CHAPTER - VII

WELFARE MEASURES
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One of the chief features of the organised sector is that it ensures safeguards to the labour force through a number of labour laws and welfare schemes. It is in this area that one sees a clear line of demarcation between workers in organised and unorganised sectors. Vulnerability of unorganised workers is heightened by the fact that they cannot seek redressal from any protective legislation, in case their rights as 'workers' or 'individuals' are violated. Where as unorganised workers, in general, are in a very disadvantageous position vis-a-vis the organised sector workers, unorganised women workers in particular, are in an extremely delicate situation. Problems such as wage differentials, unequal pay for equal work, gender discrimination in the allocation of roles and resources, denial of maternity benefits and post-natal facilities and sexual harassment at work place are but some of the ways by which women workers, not only in the unorganised sector but also in the organised sector are exploited.
In view of this a discussion of welfare measures meant for women assumes significance. In this Chapter it is proposed to briefly examine the nature and impact of welfare programmes for workers in general, and plantation workers in particular.

In India the history of labour oriented legislation is more than a century old. However, early labour legislation aimed mainly at governing the relation between employers and employees, maintaining law and order and of course at some amelioration. The concepts of economic equality and social justice hardly got any preference.

Women constitute a sizeable percentage of the workforce in India. Hence the conditions of women workers called for special attention. The International Labour Organisations' special concern for protection of women workers, indicated in its various conventions, was supported by Indian Labour representatives and was reflected in the Indian labour laws¹.

Articles 39 and 42 of the Indian Constitution also ensure special protection to women workers through the Directive Principles of State Policy. Employers are under obligation to provide such benefits as "Maternity benefit through paid leave and hospitalisation, prohibition of night work and certain kinds of hazards Jobs, weight lifting, provisions for separate restrooms, bathing and washing facilities, creches for children of working mother, many of these are the results of International Labour Organization Conventions, which set up International standards for member countries".

Besides these provisions to which women workers are entitled as women perse, as workers they are also entitled to the following:

"Regular wage payment, prevent unfair deduction of fines, regulate working hours, provide for leave and holidays, proper ventilation, light, temperature, facilities

like canteen, hygienic drinking water, restrooms, safety measures, social security against hazards of death, old age, sickness, industrial injuries, etc. These are provided through provident fund, employees state social insurance and family pension laws. Better accommodation by subsidised housing schemes by the employer, in mines and plantation making it compulsory by legislation, has managed to reduce the rigorous of an industrial life\(^1\).

**THE PLANTATION LABOUR ACT 1951**

In the background of a brief presentation of the main provisions for workers, in general it is now pertinent to discuss in detail the provisions of the Plantation Labour act 1951 as it is an Act specifically meant to provide for the welfare of labour and to regulate the conditions of work in plantations. This Act covers such areas as health, welfare, hours and limitation of employment, leave with wages, accidents and penalties and procedure. In the section that follows each of the provisions of the Plantation Labour Act which aims at the amelioration of the conditions of plantation labour is taken up separately for discussion.

\(^1\) Acharji, Nilima, op.cit. p.5.
PROVISIONS AS TO HEALTH

The following are the provisions of the plantation Labour Act, with regard to health care facilities to be provided to plantation Labour:

DRINKING WATER

In every plantation effective arrangements shall be made by the employers to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers.

CONSERVANCY

i. There shall be provided separately for males and females in every plantation a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein.

ii. All latrines and urinals provided under sub-section (1) shall be maintained in a clean and sanitary condition.
MEDICAL FACILITIES

i. In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers (and their families) as may be prescribed by the State Government.

ii. If in any plantation medical facilities are not provided and maintained as required by the sub-section(1) the Chief Inspector may cause to be provided and maintained therein such medical facilities, and recover the cost thereof from the defaulting employer.

iii. For the purpose of such recovery the Chief Inspector may certify the costs to be recovered to the Collector, who may recover the amount as arrear of land revenue ¹.

In reality none of the above facilities seems to be available to the plantation worker. Drinking water sources are not made available anywhere in the plantation. It is only in the labour colony that borewells are provided. Workers have to either carry drinking water with them from their homes or take water from small streams or rivulets that flow through the plantation.

It was also seen that in none of the plantations, latrines or urinals were provided. The workers used open spaces as toilets. This was especially embarrassing for women workers. Absence of toilet facility not only exposes women to possible attacks from unscrupulous men but also exposes them to many health hazards. As Puttaswamy notes "absence of healthy toilet facilities leads to many health problems in women. When open spaces are used as toilets there is little or no arrangement for the immediate disposal of the human excreta and this gives room to flies, mosquitos and other infection carrying insects to invade the area. Moreover, during periods of pregnancy and child birth women are exposed to the most hazardous conditions, by
which they may contact serious health problems which endanger not only their lives, but also pose threats to the safety of the unborn or newly born children\(^1\).

As far as medical facilities are concerned, it could be seen that in the company estates the services of a doctor were available once a week to the workers for routine medical checkup. It was only in one estate that this researcher saw a small clinic being run with the help of a trained nurse. In the medium-scale private-owned estates also, a doctor visited the estate once a week to conduct routine health checkup. However, in the small scale private owned estates no medical facilities, whatsoever, were provided and the workers had to seek the services of either a private practitioner or a hospital in the event of illness. It can be seen that as per the provisions of Plantation Labour Act neither were medical facilities readily available in the plantation, nor were medical expenses incurred by the workers reimbursed by the plantation owners.

While on the subject of provisions of healthcare for women workers we may also make a reference to the Maternity Benefit Act 1961 under which plantation labour is also covered. The Maternity Benefit Act 1961, was enacted to regulate the employment of women by certain establishments for certain periods before and after child birth and to provide for maternity benefit and certain benefits.¹

The Maternity Benefit Act makes a provision for providing maternity leave and the payment of maternity benefits under the provisions of this Act. The employer is prohibited from knowingly employing any women in any establishment during the six weeks immediately following the day of her delivery or her miscarriage. No women shall work in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

No pregnant women shall, on a request being made by her, be given any work of the following nature during the period of one month immediately preceding the period of six weeks before the date of her expected delivery and during the said period of six weeks for which the pregnant women does not avail of the leave of absence under section 6.:

i. Any work which is of arduous nature;

ii. Any work which involves long hours of standing;

iii. Any work which in any way is likely to interfere with her pregnancy or the normal development of foetus or is likely to cause her miscarriage or otherwise adversely affect her health.

This Act also provides that "the maternity benefit to which every woman shall be entitled and her employer shall be liable for, is a payment to a worker at the rate of average daily wages for the period of her actual absence immediately preceding and including the day of her delivery and for six weeks immediately following that day".

The Plantation Labour Act also prescribes that maternity allowances should be given to a woman in case of confinement or expected confinement, maternity allowance at such rates for such period and at such intervals as may be prescribed.

In spite of the fact that the provisions of the Maternity Benefit Act are elaborate and that this Act has been described the most valued and significant of all the protective measures relating to women labour by the labour bureau many women workers do not seem to be receiving the benefit of this Act.

From our own data it was seen that only women who worked on a permanent basis were entitled to paid maternity leave. All women who worked on a temporary basis had to absent themselves from work immediately before and after child birth. It was very likely that their services were replaced by others. Generally women workers are entitled to maternity benefit, but plantation women workers, in spite of being considered organised labour seem to be enjoying this benefit only in a mutilated form. Given the experiences of our
sample workers we must accept the view that "progress in the field of maternity protection has generally stopped short of the agricultural sector leaving the maternity of women workers in rural areas of both developed and developing countries outside the protective umbrella of labour laws in general and maternity protection in particular".¹

PROVISION OF CRECHES

As per the provisions of the Plantation Labour Act 1951 creches must be provided in every plantation wherein fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by employer suitable rooms for the use of children of such women workers.²

¹ See Social Welfare, August 1985, p.34.
² Shenoy Ganesh, S. op. cit. p.224.
Though the Act lays down that creches must be compulsorily run, most plantations seem to be devoid of this extremely important need of women workers. It was only in the company estates that creches were being run. This researcher observed that the creche facility was being made use of only by a few women workers. Where there were older relatives and relatively grown up siblings staying at home, women preferred to leave children in their care. Almost everywhere a creche was a small room like structure which was being looked after by a woman. No where did the creche satisfy the conditions as those laid down by the Plantation Labour Act, "such as-[The rooms referred to in sub-section(1) or sub-section(1-A)] shall.

i. Provide adequate accommodation;

ii. Be adequately lighted and ventilated;

iii. Be maintained in a clean and sanitary condition;

and

iv. Be under the charge of a women trained in the care of children and infants".\(^1\)

\(^1\) Shenoy, Ganesh, S. op.cit, p.224.
PROVISION OF CANTEENS

The Plantation Labour Act also prescribes that in every plantation where in,

i. One hundred and fifty workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers

ii. Without prejudice to the generality of the foregoing power such rules may provide for

a. The date day which the canteen shall be provided,

b. The number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteen.

c. The food stuffs which may be served therein and the charges which may be made therefor
d. The constitution of a managing committee for the canteen and the representation of the workers in the management of the canteen,

e. The delegation to the chief inspector subject to such conditions as may be prescribed, of the power to make rules under clause (c). ¹

In none of the estates which were covered by this researcher was a canteen provided. The workers both men and women carried food from home. It is interesting to note that in many plantations in the neighboring state of Kerala the plantation owners provide to the workers both lunch as well as tea. Where plantation workers do not accept cooked food, they are even given grains for cooking and the services of one of the workers is spared on a rotation basis every day to cook food for other workers.

When our subjects were questioned about their need for a canteen, surprisingly an overwhelming majority said that they are not in need of a canteen. They felt ¹

that a good portion of their earnings may be spent on buying food items available in the canteen if one was opened at the work spot. This, they felt, would be an additional burden on their meagre resources,

EDUCATIONAL FACILITIES

The Plantation Labour Act lays down that where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number the state Government, may make rules requiring every employer to provide educational facilities for the children in such manner and of such standard as may be prescribed¹.

But in none of the estates where this work was undertaken, was a school being provided. The school going children of our respondents went to schools situated nearby. The distances at which schools are located ranged from half a kilometer to beyond six Kilometers, and this distance between home and school

¹ Refer Shenoy Ganesh.S. op.cit. p.225 for details of various clauses on educational facilities as provided in The Plantation Labour Act, 1951.
was almost always covered on foot. Children of workers employed in plantations situated in remote areas often went without schooling because there were no schools in the vicinity. The lack of schooling facility is in fact a great handicap for plantation labour. Had there been schools in the vicinity of the plantation, workers would definitely make use of this opportunity for educating their children. In view of the fact that child labour is not entertained in plantations by legal measures, children of plantation workers would have a very good opportunity to get education if only schooling facility was available to them.

Given the economic conditions of the plantation workers, education for their children would be the only means of upward mobility for their families. But it is unfortunate that they do not have access to even this basic need. The plantation owners sent their children to the best of residential schools in large cities and their education is by no means disrupted. They can afford to keep their children in the most expensive residential schools only because of the hard labour of the plantation workers. But it is a pity that the
labour do not even receive a small share of the rich rewards being heaped by plantation owners. While the workers toiled from dawn to dusk and often their children go without school or other necessities the planter's children who hardly strive for anything in their lives enjoy the best of comforts and luxuries. The concept of alienation propounded by Marx applies to our sample of plantation workers.

HOUSING FACILITIES

As per the provisions of the Plantation Labour Act it shall be the duty of every employer to provide and maintain necessary housing accommodation -

a. for every worker (including his family) residing in the plantation;
b. For every worker (including his family) residing out side the plantation, who has put in six months of continuous service in such plantation and who has expresses a desire in

willing to reside in plantation; provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family, of a deceased worker who, immediately before his death was residing in the plantation.\(^1\)

The provisions of Plantation Act with regard to housing are being followed by most plantation owners at least with reference to permanent labour. Both in company estates and private owned plantations the permanent labour are provided with residential quarters. The row of houses is called labour lane. The accommodation provided in these residential quarters is normally restricted to one room, a hall and kitchen. Neither electricity nor toilet is provided in the quarters. Most labour lanes have only one common drinking water source. Though the houses are devoid of any facility, at least the fact that residential accommodation is provided free of cost gives some relief to the workers.

\(^1\) Shenoy, Ganesh S: op.cit. p.225.
Plan\-tation workers who work on a temporary basis are not provided any accommodation. Temporary workers may either be casual labour or seasonal labour. When there is a heavy load of work during peak season, seasonal labour who are in heavy demand are also provided with housing accommodation as long as they work in a given situation. Casual labour, however, do not get any housing facility.

As regards the provisions of the Plantation Labour Act regarding hours of work, weekly holidays, prohibition of employment of young children, the plantation owners seem to be following the set procedures, though often with slight modification. In view of the fact that plantation work is heavily dependent on manual labour, certain types of open exploitation which characterise other forms of agricultural work are not visible in plantation work. However, certain subtle and covert forms of exploitation are prevalent. The extent to which workers are able to resist as well as prevent exploitation by employers depends upon the strength or otherwise of their unions, for, organised union participation can help prevent
exploitation by the employer to a great extent. In this background it would be interesting to study the nature and the extent of union participation by plantation workers. But before we take up this issue it would be relevant to discuss briefly the nature of governmental response to the problems of plantation labour.

GOVERNMENT RESPONSE TO THE PROBLEMS OF PLANTATION LABOUR

At this juncture it is not out of context to ask a question about the Government's role in the effective implementation of the Plantation Labour Act. The only noticeable response by the Government has been the appointment of District Labour Officer whose office is housed in the District head quarters, which in this case happens to be Chikmagalur. Under this District Labour Officer there are a number of labour inspectors whose offices are housed in taluk centers. These labour inspectors are required to visit the plantations regularly, besides looking into the complaints by the workers. But in reality this seem to be happening only rarely. Even when they pay a visit to the plantations they do not interact with the labour as such, but visit
the offices and verify records and do such other routine jobs. As it often happens many of these officials connive with plantation owners or managerial staff and ignore the interests of plantation workers.

There is also a labour court in the district headquarters to which the workers can carry their grievances, but none among our respondents had approached the labour court till date with any complaint. Given the fact that court procedures involve enormous delays and expenses, very few workers would take this bold step of approaching the court for redressal of their grievance. For that matter even the level of legal awareness among workers is very low. Among our own respondents, as many as 91.25 percent had no knowledge whatsoever about their rights either as workers or as individuals. When such is the situation, one can hardly expect the workers to ask for their rights or the government to respond to their legitimate demands.

TRADE UNION AND PLANTATION WORKERS

Trade Unions or employee Unions are basically meant for upholding the interests of workers. "Trade Union or
employee Unions are vocational organizations organized by labourers or workers, in order to secure their demands from the employers on the one hand, and from the government on the other (see Jawaid, 1982 VII). Webbs defined trade unions as a Continuous association of wage earners for the purpose of improving the conditions of workers lives' (webbs, 1897: 821).

Women as a group seem to have shown less inclination for union participation or towards unionisation. A number of studies have shown that women are less unionised than men. Women generally felt that union participation did not bring any viable or visible changes in their life. One of the reasons as to why women are preferred by many managements is that they are not union oriented and hence less troublesome. Many women themselves do not participate in union activities because of family obligations. Either out of choice or compulsion they keep out of union activities. "Many women tend to keep out of union activities on such

pretexts as that participation cuts into time spent on domestic work, it gives them public exposure, inconvenient meeting timings and the like. All over, trade union participation rates are lower for women than for men.1

In this background it would be relevant to present data relating to the pattern of union participation among our respondents. At the outset it may be mentioned that plantation workers had no separate unions of their own. Plantation workers have to seek membership in other unions representing the interest of the workers in general. Data presented in Table 7.1, shows the nature and extent of union participation among our sample respondents.

TABLE 7.1

NATURE AND EXTENT OF UNION PARTICIPATION
AMONG WOMEN WORKERS

<table>
<thead>
<tr>
<th>Participation</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Member of All India Trade Union Congress</td>
<td>15</td>
<td>3.75</td>
</tr>
<tr>
<td>Member of Communist party supported Union</td>
<td>20</td>
<td>5.00</td>
</tr>
<tr>
<td>Not member of any other unions</td>
<td>365</td>
<td>91.25</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>400</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>

From the above data it can be seen that the extent of union participation among women is less than 10 percent. Our subjects were asked the reasons for not being members of unions. An overwhelming majority were of the view that trade union leadership had let them down very badly and that their interests were not at all being represented by the Trade Unions. Many Union leaders seemed to be practicing dual standards in that they were collecting money both from plantation labour and owners. It was true that plantation owners did not look upon the tendency of unionisation among workers with favour. Plantation owners are always suspicious of
unionistic tendencies among workers as they fear that workers may strikedown work or at least threaten to strike work. Their fears are not unfounded because plantation workers are within easy reach of one another while at work and, mobilising them will not be a big problem. Hence, plantation owners do not encourage workers to form their own collectives or join other employee unions. The impact of such an attitude is especially felt by women workers because poor women can be easily victimised by the rich and powerful land owning classes. In this contest we may quote Puttaswamy's observations on women agricultural labourers as these observations more are less apply to our subjects too.

"The first and foremost reason that has made the women agricultural labourers totally silent is the grim poverty that is grinding their lives. Second, the seasonal nature of their employment and their excessive dependence on agricultural wage work prevents them from taking any risk of forming a union. A third point which our respondents made was that any attempts by the workers to mobilise would incur the displeasure of the landlords who wield lot of economic as well as political clout in the village. The women also said
that landlords and their henchmen would make life miserable for them if their authority was questioned. Last but not least is the fact that they are women. Whether a woman is a wage earner or not her voice of dissent is generally stifled. She is expected to work, but never to question. Our respondents said rather ruefully 'we are after all women, we are expected to compromise with exploitation whenever it occurs, we do not want to loose the only source of meagre income that we have by creating trouble'.

Men or women, unionisation is not an easy target to achieve as far as agricultural workers are concerned. Poverty coupled with socio-cultural constraints comes in the way of effective unionisation among workers. The constraints in the path of effective mobilisation of workers were highlighted by Pande when he wrote "The agricultural workers suffer from all personal disabilities, in addition to many others, which are found to obstruct effective unionisation of industrial workers. A vast majority of them are illiterate, ignorant, socially backward, economically vulnerable,"

lack in confidence, politically less conscious and culturally heterogenous. The last factor is particularly more pronounced in the case of agricultural labourers. Even within a narrow geographical limit, they are divided into scheduled caste and non-scheduled caste, between sub-caste groups within major castes. Members of each caste and sub-groups tend to follow the advice of their own community leaders. Their coming together into continuing organisation is, therefore, conditional on the leaders and members of different communal, caste, sub-caste groups forging lasting unity. This, indeed, is difficult to achieve in the existing Socio-political set-up of rural India.¹

Women's non-participation in trade union activities is also closely related to their under representation in the political institution. In the nearly five decades following India's independence, women's share in the

political decision making process has been abysmally low. Barring the local self government (where 30 percent of seats are now reserved for women) in all major political institutions, women are still in a miniscule minority. Gender related prejudice and dominant patriarchal notions have provided a stubborn resistance to women's entry into mainstream politics. The political participation of most women in India just does not go beyond voting. Our respondents too are no exception to this. Of the 400 respondents interviewed for this study only one respondent was a member of Mandal Panchayat, which was then in existence. The remaining respondents, besides casting their votes during elections, had at no point of time taken part in any meaningful political activity.

On the whole, it can be said that women worker's participation in matters relating to their life and work is very minimum and this is one of the basic reasons as to why there is not any visible change in their lives.
RESPONSE OF PLANTATION OWNERS AND MANAGERS TO
THE PROBLEMS OF WOMEN WORKERS

We have so far presented the problems of plantation labourers, by and large, from the workers perspective. But a scientific sociological analysis requires that issues have to be analysed from the perspective of different groups involved in a study. Accordingly, in the section that follows an attempt has been made to analyse the issue of problems and welfare of plantation workers from the perspectives of plantation ownership and management. Interviews were conducted with cross-sections of owners and managements of coffee estates where this study was carried out. The data that emerged from this interaction are presented hence forth.

Both the plantation owners and managers seem to share similar views regarding the work performance and other issues relating to women workers. The plantation establishment was of the view that women were the most hardworking and stable workers. The extent of absenteeism among men was very high and plantation industry depended heavily upon women workers for its survival and sustenance. They felt that they had also
adequately rewarded the services of the women workers by providing work to them constantly. Some of the owners and managers said that even when coffee prices were very low and their establishments were running at a loss they never dispensed with the services of women workers.

When interacting with the researcher many representatives of the plantation establishment made a very interesting point. They claimed that they were encouraging women to have small families, inspite of the fact that their having large families could provide them with more labour. Looked at from a Marxist perspective this observation of the estate management raises a very pertinent question - why should the children of the working class continue to be workers only? Advocating small family norm by itself is no doubt a commendable effort, but the establishment cannot take credit for this by saying that they are doing it even though it works to their disadvantage. All the worldover, the elite have tried to perpetuate the subordination of the working class by marginalising their lot. The owners of the means of production always aspire for higher goods for their children, where as for
the children of their workers they never visualise or work towards their upward mobility.

By and large, the attitude of the estate management towards the women workers seems to be very patronising. They felt that they had provided the women workers with whatever facilities they deserved, such as regular payment of wages, housing and some medical care. But when asked about provision of school, hospital or wholesome recreation, the owners expressed the view that all these were beyond their means.

Barring a few basic provisions which, the plantation workers would have any way received as members of organised sector labour force, there is nothing special which the women plantation workers seem to be receiving from their employers or managerial staff. Be it schooling facilities, healthcare, or any aspect of their development, the workers do not seem to be getting a fair deal. It has been mentioned elsewhere that the working conditions of women plantation workers are better than their counterparts in other forms of agricultural work. But at the same time this should
not lead us to the conclusion that women plantation workers have access to opportunities for and benefits of development. Their problems basically stem from the fact that they are a part of a discriminatory social system which exploits them, first as women, and then as workers. The fact that they had no control over such factors as the number of children they bear, the spacing between these children, the age at which they got married and other important decisions relating to their lives shows that they are still far away from emancipation or development.

In this chapter we have discussed the welfare programmes for women in India, with special reference to plantation labour. First, we discussed at length the Plantation Labour Act 1951. From this discussion it emerges that an overwhelming majority of our respondents do not enjoy all the benefits of this Act. It is also seen that governmental response to the problems of plantation workers has been rather weak. The appointment of a few labour officers or inspectors has not solved the real problems of plantation workers.
Women have always been projected as less union-oriented and our subjects too were no exception to this. Either out of choice or compulsions, such as, for example familial obligations or negative attitude of management, women choose to remain out of union activities.

The owners of plantation and managerial staff felt that they had already done much for women plantation labour, but our investigations reveal that barring the basic provisions, not much was being done to foster the development of women workers.