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THE BITTER HARVEST: A COMPREHENSIVE SOCIO-LEGAL ANALYSIS OF THE TEA GARDEN COMMUNITY IN ASSAM

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"To deny human rights is to challenge their very humanity"

-Nelson Mandela

Abstract: Assam is the largest producers of tea in India, with its tea industry playing a prominent role in national economic growth. The tea garden workers came to Assam for the purpose to work in the tea industry during the time of East Indian Company. These tea garden community has contributed for the growth and development of the tea estates in Assam. However, despite their fundamental contribution tea garden workers in Assam continue to face socio-economic challenges, the challenges persist in spite of the existence of various labour laws and welfare policies aimed at protecting worker's rights. This paper examines major challenges faced by tea garden community in Assam and analyses the laws and policies governing the rights and welfare of the tea garden workers under the Constitution of India, 1950, the Plantation Labour Act,1951, the Code on Wages, 2019 and the Occupational Safety, Health and Working Conditions Code, 2020 in India. It assesses the potential effectiveness of the existing welfare laws and policies in improving the living condition of tea garden community in Assam. Furthermore, the paper provides comparative analysis of Assam's tea plantation with those in Kerala and Tamil Nadu to underscore the difference in labour rights, working condition and welfare benefits. The research paper is relevant because it also suggests some recommendations for improving the lives of the tea garden workers, ultimately resulting in labour justice.

Keywords: Tea garden community, Labour welfare, Socio economic challenges, Labour rights, Working Conditions, Assam, Kerala, Tamil Nadu.

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Introduction

There has been a rapid growth of tea garden in many states such as Assam, Himachal Pradesh, Tamil Nadu and Kerala, especially since the 1990s, mainly due to the increase in the global demand of tea[2].Assam is the largest producer of quality tea in India, contributing about 55% to country's total tea production[3].The tea garden workers of Assam is part of a community of over two million migrant labourers, who worked under the conditions of indentured servitude in the tea plantation industry, contributing to the production of tea for a rapidly expanding and profitable global market[4].The tea tribes in Assam are listed as OBC/MOBC, these Tea Tribes people are known as 'Tea Garden Community', Tea Garden Labours, Coolies and Adivasis. The Tea Garden Community are the backbone of the tea industry[5].

The commercial cultivation of tea in Assam was instituted by the British in the early in the 19th century after Robert Bruce discovered the native Assam tea plant (Camellia Sinensis Var Assamica) in the year 1823. The Assam Tea Company was established in 1839, becoming the first commercial tea enterprise in India. Beginning in 1850s the tea industry rapidly expanded[6]. As the cultivation expanded the Assam people were not willing to work in the plantation, leading to labour shortage[7].

The British initiate a large-scale recruitment process to bring in labours from other parts of India, particularly from tribal and economically weaker regions. Labours were majorly recruited from Jharkhand, Bihar, Odisha, west Bengal, Telangana. Andhra Pradesh, Madhya Pradesh and Chhattisgarh[8]. The labours were transported under the Indenture System that subjected them exploitation and bonded labour. The British tea estate management imposed

[2]Mishra, D., Upadhyay, V. and Sarma, A., 2008. '"Crisis" in the Tea Sector: A Study of Assam Tea Gardens'. Indian Economic Journal, 56, p.39.
[3]Sarma, G. and Mishra, S.K., n.d. 'A Study on the Socio-economic Conditions of Labourers in the Tea Gardens of Jorhat District, Assam'.
[4]Das, P., 2021. 'Electoral Politics and the Issue of Marginalization: A Study of the Tea Garden Community of Assam'. Social Change and Development, 18(1–2).
[5]Bhattacharjya, M., 2022. The Socio-Economic and Cultural Status of the Tea Tribes of Assam: A Case Study in Amguri Division of Sivasagar District. Bachelor's project report. Amguri College.
[6]Sharma, J., 2011. Empire's Garden: Assam and the Making of India. Ranikhet: Permanent Black
[7]Kalita, B.J., 2018. 'Socio-Cultural Life of the Tea Plantation Workers in Assam: A Study from Historical Perspective'. Research Guru: Online Journal of Multidisciplinary Subjects, 12(2), p.160.
[8]Id

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harsh working conditions, long working hours, low wages etc. The Tea District Labour Association was later formed to regulate recruitment, but still exploitation continued[9]. The government has implemented various welfare schemes for the tea garden workers, but the delivery of the service is inconsistence due to corruption, poor governance and lack of awareness among the tea garden workers.

Even though the tea garden community contributes significantly to Assam's and the Nation's economy they remain ignored, oppressed, exploited and backward because of the gap between the written law and the reality.

Hypothesis

The hypothesis of this paper is that, despite various provisions of law in India and international conventions governing the welfare and the rights of the tea plantation workers it proves to be inefficient and there is need for immediate legal reforms.

Research Questions

1. What are the major challenges faced by the tea garden community in Assam?
2. What are the laws and policies regulating the rights and welfare of the tea garden community in India?
3. How effective are the existing welfare laws and policies in enhancing the livelihood and well-being of tea garden community in Assam?
4. How do the living and working conditions of tea plantation workers in Assam differ from those in other tea producing region like Kerala and Tamil Nadu?

Literature Review

A Social Work Approach to Tea Plantation Labour in India[10]

This is a book where the author presents an analysis of the socio-economic conditions of the tea garden workers. The book contains six chapters.The book examines the historical evolution of the tea plantations in India and the persistent exploitation of labourers especially from tribe and marginalized community. The author criticises the existing labour laws and the welfare schemes, as they fail to address the challenges faced by the plantation workers. The

[9]Bhoje, G., 2017. 'A Historical Review of Tea Plantation'. International Journal of Research in Engineering, IT and Social Sciences, 7(5), p.21.
[10]Paul, D.J., 2022. A Social Work Approach to Tea Plantation Labour in India. New Delhi: Atlantic Publishers.

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book illustrates successful models of intervention and advocated for a multifilament approach combing social work, legal reforms and corporate social responsibility. But this book lacks in depth analysis on particularly the tea garden community in Assam.

A Time for Tea: Women, Labour and Post/Colonial Politics on an India Plantation[11]

In this book the author analyses the intersections of gender, labour and colonial legacies in the tea planation in India. The book contains 9 chapters. The book examines the central role of the women workers particularly in tea leaves puckers, who are often marginalized within the both the plantation economy and broader social structures. The author uses a feminist and postcolonial lens to analyse how colonial labour practices continue to shape contemporary tea production, reinforcing hierarchies of class, caste, and gender. The ethnographic approach provides rich narratives of the resistance, shoeing how women navigate and challenge oppressive system. But the book primarily examines the complex postcolonial and feminist theories, making it challenging. Nevertheless, the book is important contribution to studies on labour, colonial history and gender exploitation in planation industry.

Discussion and Findings

Challenges Faced by The Tea Garden Community in Assam

The Tea Industry of Assam plays an important role in the State as well as National Economy in terms of revenue and employment.Production and cultivation of the tea in Assma tea industry was dominated from 1840 to 1860. The tea industry, was expandedand boomed, due tothe change in colonial policies that to led to employment opportunities[12].

The tea industry employed a huge labour to work in all spheres of the tea estates, around20 lakhs of people of Assam were directly or indirectly dependeduponthe tea industry. Being a labour-intensive sector, tea cultivation requires manual plantation that requires a large workforce. As the local labours were inadequate, it led to the import of labourers from other provinces of British India[13]. These labourersworking in the tea garden of the Assam are called as tea garden community and spreadalongAssam and are diverse group often known as

[11]Chatterjee, P.A., 2001. Time for Tea: Women, Labor, and Post/Colonial Politics on an Indian Plantation. Durham, NC: Duke University Press.
[12]Parveen, A. and Debnath, N., 2022. 'Tea Industry of Assam: The Past Glory, Present Challenges, and Future Prospects'. IJFANS International Journal of Food and Nutritional Sciences, 11(S2).
[13]Das, P., n.d. 'Tea Garden Community of Assam: A Study of Their Past, Present and Future'. Social Science Journal of Gargaon College, 3.

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tea tribes, face numerouschallenges[14].The suffering and exploitation of the tea garden community did not end with the end up of colonial period and till now they face socio-economic challenges and they are as follows.

Theliving conditions of the tea garden workers in Assam are terrible as many of the workers reside in the overcrowded and poor maintained housing provide by the estate. The sanitation facilities are inadequate with many house hold do not have access to clean water and toilet facilities[15].

The children from the tea garden community are often deprived of basic education opportunities as the children engage in tea leaf plucking in the garden and schoolswithin the estate are unfunded and have lack of resources that leading to low enrolment rate and high dropouts[16].

There are hospitals within the tea gardens but not well equipped to cover the needs of the workers. In case of any medical emergencies the tea workers have to travel to the main city for the treatment that is in other districts[17]. Tuberculosis (TB) remains a major health issue among the tea garden workers and16% to 18% of the workers in ever tea estate in Assam are affected by TB. Nearly 95% of the tea garden population is reported to be anaemic and malnourished[18].

The women in the tea garden community experience gender inequality and they face many discriminations including than the male despite performing physical demanding labour, lack of maternity benefits, the woman often work in unsafe environment leading to health issues and are exposed sexual harassment in the work by the supervisors[19].

[14]Nath, C. and Kumar, S., 2024. 'From Colonial Servitude to Contemporary Marginalisation: Exploring the Struggles of Assam's Adivasis and Tea Garden Workers'. ShodhKosh: Journal of Visual and Performing Arts, 5.
[15]Datta, R. and Mete, J., n.d. 'Labour Rights and Economic Conditions of Tea Garden Workers in Assam'. In: Untapped Horizons: Educational Tourism in North-East India. KD Publications.
[16]Pujari, A.P. and Kalita, N., 2024. 'Hindrances for the Development of Tea Garden Workers in Assam: A Socio-Historical Perspective'. International Journal of Humanities and Social Science Invention, 13(7), p.123.
[17]Biggs, E.M., Gupta, N., Saikia, S.D. and Duncan, J.M.A., 2018. 'The Tea Landscape of Assam: Multi-stakeholder Insights into Sustainable Livelihoods under a Changing Climate'. Environmental Science & Policy, 82, p.9.
[18]The Sentinel Assam, 2024. 'Tuberculosis Burden in Tea Gardens of Assam'. The Sentinel Assam, 12 March. Available at: The Sentinel Assam article [Accessed 28 March 2025].
[19]Id

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Poor working conditions in the tea industry affects the health and wellbeing of the tea garden community. The tea garden workers are subjected to long working hours and physical exhaustion that leads to weariness. The exposure to hazardous chemical and fertilizers used for the tea plantationposes respiratory problems, skin diseases and many other health risks[20].Adverse weather condition and rainfall affect the production of the tea industry that results in irregular work, income instability and increase socio-economic insecurity[21].

Addressing these compound challenges needs efforts and comprehensive policies, it should focus on improving social inclusion, economic justice and equitable opportunities for the members of the society. This must include fair wages, proper education and healthcare services and promoting social and cultural integration only through holistic strategies[22] .

Legal Framework and Regulations Addressing the Right and Welfare of the Tea Graden Community

The tea garden community in India, has faced many challenges and living conditions. To address these issues, various laws and policies have been enacted to protect the rights and welfare of the tea garden workers[23].

The Constitution of India

The Chapter III and Chapter IV of the Indian Constitution focuses on the effective implementation and functioning of the various labour statutes[24].

Article 14 of the constitution of India protects labour rights by having right to equality[25]. In the case of **Randhir Singh v. Union of India**, the Supreme Court held that while the constitution does not explicitly declare 'equal pay of equal work' as the fundamental rights, it was declared as one of the fundamental rights as given under Article 14, 16 and 39(c)[26].

[20]Laskar, N., 2015. 'A Study on the Present Scenario of Tea Industry in Assam: Challenges Ahead'. Indian Journal of Applied Research, 6, p.533.
[21]Ekka, B. and Das, G., 2022. 'The Protagonist of Tea Garden Youth in Sustainable Development in Assam'. IJFANS International Journal of Food and Nutritional Sciences, 11(12), p.8118.
[22]Nath, C. and Kumar, S., 2024. 'From Colonial Servitude to Contemporary Marginalisation: Exploring the Struggles of Assam's Adivasis and Tea Garden Workers'. Journal of Visual and Performing Arts, 5.
[23]NCC Nalbari, 2024. Tea Plantation Workers. Available at: NCC Nalbari Report [Accessed 29 March 2025].
[24]Constitution of India (India, 1950)

[25] Constitution of India, art 14
[26]Randhir Singh v Union of India (1982) 1 SCC 618

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Article 21 of the Indian Constitution guarantees the right to life and liberty, which also includes the right to live dignity and have access to basic necessities[27]. In the case of **Olga Tellis v. Bombay Municipal Corporation,** the Supreme court held that the right to life under Article 21 of the constitution includes right to livelihood[28]. In **JP. Unni Krishnan v. State of Andra Pradesh,** thecourt held that the right to education as the fundamental rights under Article 21 and led to the enactment of the Right to Education Act, 2009 for the upliftment of children welfare[29]. Further n the case of **Jay Shree Tea and Industries Ltd v. Deputy Commissioner of labour,** the Court held that non-payment of minimum wages constitutes to forced labour, violating Article 23 of the constitution and the court further held that the employer must follow strictly to minimum wage laws and to protected worker's rights against exploitation[30].**Article 23** of the constitution prohibits human trafficking and other kinds of forced labour[31]. In **Sanjith Roy v. State of Rajasthan,** the court held that paying less than minimum wages violates Article 23 of the constitution[32].

Article 24 prohibits the employment of children under 14 years in factories, mines and any hazardous occupation[33]. In **M. C. Mehta v. State of Tamil Nadu,** the Supreme Court addressed the issue of exploitation of children in hazardous industries, the court held that child labour in hazardous industries violates the fundamental rights under Article 24 and Article 39 (e) and 39 (f)[34].In the case of **Vishal Jeet v. Union of India,** the supreme court addressed the issues of child prostitution, trafficking and child labour, the court directed for strict enforcement of the existing laws to protect children, to implement rehabilitation measures and to establish special home and welfare programs[35].

In the **Directive Principles of the Sate Policy** focuses on providing security regarding right to work, health, maternity benefitand humane condition of the workplace. **Article 39** of the Constitution imposes the duty on the state to ensure adequate health provisions for the

[27]Constitution of India, art 21
[28]Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545
[29]Unni Krishnan, JP v State of Andhra Pradesh (1993) 1 SCC 645
[30] Jay Shree Tea and Industries Ltd v Deputy Commissioner of Labour (2011) Writ Petition Nos. 14860 to 14863 of 2009 (Madras HC)
[31] Constitution of India, art 23
[32]Sanjit Roy v State of Rajasthan (1983) 1 SCC 525
[33]Constitution of India, art 24
[34]M C Mehta v State of Tamil Nadu AIR 1991 SC 417
[35]Vishal Jeet v Union of India (1990) 3 SCC 318

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labour[36].In **Mackinnon Mackenzie & Co Ltd v. Audrey D'Costa &Anr,** the held that gender-based wage disparity violates Article 39(d) of the constitution and further held that it is the employer's obligation to ensure equal pay for men and women performing same duties[37].

Article 41 ensure the right to work, education and public assistance in case of unemployment, old age, sickness and disability[38]. **Article 42** provides just and humane working condition and **Article 43**, stives to ensure a living wage and decent standard of living for the workers[3940].

The Plantation Labour Act, (PLA) 1951

The Parliament passed the Plantation Labour Act in the year 1951 to promote the welfareof the labour and regulates the condition of the workers in Plantation. The PLA applies to all Tea, Coffee, Rubber, Cinchona, Cocoa, Oil Palm and Cardamom plantation which admeasures 25 acres or more and which 30 or more persons are employed[41].The Act directs that the employer has to provide housing facilities to the worker and their families, education facilities to their children, medical and sanitation facilities and recreation facilities.

The government of Assam has framed **the Assam Plantation Labour Rule (APLR**) in the year1956 for implementation of the provisions of PLA and also constitutes the Advisory Bord Education, Housing and Medical with the object to improve the facilities for the tea garden workers[42].

The New Labour Codes

The New Labour Codes in India are primarily established to simplify and consolidate the 29 existing labour laws into only 4 codes namely the Code on Wages, 2019, the Industrial

[36]Constitution of India, art 39
[37]Mackinnon Mackenzie & Co Ltd v Audrey D'Costa &Anr (1987) 2 SCC 469
[38]Constitution of India, art 41
[39]Constitution of India, art 42
[40]Constitution of India, art 43
[41]Comptroller and Auditor General of India, 'Performance Audit on Implementation of Schemes for Welfare of Tea Garden Workers' (Report No. 5 of 2024)https://cag.gov.in/webroot/uploads/download_audit_report/2024/Report-No.-5-of-2024_PA-on-ISWTT-English-066d833f96356d8.24962523.pdf accessed March 30, 2025
[42]Comptroller and Auditor General of India, 'Performance Audit on Implementation of Schemes for Welfare of Tea Garden Workers' (Report No. 5 of 2024)https://cag.gov.in/webroot/uploads/download_audit_report/2024/Report-No.-5-of-2024_PA-on-ISWTT-English-066d833f96356d8.24962523.pdf accessed March 30, 2025

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Relations Code, 2020, the Occupational Safety, Health and Working Condition Code, 2002 and the Code on Social Security, 2020, it has to tried to simply the labour law which has complexity due to the huge number of legislations. This new labour reforms will create more job opportunities, provide safety and bring transparency[43].

Code on Wages, 2019

The Code on Wages, 2019 is unify the labour laws related to wages and bonus into a single, transparent legal framework.**Section 5 to 7** of the Code regulates the fixation of minimum wages, ensuring that basic wases and cost of living allowance are properly paid and accounted for[444546]. **Section 15** of the Act mandates the wages to be paid within the prescribed time limit[47]. In **Jute Mill Mazdoor Sabha v. State of Bihar,** the court ruled that it is the duty of the employer and the rights of the labours to get timely wage payment[48]The Code also ensures that equal aged for equal work without any gender discrimination and dictated the proper mode and responsibility for paying wages[4950]. In **People's Union for Democratic Rights v. Union of India**, the Supreme court held that the non-payment of minimum wages amounts to forced labour[51] .

Occupational Safety, Health and Working Condition Code, 2002

Section 92 of the OSHWC Code,2020 provides facilities for workers in plantation such as housing, creche, education, healthcare and recreation facilities[52]. **Section 93** requires arrangement for workers safety concerning the use, handling, storage and transportation of insecticides, pesticides, chemicals and toxic substances[53].

Code on Social Security, 2020

The Code on Social Security, 2020 ensures the financial compensation to employee engaging in mines, factories, plantation, ports, railways companies and other establishments upon

[43]Bhattacharya, S., 2022. 'An Analysis on the New Labour Codes and Its Significance in Bringing About a New Paradigm for the Future Generations', 20 July 2022.
[44]Code on Wages, 2019, No. 29 of 2019, s 5
[45]Code on Wages, 2019, No. 29 of 2019, s6
[46]Code on Wages, 2019, No. 29 of 2019, s7
[47]Code on Wages, 2019, No. 29 of 2019, s15
[48] Jute Mill Mazdoor Sabha v State of Bihar (1989) IILLJ 523 (Patna HC)
[49]Code on Wages, 2019, No. 29 of 2019, s16
[50]Code on Wages, 2019, No. 29 of 2019, s17
[51] People's Union for Democratic Rights v Union of India (1982) 3 SCC 235
[52]Occupational Safety, Health and Working Conditions Code, 2020, No. 37 of 2020, s 92
[53]Occupational Safety, Health and Working Conditions Code, 2020, No. 37 of 2020, s 93

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termination of their work. The Code determines the amount of gratuity, including employer obligation and employee's rights. The Code is important as it provides measure of financial security upon the conclusion of service by recognizing the long-term service contribution of the employee.

The Code ap provides **Maternity Protection**to protect the employment rights of women during maternity, it ensures that women receive paid leave to care for their child the Act applies to various establishment including plantation and encompasses tea garden workers. A women worker is entitled to maternity benefit for a total period of twelve weeks' worth of wages not exceedingly six weeks, worth of wages before delivery and the balance after delivery[54]. In **Municipal Corporation of Delhi v. Female Workers,** the Supreme court held all female worker irrespective whether they are permanent, temporary or casual are entitled to maternity benefit and denying maternity leave violates gender justice and labour right.

The new labour codes have integrated the Plantation Labour Act into the Labour code on Occupational Safety, Health and Working conditions to modernize safety standards. The wage of the tea garden workers has been increased to 85% and other welfare measures related to the tea garden workers. The new codes definition of wage encompasses the in kind benefits but capped them at the 15% of the total wages[55]. The labour reforms also provide for the gender-neutral remuneration, fixed term employment, grievance redressal mechanism, mandatory free health checkups for the workers, and 8 hours work per day and national and state level social security board[56].

The Tea Act, 1953

The Tea Act, is an important legislation enacted by the Parliament to regulate and promote the tea industry in India. **Section 4** of the Act constitutes the Tea Board that is responsible for the development of the tea industry, cultivation, processing and trade of the trade[57]. **Section**

[54]'Social Protection and Welfare Measures in the Tea Estates of Assam: Plantation Labour Act Revisited' (Academia.edu) https://www.academia.edu/90006586/SOCIAL_PROTECTION_AND_WELFARE_MEASURES_IN_THE_TEA_ESTATES_OF_ASSAM_PLANTATION_LABOUR_ACT_REVISITED accessed March 31, 2025
[55] Tea Association of India, 2020. 'Repealing of Plantation Labour Act 1951 Will Affect the Tea Industry'. The Economic Times, 25 January. Available at: Economic Times article [Accessed 6 April 2025].
[56]The Hindu, 2025. 'Air India Express Pilot Dies of Cardiac Arrest at Delhi Airport'. The Hindu, 10 April. Available at: The Hindu article [Accessed 6 April 2025].
[57]Tea Act 1953, s 4

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10 of the Act state the functions and responsibilities of the Board[58].Under **Section 25** authorizes the imposition of an excise duty on the tea produces in India[59]. By centralizing control over the tea industry, the Act aims to ensure growth, enhanceand promote the quality of India Tea.

The Assam Tea Plantation Provident Fund and Pension Scheme Act, 1955

The Assam Tea Plantation Provident Fund and Pension Scheme Act was enacted to provide social security benefits to the employees working in tea plantation across Assam. The Act made it compulsory for provident fund and pension fund specially for the tea plantation worker in the state as to ensure the welfare and financial security of the tea plantation worker in Assam. Under **Section 13(a)** of the Employees Provident Funds Scheme, 1952, explicitly states that the provision of this Act shall not apply to tea factories in the state of the Assam acknowledging the existence of the state specific schemes[60].

The Orunodoi Scheme

The Orunodoi Scheme was launched by the Assam government on October 2, 2020. The orunodoi scheme one of the initiatives that has become a model for the socio-economic empowerment of women. 'orunodoi' means the rising sun, has given women a sign of hope. This scheme aims to provide monthly financial assistance to economically weaker families in the state, primarily empowering women as primary beneficiaries[61].Eligible families receive Rs 1250 per month this amount is intended to support the procumbent of essential items such as medicines, food grains, sugar, fruits and vegetables[62].Orunodoi 2.0 has been introduced to expand the reach and benefit increasing the monthly assistance and inducing more beneficiary. Orunodoi 3.0 had been launched on September 19, 2024 majorly aiming to further expand benefits to 37 lakh women[63].

The Assam Tea Tribes Welfare Board

[58]Tea Act 1953, s 10
[59]The Tea Act 1953, s 25
[60]Assam Tea Plantation Provident Fund and Pension Scheme Act 1955, s 13(a)
[61]Gogoi, A., 2024. 'Orunodoi Scheme: An Innovative Program for Women's Empowerment in Assam'. International Journal of Creative Research Thoughts (IJCRT), 12(5).
[62]Phukan, R., 2021. 'Empowering Family with Empowering Women in Empowering Assam: A Case Study of Orunodoi Scheme in Baksa District'. Linguistics and Culture Review, 5(S1), p.1554.
[63]Phukun, R., 2021. 'Implementation of Women Empowerment Through Orunodoi Scheme in Assam'. International Journal of Education, Modern Management, Applied Science & Social Science (IJEMMASSS), 3(3.II), p.1.

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The Assam Tea Tribes Welfare Board is a part of the Directorate of Tea Tribes and Adivasi Welfare in Assam. The objective of the organisation is promoting the welfare and development of the tribes and Adivasi communities in the region. The Assam Tea Tribes Welfare Board implements various schemes such as providing rest houses for tea gardenpatients in medical college and offering residential training programs for the women plantation worker[64].

The Wage Compensation Scheme for Pregnant Women to Tea Garden Areas of Assam

The Wage Compensation Scheme for Pregnant Women to Tea Garden Areas of Assam was introduced on October 1, 2018, the scheme primarily aims to provide financial assistance by enhancing maternal and child health among pregnant women in tea garden communities. Under this scheme, each pregnant women in the tea garden will receive a sum of Rs 12,000 so that she can take better care of herself and her unborn child[65].

The Pradhan Mantri Awas Yojana (PMAY)

The Pradhan Mantri Awas Yojana (PMAY) is an initiative launched by the Government of India on June 25, 2015. The main objective of this scheme is to provide affordable housing to all eligible citizen. The two main component of the scheme are (1). Pradhan Mantri Awas Yojana- Urban (PMAY-U): that targets the urban poor and aims at addressinghousing shortage in urban areas. (2). Pradhan Mantri Awas Yojana- Gramini (PMAY-G): this scheme focuses on providing housing for the rural poor[66].

International Labour Organisation (ILO)

The International Labour Organisation (ILO) has established various conventions to improve the working condition, right of the plantation workers and right to basic facilities.The Plantation Convention, 1958 (No 110), provides a comprehensive standard for the employment conditions on plantation. The convention ensures in areas lacking adequate facilities for obtaining proper food, drinks and meals, measures should to taken to provide

[64]Sharma, I., 2018. 'Tea Tribes of Assam: Identity Politics and Search for Liberation'. Economic and Political Weekly, 53, p.74.
[65]National Health Mission Assam, n.d. 'Wage Compensation Scheme'. NHM Assam. Available at: NHM Assam Wage Compensation Scheme [Accessed 1 April 2025].
[66]Bai, H., 2022. 'A Study on Public Perception on Pradhan Mantri Awas Yojana'. ComFin Research, 10, p.30.

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workers with access to such amenities. The ILO convention aims to promote fair labour practices and improve the welfare of the tea plantation worker globally[67].

Effectiveness of the Existing Welfare Schemes and Policies

In India, there are many laws that make up its legal framework but this framework has very poor effectiveness specifically in relation to Assam's tea garden community due to various reasons like poor enforcement mechanisms, lack of awareness, history of exploitation etc[68].

Over the past three years, the Assam government has filed legal actionagainst 249estates for violating various laws that aims to protect the welfare of the tea workers[69].

The major lacunae of law in relation to the said community is given below:

Low Wages Unsustainable for even the Bare Minimum Necessities:

Tea workers especially of the tea garden community in Assam earn ₹167 as their average daily wage as found in 2019 which is not even sufficient for bare minimum necessities like food, shelter, and healthcare much less support their families[70]. In 2021, the Assam government raised the minimum wage which although is progressive step still falls below the minimum wage.

Low wages are one of the major issues faced by the tea garden workers. Many workers are paid minimal wages that are not adequate to cover their essential necessities. The issue of law wages extent beyond economic struggle, affecting nutrition, healthcare and deduction depriving worker and children of the basic services and opportunities for a better future[71].

[67]Al Mamun, M.J., 2020. Labor Welfare Practices in Tea Garden: A Legal Analysis. Supervised dissertation. East-West University.
[68]Mitra, N., 1991. 'Indian Tea Industry: Problems and Policies'. Economic and Political Weekly, pp.M153–M160.
[69]The Sentinel Assam, 2024. 'Assam Government Files Cases Against 249 TEs on the Charge of Violation of Acts'. 9 April. Available at: The Sentinel Assam article [Accessed 6 April 2025].
[70]Banerji, S. and Willoughby, R., 2019. Addressing the Human Cost of Assam Tea: An Agenda for Change to Respect, Protect and Fulfil Human Rights on Assam Tea Plantations. Oxford: Oxfam.
[71]Halmari Tea Blog, n.d. 'Problems Faced by Tea Garden Workers and Their Solutions'. Available at: Halmari Tea Blog article [Accessed 28 March 2025].

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Another primary reason is that supermarkets and tea brands in India tend to keep over 58.2% of the final price paid by consumers for tea in the country. This directly reflects in the low pay to workers[72].

Inequalities and Exploitation faced by Women of the said Community

The women of the tea garden community often face discrimination by being paid lower wages than compared to men which is a blatant violation of the Right to equality granted by our constitution[73]. It is unfortunate that although women constitute over 50 percent of the work force, they not only face such discrimination but also other difficulties and hardships like sexual harassment[74].

Assam has India's highest maternal mortality rate, with 363 deaths per 100,000 live births, and 50% of pregnant women aged 15-49 suffer from anaemia[75]. The state's 800 tea estates face significant health care issues, including poor facilities, malnutrition, and anaemia among women and girls[76]. Despite the Plantation Labour Act, 1951 mandating the provision of hospitals and medical facilities, workers often lack access to these due to inadequate resources like doctors, medicines, and equipment[77].

Poor Working and Living Conditions:

It is an unfortunate fact that nearly 47% of households in Assam's tea gardens lack toilet facilities, exposing them to serious health risks such as cholera and diarrhea[78]. Despite the Plantation Labour Act of 1951 requiring plantation owners to provide basic services like housing, healthcare, and education to workers, enforcement remains weak, and violations are

[72]BASIC, 2019. Study of Assam Tea Value Chain. October. Available at: BASIC Assam Tea Value Chain Study [Accessed 4 April 2025].
[73]Pinedo Caro, L., 2020. Wages and Working Conditions in the Tea Sector: The Case of India, Indonesia and Viet Nam. Geneva: International Labour Office, December. Available at: ILO report [Accessed 4 April 2025].
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common[79]. Further it has become common for non-compliance of plantation labour act in assam as shown in the survey by Indian Labour Journal (2021) where only 38 percent complied with the provisions of the act[80].

Child labour and exploitation of children:

The Save the Children report from 2018 revealed that 35% of children in Assam's tea gardens are involved in child labour. Interviews identified several reasons for its prevalence, including financial struggles, absence of nearby schools, and cultural pressures for children to contribute to family income. Workers expressed dissatisfaction with the poor educational facilities on tea estates, citing a lack of qualified teachers and basic infrastructure.[81] Consequently, many children miss out on quality education, which hampers their future. The study also found that girls face higher risks of school dropout due to societal expectations surrounding domestic responsibilities and early marriage[82].

Implementation of the Schemes

Not all the women working in the tea estate have received the housing facilities and pregnant women of the tea garden are unable to avail the schemeintroduced by the government such as Orundoi scheme, ration card etc. Pradhan Mantri Awas Yojana provides hosing facilities to women engaged working in the tea garden. But the retired workers failed to receive the housing facilities provided by the government. The Wages Compensation Scheme that was launched by the government to provide better health and nutrition benefit of RS 12,000 primarily to women and the hospital facilities in the tea garden was failed and they didn't avail such benefit[83].

The government has launched many welfare schemes and policies especially for the women worker in the tea garden, but there is a huge gap in the implementation of the schemes.

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Comparative Analysis of the living and working conditions of tea plantation in Kerala and Tamil Nadu

Conditions of Tea Workers in Kerala

Kerala is one of the major Tea producing state in India, it is well known for its Western Ghats, high literacy rates and the most well-organised tea plantation in Idukki and Wayanad district. In Kerala, majority of the tea workers are women and majority of them are literate. The situation of Kerala in relation to tea workers are much better than that in Assam[84]. The workers here usually earn well above Rs.7,000 monthly and they do live in housing with basic facilities.

The women tea garden workers in Munnar have been members of different trade unions, primarily AITUC, INTUC and CITU. Frequent strikes and negotiation improve collective bargaining power. The Kerala Pentation Labour Welfare Fund Board are active in promoting the welfare of the tea garden workers.

The conditions of plantation workers in Kerala are comparatively better in terms of better wages when compared to other states, yet the conditions are very much the same. Years of distress, systemic exploitation, and lack of resources and property have exacerbated their plight even further[85]. Furthermore, the lack of trust in unions that catered to capitalist interests reached a critical point due to their lack of actions to address their challenges like low wages, lack of welfare issues, etc[86].

Moreover, the wage structure isvague, as earnings are based on the quantity of the tea leaves plucked rather than guaranteed minimum wages. Also, entrenched caste and gender discrimination continues to oppress these tea garden workers and the injustices culminating in denial of the bonuses. These issues have become the ultimate weapon that made the workers to take action.

Conditions of workers in Tamil Nadu

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Tamil Nadu is located in the southern part of India, rich in cultural heritage, economic growth and diverse geography[87]. The tea plantation in districts like Coimbatore, Nilgiris and Dindigulemploys thousands of workers who belong to Schedule Caste, Schedule Tribes and Other Backward Classes[88].

In Tamil Nadu, although there is discrimination on the basis of gender against women but they earn more comparatively higher than Assam. Majority of the male workers earn more than Rs.5000 and majority of women workers earn more than Rs.3000 in Tamil Nadu. The huge portion of the tea workers in Tamil Nadu have savings bank account. Most of the tea estates in Tamil Nadu also obey the law against Child Labour. Many of the children of these workers do get education. In fact, majority of the children of Tea Workers in Tamil Nadu are attending schools as there is general consciousness among the people of the importance of education[89].

Suggestions

- To provide Schedule Tribe (ST) status to the tea garden community[90].
- Rules for better income sharing must be made so that supermarkets and retail brands will not hoard most of the income.
- Help from the state must be given to establish better and stronger trade unions.
- To organize mobile healthcare facilities and health clinics to reach remote garden with basic health services, also improve the infrastructure of the health care facilities and to invest in proper sanitation facilities[91].
- The women workers are paid low wages compared to the male workers. To eliminate this discrimination the provision of the Remuneration Act and other provision related to wages must be strictly followed[92].

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- To prevent the exploitation of women worker in the tea garden the rules and regulation of the POSH Act must be strictly followed by the employer.
- To promote workers' human rights by providing proper wages, working conditions and fair employment conditions[93].
- To make sure workers' concerns are effectively voiced during tripartite negotiations, enabling them to earn sufficient wages to meet their essential needs without relying on non-cash benefits from employers. Additionally, issue pay slips with detailed, transparent information and ensure workers can comprehend them[94].

Conclusion

Through an in-dept study and analysis of the conditions of tea garden community in Assam it is clear as noon that there is a gap between the law and the reality. The tea garden community are suffering because of the vulnerability due to low bargaining power and illiteracy. This community is troubled from low wages and are still facing generational exploitation. The women of this community are even more vulnerable and face difficulties like wage discrimination, lack of medical facilities, lack of maternity benefits and sexual harassment. There rests an immediate need for reform to improve the conditions of this community through implementation of the suggestions mentioned above and other positive actions to uplift this community.

It is only through protection of vulnerable tribes like the tea garden community can the constitutional vision of welfare state of our forefathers be fulfilled[95]. The different stakeholders such as Non-Governmental Organisations (NGOs), Civil Societies, Corporates, and the citizens of India must join together with the Government and judiciary to improve the living conditions of Assam's tea garden community.

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