

## 'Sickness' is Good Business

Closure and sickness of the tea gardens have taken roots in the North Bengal based tea industry. Starvation and deaths related to it is an 'embarrassment' for the CPM-led left front Government but a reality to the victims.

In these tea gardens dotting the otherwise picturesque Terai-Dooars region of West Bengal malnutrition, starvation deaths, disease, joblessness and child trafficking are not newsworthy any longer. Rights of the workers are slipping away only to be replaced by the current buzz word – 'RELIEF'.

The NGO's, some silently and some conspicuously, do their bit. Government departments give relief too. In a crisis of such catastrophic proportions, the need for relief can not be undermined. Those who provide relief are probably doing so from genuine humanitarian concerns. However, solutions to such annual chronic problems are not in sight. It raises more questions than answers. The Government of this so-called welfare state have tall claims too.

Those who have been to these pockets of unemployment and near starvation have felt that neither the government nor the major mainstream political parties are much concerned. No wonder the sufferers are losing faith.

The National Rural Employment Guarantee Act (NREGA) is at best symbolically implemented. At places, and with people who need it most, the lackadaisical approach resembles criminal neglect. Getting the promised 'work for 100 days a year' is a far-off dream. At the ground level people say, "We are getting work" even when in reality they get 20 days, instead of 100, during a year. They will take whatever comes since they would otherwise perish. This thus becomes a scheme for dehumanising the downtrodden and is the direct result of replacing rights by a concept of relief.

The objective of NREGA can never be accepted to be merely an attempt to create 'man days' or employment. Creation of appropriate socially meaningful resources for the local population should be a prime concern. The end users ought to play an integral part in planning and execution. Work as per these schemes should be both beneficial in the short term and should also create further employment in the long term. In this context one could ask: why isn't work for improving tea gardens being taken up? As per the NREGA scheme anyone below poverty level could obtain a 'job card' that would provide them with the right to 100 days of work per year. This could have benefited most. However there has been no campaign for effective publicity of the scheme to reach the level of the actual beneficiaries. Eventually it has been reduced to another 'instrument of relief' in the hands of political parties, bureaucrats and the panchayat.

It was stunning to observe that the beneficiaries of this scheme were made to dig 10 feet deep tanks of the size of a football field at a place where the water table is 200 feet below ground level! Nobody knew why they were digging this boulder strewn area but the villagers received 10-15 days daily wage when they completed the 'project'. Generally, projects such as these when completed, are seldom beneficial for workers of closed tea gardens or for other local residents.

The FAWLOI (Financial Assistance to Workers of Locked out Industries) Scheme is unheard of in this area. Thousands of jobless workers in scores of tea processing factories, once an integral part of tea gardens, could have received Rs 1000 per month if the FAWLOI was seriously implemented. The trade unions are indifferent and the workers remain deprived. It is even more shocking when one considers that the West Bengal Government does not spend even 25 percent of the Rs 100 crore budgeted annually for the purpose.

In an area where the annual starvation death figures are on the rise, it is but natural that 'Below Poverty Level' or BPL cards would be common. Even that is a bit too much to expect! Not even 25 percent in such pockets of starvation have such cards issued to them. It transpired that the rate of food grains sold against BPL cards was charged at almost the same rate as for non-BPL customers. Holders of BPL cards are entitled to free treatment through the nearest Government health infrastructure. Not issuing cards to all thus denies access to this aspect of social security to those who need it the most. Medical relief is mostly run by civil society initiatives like welfare organisations since rural health centres are scarce.

Implementation of the National Old Age Pension (NOAP) Scheme has not benefited the destitute elderly persons in this area and very few have even heard about it.

### **CLOSURE**

Closure of a tea garden has always been a double-edged sword. The common perception is that when tea-plucking stops, thousands lose their jobs. In reality and on top, the tea leaf processing activities stop too and the tea-factory workers also lose their jobs in hundreds.

The tea garden owners and a section of trade unions are taking pains to equate 'closures' with 'sickness'. Reasons cited include low prices at tea auctions; insufficient capital for modernisation; fall in production; surplus workers; huge 'non-productive' expenses towards wage and statutory benefits, etc.

The attitude of the garden owners during the last couple of decades has changed. Tea gardens are being taken over by 'promoters/operators' who do not have any prior experience in this industry. They have started taking over gardens on 'lease'. They have been driven by motives of profit over a short period of time. They are basically 'contractual lease holders' rather than 'owners'.

These modern day 'promoters' resort to methods that maximise profit, but are detrimental to the tea industry. They use excess fertilisers and pesticides to enhance leaf production which adversely affect the soil and the capacity of the bushes in the long run and shorten the production cycle. Neither do they look after the existing bushes nor do they take up fresh plantation activities. Crores of rupees which they get from Tea Board (Govt of India) and as loans from Banks and Financial Institutions are siphoned off. Whereas it is mandatory to submit production figures to the Tea Board as per the Indian Tea Act, 1953, these owners default intentionally or else submit concocted figures.

Supported by state administration, banks and financial institutions, the next set of lease holders are prone to open, more often than not, the tea gardens only. As a result the tea plucking activities resume while the factory remains closed.

When the flush come hectic activities mark the area but the factories become grave-yards. Machines are removed as 'junk' while sponsored pilferage is rampant.

### **“BOUGHT-LEAF” PROCESSING**

What then happens to the tea leaves being plucked? Scores of tea estates sell their leaves these days to 'bought-leaf' tea processing factories which operate on a stand alone basis. These factories do not have their own tea gardens and buy leaves from gardens in which factories are non-operative. This severance of tea processing from tea leaf plucking on the one hand paves the way for reopening of 'closed' tea gardens during plucking season for harvesting the leaves. However on the other hand it is paving the way for degeneration of the tea factories owing to disuse and degradation of tea plants since the myopic management is only interested to sell the leaves and leave the garden once the plucking season is over.

Irrespective of the havoc it is creating in the tea industry and especially its work force, this marriage of convenience is being legitimised and even glorified. There doesn't seem to be any social or political will to recognise this crisis, leave alone combat it. The central and the state governments, banks, Tea Board, political parties and mainstream trade unions are witness to this unprincipled looting. Instead of addressing the root problems terms like 'industrial crisis' is inappropriately being used. In areas where geographically agriculture is an improbable option, where setting up of industries is ruled out, where the distance from metropolitan conglomerates is prohibitive, the only plausible result of a tea garden closure is starvation.

### **DAILY STRUGGLE**

In some areas which are adjacent to these sick and closed tea gardens an additional problem is that of water scarcity. A common sight was that of scores of cycles laden with 20 to 75 litre containers winding their way to the nearest reliable water point almost five kilometres from the villages. That too, twice a day. It is unbelievable that with all the attention including that from the media, that these areas get during the 'annual-starvation death seasons' such acute crisis is taking so many years to be addressed effectively.

The Parliament, Assembly and Panchayat in the areas most adversely affected have representatives from the same political party. It is but natural that people expect a more proactive role from the elected representatives given the seriousness of this long standing malady affecting the tea garden area. Unfortunately the victims are merely members or voters to this mainstream party from the Left Front.

However on the ground level the reactions of those who have elected these representatives are far from favourable towards political parties including the ones in 'power'.

Even when projects under the '100 days work' (NREGA) are taken up, there are some glaring deficiencies and complaints. Planning for generation of employment has been afflicted by short-sightedness. Employment generation on paper has become restricted to implementation of bureaucrat-driven schemes. These and the nature of more such projects makes one feel that there must have

been reasons for implementation of such projects in a hurry. The reasons could be as varied as the impending visit of, maybe the Governor or adherence to some bureaucratic orders the implementation of which was long overdue. In some cases the nature of the job offered was grossly unsuitable for women workers of closed tea gardens who were not used to excessively laborious jobs. Owing to such unsuitability there have been complaints about payment of Rs 68 as wage to some workers who have been forced to spend two 8-hour days to finish a 'given' quantum of work. The consideration was not whether they could do it—the official attitude was that they have to do it.

There are some other problems deserving mention. Electricity in many of the villages under study is not available since the time of closure. Even the street lights are no longer lit. In some areas during harvesting season, marauding elephants destroy their homes and crops. Incidents of migration of labour and trafficking are common. Benefits from the Indira Awaas Yojana (IAY) have started trickling in but one needs to be really well connected to avail it.

### (OMC)

There are between 14 and 15 closed tea gardens in North Bengal these days. However despite being 'officially' closed most of them are partially open, thanks to the concept of 'Operative Management Committee'. The OMC—as it is popularly referred to—is the single most unique development in the tea garden area during the last 4-5 years.

The OMC's have been constituted with the full support of the West Bengal Government. The Committee is composed of representatives from the trade unions and the local government representatives. The OMC's have been allowed officially to pluck leaves from tea bushes belonging to 'officially' closed tea gardens. The tea-leaves are sold to buyers and the workers are paid at an agreed rate.

The legal status of this arrangement is pretty unstable. The lands leased out to the tea gardens belong to the State Government but who owns the tea bushes of the closed gardens? Can the Government legally permit such tea plucking in tea gardens which have been declared closed by owners?

On the face value the workers are definitely benefited. Closure indeed means stoppage of wage and other benefits. OMC means between Rs 35 to 45 per day for at least 6 to 7 months per year.

However the OMC can at best be a stopgap arrangement. It is not a solution. Yet it is receiving a huge support from the State Government. A section of the media is glorifying it as an outstanding 'workers' initiative'. It is stated in so many words that the workers of these closed gardens are better off compared to when the gardens were open.

Visits to eight closed gardens in the Dooars have thrown up some eye-openers: A few hundred workers were asked at random as to whether they would prefer the OMC to an owner. It was surprising that not a single worker said they preferred the OMC.

The OMC seems to be a facade behind which there seems to be an initiative to scrap the PLA (Plantation Labour Act). Only the wage package is being implemented but the wage too is lower than that under PLA. This can only be

ushered in if labour representatives are part of the management. Otherwise there would have been stiff resistance. Hence the Government too is perhaps looking at OMC-functioning as a test case. It may be pointed out that the owners have been saying since long that it is becoming non-viable to run tea gardens if they are to implement PLA in its entirety. It is not desired to glorify the PLA, but replacing it by a much inferior arrangement is not justifiable either.

OMC can hardly be deemed as a precursor to workers' co-operatives in tea gardens. It is a step to manage the crisis and it is thrust down from above. The spirit of co-operation, participation and collective decision making is not evident and to most hapless workers it is a new brand of management. In fact if allowed to function in its present form and glorified as of now, OMC's might well turn out to be a deterrent to co-operatives if ever it comes to be considered as an alternative.

The association of owners oppose the OMC as illegal. However, they conveniently look away while many of its members owning large tea factories buy leaves from OMC's through middlemen. Is it because they get these leaves at a conveniently lower price – at 'crisis-sale' prices – an instrument to maximise their profits?

Some of the OMC's have, possibly through legally untenable methods, handed over garden management to some middlemen / businessmen / traders and significantly these same agencies / persons are also buyers of the green leaves from the closed gardens in question. The overwhelming feeling among general workers is that a nexus is gradually forming, involving some trade union leaders, OMC members and middlemen/owners. Instances of power and wealth, shady deals and related corruptions are being spoken about in whispers.

Some hard feelings are being generated since some key members of the OMC are also virtually controlling the 100 days of work under NREGA; various benefits through the General Relief Scheme, including food and medical relief, besides the work generated through OMCs. General opinion is that the workers are losing out, confused by the overlapping areas of these various schemes. However some are already in a position to explain how they are being cheated.

If the OMCs could have been organised from the bottom and were able to sell as a brand there could have been some benefits. Instead the OMCs function in almost all cases as suppliers of raw materials to 'bought leaf' plants. Hence it is merely a survival strategy beneficial to others but having no real future for workers.

There is marked lack of transparency in the manner the OMCs function. For example, in almost none of the places under survey the ground level worker, in spite of being a stake holder of the OMC, had any information about the approximate amount of cash the OMC had as savings in banks. In essence, they worked 'for' the OMC.

For perhaps understandable reasons the closed units are getting a lot of attention since 2003-04. After all, incidents of starvation and death deserve the spotlight. Little however is being said about the condition of these gardens when they were still open. It is evident that the situation was not too bright even then. Malnutrition was there – just that it became worse after closure. It is worth

mentioning that unlike in closed industrial units located in urban areas, there are almost no other economic pursuits worth mentioning.

Even in 2005 the situation was as bad. In fact it has steadily gone down since 1998. For that matter the situation in a large number of Tea Estates which are still 'open' is not at all good. The Plantation Labour Act, even if it is far from perfect, has been eased out.

The Planters have very clear responses. They insist that the total number of workers in employment and the remunerations legally payable to them as per PLA is far too high for the owners to generate even a reasonable profit. The sword thus falls on the PLA and if trends are to be relied on before long PLA will exist only on paper.

It is strange that an annual crisis that has been repeated during the last 5-7 years is not being addressed adequately. Around 20,000 people need special protection to arrest this annual dehumanisation. After all, these incidents of starvation and death occur only in identifiable pockets and that too within tea-producing regions. Monitoring the situation and initiating timely and appropriate action on the part of the State and its apparatus can prevent such catastrophes.

However little seems to happen in order to prevent the rout. It is the same old story repeated year after year. Reports on starvation deaths surface only when starvation becomes a household reality. Later, better late than never, relief trickles and then pours in. Media attention is turned on as if this was unexpected.

Alternatives are suggested, 'projects' prepared and funds requested. Meanwhile 'new' owners are coaxed, wooed and cajoled to 'reopen' the closed units. These owners decline to open the units in face of liabilities that run into crores. They agree 'reluctantly' to pick leaves and sell them to 'bought leaf' plants very often in support of Operative Management Committees. Their 'seemingly humanitarian' gesture guarantees at least a subsistence allowance for the jobless workers.

Even in such estates where there are no 'new' owners, OMCs run the same show but more often than not a 'leaf buyer' in the shadow acts as the financier and a 'by-default' owner. Even as plucking goes on at every single 'closed' tea estate, not a single tea factory attached to these tea gardens reopen. Neither are new plantations set up, nor are there any attempts to maintain and look after the old and ageing bushes. When all the leaves are plucked crisis deepens in most gardens. Few retain their jobs and the number of unemployed soars. Tea bushes and the garden get degraded. Starvation reappears. Deaths follow. One has to wait for the new flush and maybe a new 'owner'. The cycle repeats viciously.

It is not surprising to hear hushed voices complaining about "Closure is advantageous to all concerned. Administration, political parties, NGOs—all benefit from this annual crisis." With a furtive look around the voices continue saying, "Try to find out where most of the 'relief' gets siphoned off!"

The residential spaces within and around the tea gardens are primarily villages. Only recently (around 2003) they have been brought under the purview of the Panchayat system but very little infrastructure seems to have been created which could benefit the inhabitants. The Panchayat bodies, in general, shun any responsibilities towards the rural citizenry on the plea that that the PLA covers the tea-workers. On the ground level the PLA for all practical purposes is more of

a myth! Whether the forthcoming amendment will make any difference is to be seen. Moreover with each passing generation the proportion of non-workers in these villages is soaring. But the debate still rages!

Very little efforts are taken to provide employment in 'non-tea worker' villagers located near tea gardens. Grassroot non-party organisations have been formed which are engaging with the Panchayat demanding job opportunities.

If the tea industry workers were covered by ESI the Rajiv Gandhi Shramik Kalyan Yojana would have benefited the most. As per this scheme an insured person going out of insurable employment on account of closure of a factory or establishment, after being in an insurable employment and contributed under the scheme for five or more years, shall be entitled to claim unemployment allowance for a maximum period of 6 months during his/her entire service.

As stated before even for basic medical attention the villagers depend primarily on mobile health camps organised by urban NGOs functioning on a weekly basis, or travelling a long distance to the nearest Medical Health Centre.

They talked about the tea gardens and the need for 'development' –about plantation and caring for shade trees; about uprooting; about planting new tea saplings in 1 percent of the land under tea bushes each year; about regular and seasonal pruning and upkeep; about de-weeding; about prevention of soil erosion; about ascertaining and utilising the vacancy position for re-plantation purposes; about monitoring the health of tea bushes; about replacing out-of-order and outdated machinery in tea processing plants; about introducing new machines in factories and so on.

"Nobody cares about the real things!" the hushed voices exclaimed. "They know what needs to be done –but they don't bother!"

"We want an owner", they said. They spoke about tripartite initiative to solve the huge liabilities. They hinted at full or partial write off of such liabilities as and when possible and then hand the gardens over to the highest bidders. They underlined the need for convincing the 'new owners' so that at least five crore is invested over a period of five years, failing which tea co-operatives were the second best alternatives where the workers were ready and eager with support from the civil society towards such workers' initiatives like tea-cooperatives in Assam.

Once the crisis period looms on the horizon, a series of 'high' level meetings are held. High-powered teams visit 'affected' areas of North Bengal. Hon'ble Central Minister, the Chief Secretary, and top level Tea Board management are all involved. News of reopening with 'central' assistance makes the rounds. Confirmed dates are specified. Hundreds of crores are said to be in the pipeline. A lot is up for grabs reminding the 'naive' about the age old cliché— "making an industry sick is a profitable business".

The plight of the 'open' tea estates is not much better. Accounts are fudged to remain in red; production figures are manipulated to evade taxes; non-tea activities like tourism and agriculture are potent threats to the industry; trade unions are more often than not silent spectators resorting to symbolic 'token' strikes; it becomes difficult at times to ascertain as to who the lease holder operating the garden is; closed units open while some other 'sick' units close rather randomly among 70-80 'vulnerable' tea gardens; the benefits of PLA are

all but suspended. PLA was an umbrella legislation in which the actual wage component was less since many other additional benefits were to be added. Paradoxically in most sick gardens only the wage component is dished out. The plight of the workers and the industry is equally precarious. A chunk of this industry is always in a state of flux bordering chaos and disorder. □□□

[This report has been prepared on the basis of an ongoing study since 2007 conducted jointly by NESPON, Siliguri and Nagarik Mancha and circulated by Nagarik Mancha, 134 Raja Rajendra Lal Mitra Road, Room 7, Block B, First Floor, Kolkata 700085, India. Phone & Fax: +913323731921  
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