sanitation, health, educational and cultural facilities and also minimum wage which can ensure the decent life of worker and their family.^{iv} Therefore, aims of social security have become inclusive in nature and follow the holistic path and justified the human rights in true sense

The right to social security and social insurance has been included in many of international human right conventions. Such as an international covenant on economic, social and cultural rights (1966/in force

since 1976 (article 9), the conventions of rights of the child (1989/1990 (article 26 under article 27.3), Convention on the rights of persons with disabilities (2006/2008) article 28) etc.^v

Though the term social security has been defined variously by writers and scholars across the globe. Therefore, single word does not enough to define the social security. As new terms are coming into the domain of social security such as social safety net, social protection etc. which bears the similar meaning of social security.^{vi}

Roy Sainsbury, “ the aims of social security” said that post war social security i.e. earlier social security is designed to only respond the circumstances but not the influence them. So that was passive role of social security which ultimately made the people dependable^{vii}.

INCONTEXT OF WORLD:

International Covenant: The Declaration of Philadelphia adopted by ILO in 1944 states that “poverty anywhere constitutes a danger to prosperity everywhere”. International Labour Organization (ILO), in its fifty anniversaries marks the beginning of new era that is world-wide attack on the poverty^{viii}. There is numerous legislation which are seriously concerned about the world’s people irrespective of developed and developing or under developed nations through social security measures. Poverty is a complex, deep seated, pervasive reality. Virtually half of the world lives on less than US\$2 a day. More than 1 billion people struggle on \$1 a day or less. The challenge lies here is poverty breeds growing sense of powerlessness and indignity, of being unable to think, plan or dream beyond the daily struggle to survive^{ix}. For individuals, poverty is nightmare. It is a vicious circle of poor health, reduced working capacity, low productivity, and shortened life expectancy. For family, poverty is a trap and it leads inadequate schooling, low skills, insecure income, early parenthood, ill health, and early death. For societies, poverty is a curse. It hinders growth, fuels instability, and keeps poor countries from advancing on the path to sustainable development^x. International Labour Organization (ILO) states that “universal and lasting peace can be realized only if it is based upon social justice”^{xi}. Apart from this society should be inclusive and one should not be left on the ground of starvation, jobless, bad health etc. therefore, inclusive and holistic approach is required to deal with the people. Article 22 of Universal Declaration of Human Rights (UDHR), lays down “Everyone as a member of society, has the right to social security and is entitled to realization, through national efforts and international cooperation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. Article 25 lay downs “ (I) Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security, in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control. (II) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection^{xii}

INDIA AN HER PROVISIONS:

Art. 21 state the right to life and liberty, the constitution guarantees fundamental rights to every citizens. The most among them is article 21 which guarantees right to life. The supreme court of India has elaborately considered this article many times and categorically held that right to livelihood is inherent in right to life. The ultimate aim of social security is to ensure means of livelihood to everyone. In other words, right to social security is inherent in right to life.

Art. 24 states prohibition of employment of children in factories- no child below the age of 14 years shall be employed work in any factory or mine or engaged in any other hazardous employment.

Art. 38 states state to secure a social order for promotion of welfare of the people.

i) State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic, and political etc. shall inform all the institutions of national life.

ii) The state shall, in particular, strive to minimize the inequalities income and endeavor to eliminate inequalities in status, facilities and opportunities not only amongst the groups of people residing in different areas or engaged in different vocations.

Art. 39 states certain principles of policies to be followed by the state shall, in particular, direct its policy towards securing;

- a) That citizen's man and woman equally, have the right to an adequate means to livelihood.
- b) That the ownership and control of material resources of the community are so distributed as best to sub-serve the common good etc.
- c) The prevention of concentration of wealth to the common detriment;
- d) Equal pay for equal work for both of man and woman;
- e) The protection of the strength of and health of workers and avoiding circumstances which force citizens to enter avocations unsuited to their age or strength and
- f) Protection of childhood and motherhood against exploitation or moral and material abandonment.

Articles 41, state shall within the limits of its economic capacity and development, make provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement.

Article 42 states that state shall make provision for securing just and human conditions of work and for maternity relief.

Article 47 stated state must raise the nutrition level of its people^{xiii}.

Not only that if we look at India's initiative to enacted one after another legislation to include more and more people into social security net. such as Right to food act, right to education, right to work, etc. these are enough to say that India respect the initiative of world institutions as well as it has its own way of serving its people especially in need of crisis. Therefore, keeping the above constitutional provisions as well as ILO provision in regard to raise the living standards of people in general and worker in particular. Being member of ILO since independence as well being a welfare state. It is imperative to Government of India to enact the legislations. These are as;-

- i. Workman compensation Act, 1923
- ii. Industrial dispute Act, 1947
- iii. Employees state Insurance Act, 1948
- iv. The factories Act, 1948
- v. The minimum wage Act, 1948
- vi. Employees provident Fund Scheme, 1952
- vii. Maternity benefit Act, 1961
- viii. The Payment of gratuity Act, 1972
- ix. Employees Deposit Linked Insurance Scheme, 1976
- x. Employees Pension Scheme, 1995

Apart from these, centrally administered Schemes which can grouped into social security schemes are in operation such as

- i. National Old Age pension Scheme (NOAPS)
- ii. Swarnajayanti Gram Swarozgar Yojana (SGSY)
- iii. Sampoornagramin Rozgar Yojana (SGRY)
- iv. Pradhan Mantri Awas Yojana (PAY)
- v. National Rural Health Mission (NRHM)
- vi. National Rural Employment Guarantee Act (NREGA)
- vii. Pradhanmantri Gramin Sadak Yojana (PMGSY)
- viii. Swarna Jayanti Shahari Rozgar Yojana (SJSRY)

Recently launched of social security programme:

- (i) **Pradhan Mantri Jeevan Jyoti Bima Yojana (PMBJJY):** This social security scheme is open to age group between 18 to 50 years. The individual have to open their bank account or post office account and have to give their consent for auto-debit. The annual premium is Rs.330/- would be auto debited from an account. The coverage of 2 lakhs rupees covered in case of death of an insured individual. Total enrollment is on 15/12/2021 11.77 cr. (99.74 per cent claim settlement)
- (ii) **Pradhan Mantri Suraksha Bima Yojana (PMSBY):** The social security is available for the people of age group between 18 to 70 years. Individual need to open an account in bank or post office and has to give their consent to join and for auto-debit. the premium is Rs. 12 annually. the risk coverage covered Rs. 2 lakhs in case of an accidental death or permanent disability and Rs 1 lakhs for partial permanent disability. This is an accidental risk covered. The premium is to be debited from account of individual through auto-debit. Total enrollment is on 15/12/2021 26.59 cr. (97.67 per cent claim settlement)
- (iii) **Atal Pension Yojana:** This social security is open to all bank and post office account holder between the age group of 18 to 40 years. This is guaranteed pension scheme who are not covered by ABY pension scheme. The individual has to chose the monthly premium from minimum 42 to 210 respectively. Pension would be given at completion of age 60 years minimum Rs.1000/- to up to Rs.5000/-. Individual are allowed to contribute on monthly basis, quarterly basis or half yearly basis through auto-debit. In case of death of an individual, spouse would be eligible for the pension and in case of demises of both then nominee would be entitled for the pension wealth as accumulated till the age of 60 years of subscriber. Total subscriber of APY till 30th November, 2021 is 3, 57, 05,120 with contribution Rs.168766 cr.
- (iv) **Pradhan Mantri Rojgar Protshan Yojana:** The scheme was launched in 9th August, 2016. Under the scheme government of India will pay the new employees share of employees pension scheme i.e. 8.33% those who are enrolled in EPFO. For first three years would be deposited the EPF share by Government of India. The scheme is applicable for those who had not worked any establishment register under EPFO and did not have a UAN number prior to 1/04/2016. The maximum wage under this scheme is Rs.15000/-. This scheme was launched in order to incentives and encourages an employer and to bring the unemployed worker under the formal sector and make them entitled to get social security benefits.

- (v) **Pradhan Mantri Shram Yogi Manndhan:** This is pension scheme for unorganized workers. Scheme was formally launched by Prime Minister in 5th March, 2019. Although the enrollment process begun since February, 2019. Currently the scheme has 45.90 lakhs beneficiaries. Under this scheme, fixed minimum Rs. 3000/ pension will be provided to subscriber. The condition of scheme is beneficiary should not be member of NPS, EPFO, ESIC and should not be tax payee. Monthly contribution is Rs.55/- to Rs.200/- .The equal contribution will be burned by Central government and the fist deposit should made in case and rest will be auto-debited.

There is numerous social security programmes which have launched from time to time to eradicate the poverty as well make people able to find job for fulfilling the basic needs.

Social security provisions in tea industry:

There are 276 organized tea estate existed in North Bengal. Which has been covered the three districts mainly Darjeeling, Jalpaiguri, Alipurduar, and only one set tea estate found in Cooch Behar district. Tea state of North Bengal (Hill, Terai and Dooars) have population of 11, 24,907. Apart from these 1, 86,559 families reside in these tea estates. There are total numbers of permanent workforce stands 2, 62, 426 (includes daily rated, nayaginti, factory workers, computer operation, sub staff and staff), engaged by 273 tea estates. There are 8, 72, 938 are non- workers^{xiv}. (3 tea were closed down during survey said by report)

Being an organized sector tea industry also come under the purview of social security laws administered by central government as well as state government. Tea workers have also been covered by the social security laws such as Provident fund, Payment of gratuity, maternity benefit, etc. In addition, through Plantation Labour Act, 1951(PLA), tea workers are also being provided drinking water, house, firewood, medical facilities, canteen, crèches, etc. (M. Debabrata: Globalization and industrial relations in tea plantation,)

Table for social security programme which can be shown through data such as Gratuity, Health, House, MGNREGA (income related)

1. Gratuity

Name of Tea Gardens	Company	Number of permanent workers	Number of casual workers	Gratuity
1. Totapara Tea Estate	Private company (local)	Total-815, male-395 Female-420	Total-400, male-100 Female-300	Yes
2. Debpara Tea Estate	Private company (local)	Total-1174, male-542 Female-632	Total-127, male-9 Female-118	No (not able to give them gratuity, said by workers themselves during field visit.
3. Lakhipara Tea Estate	Goodrick group (foreign company)	Total-1265, male-574, female- 691	Total-800, male-200 Female-600	Yes
4. Banarhat Tea Estate	Andrew Yule (Agency house run garden), (govt.)	Total-1268, male-501, female-767	Total-1109, male-252, female-857	Yes

Source: field work

Why I have taken the gratuity as variable because the garden has applied its own condition not to provide gratuity if incumbent fails to provide employee in his or her place. And in such condition either respective employee has to vacate the house in order to get the gratuity. Therefore, they will become vulnerable and they will be bound to serve the garden as bonded labour.

2009-10 – 40 tea estates did not pay gratuity to any workmen

2010-11 – 39 tea estates did not pay gratuity to any worker

2011-12 – 30 tea estates did not pay gratuity to any worker

2012-13 – 66 tea estates did not pay gratuity to any worker^{xv}

2. House.

Name of Tea Gardens	Company	Number of permanent workers	Number of casual workers	House * (not all have pucca house)
1. Totapara Tea Estate	Nuddea Plantation Ltd. (local)	Total-815, male-395 Female-420	Total-400, male-100 Female-300	Yes
2. Debpara Tea Estate	Debpara Tea Co. Ltd. (local)	Total-1174, male-542 Female-632	Total-127, male-9 Female-118	Yes
3. Lakhipara Tea Estate	Goodrick group Limited (foreign company)	Total-1265, male-574, female- 691	Total-800, male-200 Female-600	Yes
4. Banarhat Tea Estate	Andrew Yule& Co. Ltd. (Agency house run garden), (govt.)	Total-1268, male-501, female-767	Total-1109, male-252, female-857	Yes

Source: field work

House, here means quarter which is being provided to the workers and they are entitled to live until they will serve the garden. The moment they retire, will have to vacate the quarter otherwise someone from the family will have to work in the garden even though child studying, has to take the job for holding the house. So in such condition they are highly and very logically tied with the gardens. One has to remember that they will not have sufficient amount to purchase the piece of land outside the garden. Consequently, they are kind of refugee even though spending more than third generation in these gardens. Still they are typically homeless people and landless people. Remember some of their family has been working since the time British period.

3. Health

Name of tea gardens	Company	Number of permanent workers	Number of casual workers	Garden has its hospital with MBBS doctor
1. Totapara tea estate	Private company (local)	Total-815, male-395 Female-420	Total-400, male-100 Female-300	YES
2. Debpara tea estate	Private company (local)	Total-1174, male-542 Female-632	Total-127, male-9 Female-118	YES
3. Lakhipara tea estate	Goodrick group (foreign company)	Total-1265, male-574, female- 691	Total-800, male-200 Female-600	Yes
4. Banarhat tea estate	Andrew Yule (Agency house run garden), (govt.)	Total-1268, male-501, female-767	Total-1109, male-252, female-857	Yes

Source: field work

Out of 273 gardens, only 166 have hospitals, in which only 56 have full time residential Doctors. Other 110 estates have to depend on visiting doctors. Out of 166, only 74 have degree of MBBS. Others are non MBBS. Out of 166 tea estates having hospitals, 116 do not have any nurse.^{xvi}

Most of the tea gardens lacking their hospital with MMBS doctor. What I have noticed that ASHA has been playing a very positive role in providing information regarding health as well to look after the pregnant women. Since ASHA is made amongst them and from the same garden, hence they are easily can reach out to their home and make aware them about the good health and hygiene. But their number is too small i.e. one ASHA is employed in 1000 heads.

4. MGNREGA:

Name of tea gardens	Company	Number of permanent workers	Number of casual workers	MGNREGA
1. Totapara tea estate	Private company (local)	Total-815, male-395 Female-420	Total-400, male-100 Female-300	Yes
2. Debpara tea estate	Private company (local)	Total-1174, male-542 Female-632	Total-127, male-9 Female-118	Yes
3. Lakhipara tea estate	Goodrick group (foreign company)	Total-1265, male-574, female- 691	Total-800, male-200 Female-600	Yes
4. Banarhat tea estate	Andrew Yule (Agency house run garden), (govt.)	Total-1268, male-501, female-767	Total-1109, male-252, female-857	Yes

Source: field work (from family, one are ready to work as it add income into their family)

84.75 per cent people were provided employment in India whereas 87.63 were provided in West Bengal. MGNREGA or other words is much known for 100 days work. Each and every family is being given work by respective Panchayat at respective garden. Therefore, they are able to take the economic benefit which further can add income in household. And it is being observed that work is not regular and often delay payment may upset worker in most of the cases. Apart from that no has ever received the unemployment benefits on the ground of not given the job.

All these together have made their lives tough and hardship has been increased in many folds. Especially sense of homeless ruin their lives. Further deprived them from bargaining the proper wage and working condition. Thanks to government for at least providing food grains in the form of rations. At least workers are saved from food. Above all, minimum wages, land (own house) and medical facilities has become a dream and perhaps will remain a dream.

CONCLUSION:

Since tea is considered as most consumed beverage across the globe next to water. Tea has an exchange value of foreign currency. Both domestically as well as internationally tea is sound business. Over the years, tea industry has seen lots of up and downs but still it can have potential to fetch huge price in market if it is nourished and get enough attention. Since, working force have been steadily changed and new working force coming into place with bit education and awareness and surely with improve standards of life style which have forced the management to either raise the wages and provide them what they are entitled for. At the age globalization, where even small events hardly take time to reach one part to another part of earth, therefore, tea workers are no longer being dominated and denied from their basic and decent entitlement. Societies continues progress in the field of education, technology, standard of living, and the concept of social justice, fair globalizations, universalization of social security by introducing the various schemes by the government both centre as well as state such Pension scheme for old age, disability, right to food, maternity benefits, MGNREGA or 100 days work etc. such combined initiative made people feel realize that they are all part of society. We have social security for targeted population (BPL, destitute, pension at the age 60 year.) which requires mean test and universal social security for all which is least in numbers. Apart from this, lots of schemes are there with different name and institutions which are ambiguities in nature and often people are, getting confused. Rather we should combined all those schemes together as far as tea bet is concerned.

ⁱ Women and men in India (statistical compilation of gender related indicators in India), 21st issue social statistic division, national statistical office, ministry of statistics and programme implementation, government of India, 2019

ⁱⁱ SDG India index, Baseline Report, 2018, NitiAayog

ⁱⁱⁱ SDG India index, Baseline Report, 2018, NitiAayog

^{iv} Report of working group on social security, government of India, planning commission, new delhi

^v URL: <https://www.jstor.org/stable/43239724> , Social security – just as much as human Rights in developing Countries and Emerging markets, K. Michael

^{vi} Report of working group on social security, government of India, planning commission, new delhi

^{vii} Introduction to Social Security : policies, benefits and poverty, edited by John Ditch , routledge publication,1999

^{viii} Report of the director general working out of poverty, international labour conference 91st session 2003, international labour office, geneva

^{ix} Report of the director general working out of poverty, international labour conference 91st session 2003, international labour office, geneva

^x Report of the director general working out of poverty, international labour conference 91st session 2003, international labour office, geneva

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^{xiii} social security schemes in India by Dr. U.N. Shukla and Dr. Sanjay Tiwari

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^{xv} report on labour survey, joint labour commissioner, north Bengal zone, 2013

^{xvi} report on labour survey, joint labour commissioner, north Bengal zone, 2013

