CHAPTER X

Labour Welfare and Industrial Peace

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CHAPTER - X

Labour Welfare and Industrial Peace

Introduction:

According to International Social Security Association (ISSA) peace has been defined as "No peace without Social justice and no justice without social security." It is observed that there is provision for social justice in the Indian Constitution also which includes right to work, education and public assistance. In case of unemployment, old age, sickness and disablement the state shall within the limits of its economic capacity and development make effective provision for securing the above fundamental rights of the citizen. Again social security means and includes all necessary statutory social security measures like wages, bonus, housing accommodation, medical treatment facilities, provident fund, pension including family pension gratuity, workmen's compensation etc. at appropriate time.

The industrial peace in the tea plantation industry in Assam is a relative term with labour welfare activities including social security measures which are adopted applied in practical field and provided in cash or kind. There is a proverb that "necessity is the mother of invention" which can

1. Tyagi, B.P.(Dr.) Labour Economics and Social Welfare P-533
2. Basu, D.D.(Dr.) Indian Constitution P-
be applied in labour welfare and social security measures also. In order to keep and maintain a sound health, vital food items like rice atta potato various kinds of cereals and so on are very much essential and as such have been providing or supplying by tea employer's to their respective employees.

Similarly other bare necessities like cloth to wear shelter to live in are provided in the form of cash or kind to serve the purpose and housing accommodations are provided to meet the needs. Along with these bare necessities other auxiliary requirements are recreational facilities to provide balance food or tea etc. creche facilities for keeping and nursing children of women workers pure drinking water facilities, latrines including toilets educational facilities to children, medical facilities including hospitals supply of life saving medicines at free of costs supply of raincoats, umbrella, first aids supply of firewood/fuel at free of cost protective clothings footware (Sandals) and mosquito nets are very much essential. Some one of these are different to their requirements and use which may be said as an exception to the tea industry in Assam due to its peculiar geographical and topographical character.

All these day to day requirements are contributing towards maintenance of physical standard by one way or other which again leads to increase in the efficiency of workers.
Statutory Social Security measures and stability of tenure of service:

Other statutory security measures are provided from time to time according to necessity like provident fund, pension fund including family pension. Deposit-linked Insurance and gratuity have been provided for the security and stability of tenure of services of workers. Without these legislative measures the services of workers bound to be insecured in the hands of employers and are liable to be twisted by them like toys. There can not be any pease amongst workers if there is no such security and stability of tenure of service. A temporary worker never feel secured as the tenure of service is temporary and likely to remove from his/her job if and when his/her service is no longer required.

Thus, in order to be secured and stability of tenure of service the worker should complete the requisite probationary period satisfactorily on the basis of which he/she fulfilled the requirements for confirmation of service. After confirmation of his/her services has been treated as permanent and can avail or provided all statutory amenities only after completion of these formalities. In order to provide the statutory benefits of stability of tenure of service and security of tea plantation workers, the probationary period has been reduced to three month's
continuous service in order to be eligible to become a member of the provident fund. The job security of tea plantation workers leads to job satisfaction which in turn leads to peace and harmony among worker's themselves and between management and employees. Again in other words the job satisfaction will lead to efficiency of workers which contribute to increase in productivity. And as such labour welfare schemes are productivity link scheme, further labour welfare schemes are welfare link schemes.

If in any case differences of opinion arises between workers and management such differences are settled through bilateral/tripartite discussions between management and ACMS either in presence of state government representatives or without the State Government representative.

In this regard it may be mentioned that job satisfaction comes from implementation of Provident Fund Schemes Pension including family pension, Gratuity, Insurance (optional) and Deposit-linked Insurance Schemes. But the job satisfaction comes from satisfactory provision and implementation of all social welfare schemes which have been included under Intra-mural and extra-mural welfare activities apart from social security measures mentioned in earlier chapters.
The tea being an agricultural industry, top priority should be given to health care and welfare activities provided to tea workers. For the existence and survival of the tea industry a healthy possessing a sound health and an efficient work force (i.e. army of efficient workers) is highly essential. The atmosphere in and around each and every tea garden must be free from pollution of any kind maintaining cleanliness in and around worker's residential areas.

In order to maintain the healthy industrial relations between management and employees the minimum needs of the workers as well as other welfare activities provided under various legislations of the State and the Central Government should be implemented in full by tea plantation industry. Moreover in order to achieve the estimated national objectives of Planning Commission the Central Government and the Tea Board of India, the industrial relations must be cordial and harmonious between management and workers. The poverty stricken half-starved anxious worker's can not devote their time and energy for increasing their efficiency leading to increase in the productivity. In other words the workers should be free from all anxieties including their statutory ration and other day to day necessities of life and their families.
The present per capita production of tea per year is 730 Kg. In 1961 the per capita production of tea was 405 Kg. The per capita production is rising every year and in 1986 per capita production again increased to 740 Kg per annum. This is surely a very good and healthy sign and helped the tea industry in attaining the estimated production level by the turn of the present century.

The tea industry must stress the need of producing the standard and quality tea in order to maintain the existing foreign markets as well as to expand more foreign markets which has been lost due to disintegration of Soviet Union. Moreover Indian tea has been facing stiff competition with foreign competitors particularly Sri-Lanka, China and Kenya tea in the international markets. According to changing situations the drinking habit of tea in the world has been changing and now-a-days foreign customers have been preferring instant tea, ready to drink tea (RTD) and green tea.

Naturally in order to cope up with the changing situations Indian tea industry should produce instant tea, ready to drink tea (RTD) green tea, value added tea and branded marketing. Now-a-days every people both male and female particularly in the developed countries of the world are very busy round the clock and do not have time to spent for preparing tea by boiling water for which they prefer ready to drink tea, instant tea and green tea in the changing situations of the developed countries of the world.

4. Baruah H.P.-Article in Agradoot (a bi-weekly news paper) dated April, 13,1994
5. Goswami, Anjan-Article in Janambhumi (daily) dated April 1,1995,P-4
6. Press Report, Published in Agradoot(bi-weekly) dated May 14,1995,P-7
In order to give economic justice to the citizens of the state attempts are made to meet the challenge of the evil giant poverty. The goal of economic justice is to provide happiness of life and pleasure by assuring equality of opportunity to weaker sections of the society. The Indian society is based on caste and communities and it sometimes creates walls and barrier among different sections of the society. The inequality amongst different sections of the society have to be removed and equal opportunity has to be assured to all citizens in social affairs as well as economic activities.

Therefore the International Social Security Association (ISSA) rightly stressed the need of social justice in order to have peace in the industry. The social security is the basis of such peace. All workers of the tea plantation industry must feel that socially they are not neglected and economically they are not exploited. Thus, the ISSA's slogan "no pace without social justice and no justice without social security" is appropriate at the present juncture. The overall situation of tea plantation industry of Assam is peaceful barring some stray incidents that took place from time to time. Malaria gastro-entities and other incidents like terrorist activities looting dacoities kidnapping of officials of tea gardens and subsequent

7. Tyagi, B.P. (Dr.) Labour Economics and Social Welfare P-533
releasing of those officials in return for higher ransom have been taking place. Some of these incidents are beyond control of human being. Similarly the situation of Dibrugarh district is by and large peaceful. The peaceful atmosphere have been going on in full swing throughout the district since last few decades barring few tea gardens where strike and lockout took place before three years.

The Role of ACMS in maintaining peace and harmony in the industry through Bilateral agreements:

In this connection it is observed that the ACMS have been taking leading role since its inception in all respects in maintaining peace and harmony in the tea plantation industry of the state at any cost. The Bilateral Agreement between ACMS and All Tea Plantation Employer's Associations namely :-

a) Assam Branch Indian Tea Association (ABITA)

b) Tea Association of India (TAI)

c) Indian Tea Association (ITA)

d) Bharatiya Chah Parishad (BCP)

e) Assam Tea Planter's Association (ATPA).

is the guiding principle in solving various problems that may arise in all respects.

8. Bilateral Agreement between ACMS and All Employee's Associations.
It is desirable that the employer's should honour the Bilateral agreements particularly the labour welfare and social security measures both voluntary and statutory in terms of money or money's worth. At the same time the employees also have to co-operate and co-ordinate in all respects which will in the long run lead to increase in the efficiency of workers. This will ultimately lead to increase in the production which will directly benefit both employers and employees. Thus the labour welfare and social security measures have link with the efficiency and productivity which ultimately leads to industrial peace and harmony.

The peace and harmony in industrial organisation is relative to labour welfare schemes. There are various kinds of labour welfare schemes which have already been explained in a nut shell. Again, the displeasure is reflected in the mirror of the industrial atmosphere which deserve special treatment according to the situation prevailing at that time.

There are many causes for the discontentment of the working class population prominent among them are desire for attaining permanent status in job where from job satisfaction comes, wages plucking rates allowances (V.D.A.) promotional avenues from lower to upper grades bonus issue housing accommodation, standard quality and quantity of ration materials like mosquito nets, rain coats, protective clothing, umbrella, sandals, aprrons etc. Other necessary
items like creche facilities, recreational facilities, washing facilities, pure drinking water, social security measures like pension including family pension, Insurance including DLI, gratuity, workmen's compensation, etc. are the main issues which lead to discontentment among the toiling masses. Differences of opinion arise between the management and the workers mainly on those matters. Matters which are mutually and amicably settled are well and good but if and when differences widen, then such situation may lead to unpleasant developments in the whole industry. This may be due to many reasons like adament attitude of either the parties or both parties (i.e. Employer on the one hand and workers on the other). Moreover, a situation may sometimes become grave one when a large number of innocent workers and their family members succumb to death due to out-break of fatal diseases like malaria, gastro-entirities etc. A large number of workers their children and other family members are the victims of such fatal diseases. This may be due to many reasons like unhygenic environment in and around labour quarters contaminated drinking water and food, carelessness etc.

The labourers came to Assam from different parts of British India and as such initially there was no unity among workers on an organised basis. Very frequently the workers were the victims of Planter's Raj on flimsy grounds as the workers were at the mercy of the Planters. There was no
security of life and service of the workers. Prior to Indian independence there were stray incidents of strike, dharna, lockouts etc. which took place but due to absence of organised labour force those were completely un-successful. The outsiders were not allowed to enter the labour lines and meet the workers. The manager of the respective gardens were the self-styled rulers and their orders were final and binding and none could challenge them. Practically there was no organised trade unions in the tea industry in Assam. There was nobody to demand for enhancement of wages, security of job or any other benefits.

Under the circumstances it was felt very urgent to form an organisation as a common plate-form for the tea plantation industry in Assam. On 9th February 1947 a very secret meeting was held in an undisclosed place at Tinsukia under the Presidentship of Late Bijoy Ch. Bhagawati a great labour leader in India. The Assam Chah Mazdoor Sangha (ACMS) was born in that meeting and since then the ACMS has been coming through many ups and downs in its endeavours for the common good of the toiling masses.

In December 1947 another meeting of the ACKS was held at Jorhat and it revitalised the Parishad under the leadership of Late Mohendra Nath Sharmah. The first and foremost task of the Sangha was to protect the interest of the workers and other employees and for such purpose the services of the employees had to be made permanent.

9. Sarmah, Golok-"Past and Future of Assam Chah Karmachari Parishad" an article published in Dainak Janambhumi, dated 18.4.98 P-7
Mr. Golok Sarmah was the secretary of Borsola Branch at that time and in that capacity he had to work for the welfare of the workers. As result of such activity Mr. Sarmah happened to be the first victim to be dismissed from his service and his case was referred to the Industrial Tribunal\textsuperscript{10} for judgement for the first time in tea plantation history of Assam. At the same time it can be termed as struggle against the mismanagement of tea employers.

In the meantime India attained independence from the clutches of British Rule on 15th August 1947 and since then the tea workers could get impetus to realise their due share from the management. The Sangha grew stronger and stronger through the passage of time and became a well organised labour force after attaining affiliation under the Indian National Trade Union congress (INTUC), a national level political organisation. At that time the two tea planters associations viz, Indian Tea Association (ITA) and Assam Tea Planters Association (ATPA) drastically change their policy to cultivate a sympathetic attitude towards employees and as such they took positive steps for the betterment and welfare of their workers. As a positive step wages, provident fund pension fund, gratuity, housing accommodation, drinking water, medical facilities etc. have

\textsuperscript{10} ibid P-7
been provided one after another as a result of bilateral agreements between the Employer's Associations and employees (workers) from time to time for the betterment of life and service conditions. It is also a historic event that the workers union got recognition\textsuperscript{11} from Planters Associations immediately in the second year of their formation.

It was beyond imagination when tea was discovered from the thick jungles of Assam in early part of 19th century that in due course tea would build its own dynasty and give employment to several lakhs of workers directly and indirectly and also it would influence the socio-economic development of the society as well as the political field to a great extent and at the same time a large number of workers and employees union would be formed. The British began to cultivate tea immediately after annexation of Assam to rest of British India in 1826 as a result of 'Yandaboo treaty' but discouraged Indian people to cultivate tea on commercial basis.

The first assamese tea martyr Maniram Dewan had established two tea gardens of his own and as such he was hanged on flimsy grounds. The tea gardens were like self-styled fully secured forts for the British tea Planters and Managers. No stranger was allowed to enter any garden and meet any worker or employee. The tea planters were like self-styled kings in their respective tea gardens and they

\textsuperscript{11}. ibid P-7
themselves were self styled judges. The dismissal of employees on flimsy grounds was the order of the day and many innocent employees and workers happened to be such victims.

As workers came to Assam from various parts (i.e. provinces) of British India, naturally there was no unity among workers and without such unity there could not be any labour movement which was of great advantage to the Planters Raj. The tea plantation workers accepted all terms and conditions of their respective employers without any protest. But protests and strikes were held here and there as a stray incidents but not on an organised basis to realise their dues (i.e. demands). In 1948 the workers of Assam Company resorted to strike and in 1857 the influence of sepoy mutiny slightly touched the tea workers also. In 1921 stray incidents of strikes took place in both Brahmaputra and Barak valleys.

Similarly in undivided Lakhimpur district also such kind of stray incidents of strike took place. All such strikes were complete failures due to lack of unity among the unorganised labour force.

In 1939 the actual trade movement was born at Digboi by Assam Oil Company (AOC) workers union in which 3 worker succumb to injury as a result of police firing for the first time in the trade union history of Assam. This unfortunate incident of trade union movement has wide repurcussions in the tea plantation industry in Upper Assam.

12. Medhi, Prafulla (Dr) Trade Union Movement and Assam Chah Karmachari Sangha- in Dainak Janambhumi dated 18.04.98 P-7
In 1946 General Election the congress came to power and formed the first Congress Government in Assam. As a result of the political change in the state, proper and suitable atmosphere was created for labour movement. In the meantime local units of the Assam Chah Mazdoor Sangha (ACMS) were formed in Jorhat, Dhekiajuli, Tezpur, Panitola, Nazira, Golaghat, Doomdooma, Tingrai, Naharkatiya etc. On 3rd September 1947 the National Mazdoor Union Congress, Assam Branch was established and since then the trade union movement of the tea plantation industry got the impetus to march forward in their developmental schemes under the efficient and capable leadership of Late Bijay Ch. Bhagawati as President, Tulan Ch. Saikia as Vice President, Mahendra Nath Sarmah and Late Jadu Nath Bhuyan both Joint Secretaries. Since then the Sangha has marched forward successfully towards achieving their desired objectives.

It is a happy occasion that the ACMS has celebrated the glorious Golden Jubilee year of its successful existence in the whole state of Assam. The ACMS has been trying their level best for improvement of their service conditions better wage rates social security measures through statutory legislations and creating congenial atmosphere for improving better employer employee relations and co-ordination between these two organisations and barring few occasions

13. ibid P-7
14. ibid P-7
they are almost successful in all these respects which is very much desirable for healthy growth of industries. The rights and duties are two sides of the same coin. The trade union organisations should think for the greater interest of the industry while going to realise their fundamental rights which are provided by the Indian constitution. At the same time trade union organisations should keep in mind the greater interest of the society where they live and the nation as a whole.

Further the trade union organisations while demanding and realising their due share they should try their level best through democratic and non violent process rather than confrontation which will reduce the friction between management and labour union as the union believes in peaceful co-existance.

In this connection G. Ramanujan's quotation is very appropriate- "Democracy of rights minus responsibilities would be like a bank of withdrawals minus deposits\(^\text{15}\)." Naturally every citizen should be conscious about "what my country expects from me rather before what I am getting from my motherland".

\(^{15}\) ibid P-7
Further it is very worth mentioning here that under the capable and efficient leadership of ACMS-, the number of disputes from 1997 to 1999 between management and workers union has been on the decline which is conclusive evidence from the following data¹⁶ :-

(a) Number of cases settled - 7
(b) Number of cases pending - 3
(c) Number of cases referred to Guwahati High Court - 1

It is observed from the above facts that the number of disputes settled are 7 whereas the number of disputes pending are 3 and only a single case has been referred to Guwahati High Court and is awaiting for final judgement from the Hon'ble High Court. This is also a healthy sign in the tea plantation history of Assam.

¹⁶, RajKumar, N. Office Secy.-ACMS
Branch Office, Khalihamari, Dibrugarh.