CHAPTER IV

LABOUR ISSUES

4.1 INTRODUCTION:

Labour issues arise out of working conditions under which a labour works. Working conditions consist of wages, working hours, daily and weekly rest period, holidays, leave, terminal benefits, provision of canteen facilities, housing accommodation, provision of crechees for children, premises of work and environment, etc. Better working conditions generally increase the efficiency of labour. Moreover, it has great influence on standard of living of labour of any industry.

4.2 VARIOUS LABOUR ISSUES:

Here we shall discuss the various issues on which workers and employees are agitating for resolving them through their Trade Unions.

4.2.1 WAGES AND DEARNESS ALLOWANCE:

The key issue of the Trade Union activities is the issue of wages. Of all the problems that face the workers, the problem or issue of wages is the most pressing and persistent one. The worker's earning is of the greatest significance for him, as it primarily determines
his standard of living and that of his family. This issue is quite sensitive with relation to price.

Wages, as defined in the Industrial Disputes Act 1947, mean all remunerations capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a workman in respect of his employment.

Wages are of two types, nominal wage and real wage.

Nominal wage is the wage expressed in terms of money at the given moment. It is the payment in cash which the worker receives for his work. But the value of money is changing, because of the rise in prices. Here the real wage means the goods and services which the workers can buy with his money wage. It represents the workers' actual purchasing power. If the money wage increases, but the prices of food, clothing, housing and other necessities rising even more, the real wage falls causing hardship to the worker and his family.¹

In 1948, the Minimum Wages Act was passed by the Government of India. The chief aim of this Act is to provide not merely for a bare subsistence of life but for the preservation of the efficiency of the worker.

The provisions of an adequate living wage and recognition of the principle of equal remuneration for work of equal value figure prominently among the objectives of the International Labour Organisation set forth in the preamble to its Constitution.

The framers of the Constitution of India had also to take into account the question of a wage policy and its future direction. Therefore under the Directive Principles, it is laid down as follows in Article 43:

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and in particular, the state shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."  

With a view to formulating a national wage policy in Independent Indian, 15th Indian Labour Conference held at Delhi in the year, 1957, had decided upon certain criteria of labour remuneration Dr. Aykrod's recommendation

on nutrition provides that a minimum of 2700 calories consumption is required for a living person. But this recommendation was not accepted by the Government of India on the ground of different food habit of Indian people. National Nutrition Advisory Committee, on the basis of majority Indian peoples' vegetarian food habit, had reduced the quantum of required calories to 1700 in their recommendation.

For the purpose of determining the financial ability of the workers to purchase the minimum recommended calories, the earning of the workers may be concluded on the basis of 1960 price level with Rs. 1.75 per points of consumer price index (1960-100). This price index is computed and published by Labour Bureau, Simla. But regretably the same is not implemented in practice owing to greater financial involvements.

The immediate post-independence period was a period of boom. Price raised rapidly without corresponding increase in wages. The real earnings of workers were less than what they were in 1939. It was only in 1952 that the real earnings reached the pre-war level. This will be clear from the following table.
### TABLE 4.1

Real earnings of the workers (base 1939-100) from 1939 to 1954.

<table>
<thead>
<tr>
<th>Year</th>
<th>General Index of earnings</th>
<th>All India working class consumer price Index.</th>
<th>Index of real earning.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>1940</td>
<td>105.3</td>
<td>97</td>
<td>108.6</td>
</tr>
<tr>
<td>1945</td>
<td>201.5</td>
<td>269</td>
<td>74.9</td>
</tr>
<tr>
<td>1947</td>
<td>253.2</td>
<td>323</td>
<td>78.4</td>
</tr>
<tr>
<td>1948</td>
<td>304.0</td>
<td>360</td>
<td>84.4</td>
</tr>
<tr>
<td>1949</td>
<td>340.3</td>
<td>371</td>
<td>91.7</td>
</tr>
<tr>
<td>1950</td>
<td>334.2</td>
<td>371</td>
<td>90.1</td>
</tr>
<tr>
<td>1951</td>
<td>356.8</td>
<td>387</td>
<td>92.2</td>
</tr>
<tr>
<td>1952</td>
<td>385.7</td>
<td>379</td>
<td>101.3</td>
</tr>
<tr>
<td>1953</td>
<td>384.6</td>
<td>385</td>
<td>99.9</td>
</tr>
<tr>
<td>1954</td>
<td>381.2</td>
<td>371</td>
<td>102.7</td>
</tr>
</tbody>
</table>

The fall of the real wages caused hardship to the worker and his family. This is sought to be corrected by the mechanism of dearness allowances.

Dearness Allowances is essentially a payment to enable the wager earner, particularly a low wage earner, to meet or maintain his usual standard of living by neutralising the increased cost of living due to rise in prices. It is a mechanism for preventing substantial erosion in a worker's real wage.4

The Second Pay Commission for India observed, "The D.A. should be so fixed as to neutralise the rise in prices for those who live on the marginal level."5

The issue of D.A. brings to the question of consumer price indices. The Labour Bureau of the Government of India complies the consumer price index for industrial workers for the country as a whole. The CPI for industrial workers from 1965 to 1986 are as follows:

| TABLE - 4.2 |
| The average Consumer Price Index for industrial workers of India.6 |
| (base 1960-100) |
| Year | Index |
| 1965 | 166 |
| 1970 | 224 |
| 1975 | 390 |
| 1980 | 473 |

6. Bardhan, A.B., Trade Union Education Lecture Notes, AITUC Publication pp. 82
<table>
<thead>
<tr>
<th>Year</th>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985 January</td>
<td>588</td>
</tr>
<tr>
<td>1985 December</td>
<td>630</td>
</tr>
<tr>
<td>1986 January</td>
<td>629</td>
</tr>
<tr>
<td>1986 August</td>
<td>672</td>
</tr>
</tbody>
</table>

This table indicates how prices are shooting up, and consequently what great importance the issue of dearness allowance on the one hand, and the struggle for holding the price line on the other, acquires for the trade union movement.

When the prices of essential commodities rise, but the wages of the workers do not rise at the same level with the market price, the real earnings of the workers fall.

The Indian Labour Journal (February 1982) admits that while the national income rose at 1970-71 constant prices, by 30.4 percent during the decade 1970-71 to 1979-80, real wages in the same period rose by only 1.2 percent.  

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7. Ibid, pp. 89.
4.2.1.1 Wages and income of the labourers of various industries and shops and commercial establishments of Assam:

With a view to giving a picture of the wage conditions of the workers in Assam, now we shall discuss the wages and income of various industries and shops and commercial establishments of this state.

4.2.1.1.1 Wages in Tea Industry:

The rate of wages of the tea garden labourers is different in the Brahmaputra valley and the Borak valley and within the same valley the rate differs in different zones. Men, women and children also used to get wages at different rates.

In 1947 the daily wage of the labourers of the Brahmaputra valley and the Barak valley stood as follows:

<table>
<thead>
<tr>
<th>Basic</th>
<th>D.A.</th>
<th>Total</th>
</tr>
</thead>
</table>

8. Borah Nolen, Banuar Adhikatha Aru Chamu Itihas" (in Assamese); 1st Published 1980, pp. 52.
In 1948, it was increased up to .87 p. and .75 p. for male and female respectively in the Brahmaputra valley and .75 p. and .69 p. respectively in the Barak valley.  

With a view to root out the economic injustice to the working class people, the Minimum Wages Act was introduced in the State of Assam in 1952. After the enactment of this Act the minimum wages of the tea garden labourers were fixed in the following rates.

In 1952 daily wage in the Brahmaputra valley was fixed at Rs. 1.12 for male and Rs. 1.06 for female for full 30 days, plus 3½ seers of rice at Rs. 5/- a maund. But no worker could draw more than Rs. 30/- counting everything, in a month - such was the reality.

In the Cachar district, the daily wage was fixed at .94 paise and .87 paise for male and female respectively.

Here we can compare the monthly wages of labourers of other industries of various States of India during this period with that

of tea labourers of Assam. We can determine from the comparison that how poor was the condition of the tea garden labourers of Assam. Monthly salary of Tram Workers and Electronic Workers of Calcutta was Rs.35 per month, Jute Mill Workers and Engineering Workers used to get Rs.63 per month.12

The daily wage system is still continuing in most of the tea gardens of Assam. The daily wages for Assam tea labour was refixed through an agreement reached between the tea garden owners and Assam Chah Mazdoor Sangha on 24th July 1980 which was effective from 2nd February 1982 and the revised rate is shown in the following chart.

**TABLE - 4.4**

Daily wages of tea garden labours from 1982.13

<table>
<thead>
<tr>
<th>Name of the Districts</th>
<th>Adults and adolescent</th>
<th>Child (from 12 to 15)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dibrugarh and Sibsagar</td>
<td>Rs. 8.90</td>
<td>Rs. 4.41</td>
</tr>
<tr>
<td>Lakhimpur and Tezpur Sub-division of Darrang District</td>
<td>Rs. 8.83</td>
<td>Rs. 4.38</td>
</tr>
<tr>
<td>Mangaldai Sub-division of Darrang District</td>
<td>Rs. 8.80</td>
<td>Rs. 4.37</td>
</tr>
<tr>
<td>Nowgong, Kamrup and Goalpara</td>
<td>Rs. 8.73</td>
<td>Rs. 4.37</td>
</tr>
<tr>
<td>Cachar district</td>
<td>Rs. 7.72</td>
<td>Rs. 4.10</td>
</tr>
</tbody>
</table>


These rates of wages were less than those in Tamil Nadu, Kerela and even West Bengal. In 1987, plantation labourers of Tamil Nadu used to draw wages with D.A. as follows.

Rs. 10.34 for an adult worker, Rs. 7.27 for an adolescent and 6.31 for a child labour (where the garden is of more than 50 Acres and in the garden where the area is less than 50 Acres, the rates of wages were Rs. 10.14, Rs. 7.20 and Rs. 6.19 respectively.  

The wages of tea garden workers was last revised in 1986 and the wages of the workers were fixed in the following rates.

**TABLE - 4.5**

Rates of daily wage of tea garden workers in the Brahmaputra valley from 1986.  

<table>
<thead>
<tr>
<th></th>
<th>1.11.86 to 31.10.87</th>
<th>1.11.87 to 31.10.88</th>
<th>1.11.88 to 31.10.89</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dibrugarh</td>
<td>Male Rs. 11.80</td>
<td>Rs. 12.45</td>
<td>Rs. 13.10</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>Female Rs. 11.62</td>
<td>Rs. 12.27</td>
<td>Rs. 12.92</td>
</tr>
<tr>
<td>Jorhat</td>
<td>Child Rs. 5.88</td>
<td>Rs. 6.21</td>
<td>Rs. 6.54</td>
</tr>
<tr>
<td>Nowgong</td>
<td>Male Rs. 11.63</td>
<td>Rs. 12.28</td>
<td>Rs. 12.93</td>
</tr>
<tr>
<td></td>
<td>Female Rs. 11.52</td>
<td>Rs. 12.17</td>
<td>Rs. 12.92</td>
</tr>
<tr>
<td></td>
<td>Child Rs. 5.84</td>
<td>Rs. 6.17</td>
<td>Rs. 6.50</td>
</tr>
</tbody>
</table>

14. Ibid.  
15. Bilateral Agreements between Assam Chah Mazdoor Sangha and All Employers Associations upto 26th May 1989, compiled by Assam Chah Mazdoor Sangha, Central Office Dibrugarh, Assam, pp. 149-150.
The wages of the tea garden workers have been increased from time to time, always with low rates. In 1986 the daily wages were not more than Rs. 13.70 for male, Rs. 12.92 for female and Rs. 6.54 for child workers.

### Wages of the workers in the Plywood industries:

In 1966 the minimum wages for workers in the plywood industries were fixed at the rate of Rs. 3.25 per day for unskilled hands. After eleven years i.e. in 1977 it was increased. In that year the wages of unskilled, semi skilled and skilled workers were Rs. 6.00, Rs. 6.40 and Rs. 6.60 respectively per day.
One agreement was signed on 1984 between the Management of Plywood Industry and their workmen and according to this agreement the wages of the permanent, casual, temporary workers employed through contractors having completed one year of service as on 31st March 1984, shall be increased as shown below.

[a] Since 1.4.84 - By Rs. 1.20 per day of work per unskilled worker, by Rs. 1.30 per day of work per semi-skilled worker, by Rs. 1.85 per day of work per skilled worker.

As per computation, the total wages will be as follows:

[i] Rs. 13.46 for unskilled workers per day.

[ii] Rs. 13.96 for semi-skilled workers per day.

[iii] Rs. 14.11 for skilled workers per day.

At present the daily wage of the plywood workers is Rs. 18/- whereas the plywood workers of Delhi draw Rs. 22/- daily.

4.2.1.1.3 In the Cement based industries:

The wages in the cement based industries was last revised in 1986 as follows:

16. Wage agreement on plywood industry in Assam for the year 1984, collected from the office of the Labour Commissioner, Assam, Gopinath Nagar, Guwahati.

Table 4.6

Wages of the workers in the cement based industries in 1986. \(^{18}\)

<table>
<thead>
<tr>
<th>Category of employees</th>
<th>Daily Rates</th>
<th>Monthly Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skilled</td>
<td>Rs. 19/-</td>
<td>Rs. 570/-</td>
</tr>
<tr>
<td>Semi-skilled</td>
<td>Rs. 17/-</td>
<td>Rs. 510/-</td>
</tr>
<tr>
<td>Unskilled</td>
<td>Rs. 15/-</td>
<td>Rs. 450/-</td>
</tr>
</tbody>
</table>

4.2.1.1.4 Wages in the Flour mills:

The wages of the flour mills in the State of Assam is not very satisfactory. The minimum rates of wages for skilled workers in these industries was Rs. 435.00 for Class I Mill and Rs. 400.00 for Class II Mill per month. The wage condition of the flour mills will be clear from the following Table.

Table 4.7


<table>
<thead>
<tr>
<th>Category of Workers</th>
<th>Class I Mill</th>
<th>Class II Mill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skilled workers</td>
<td>Rs. 435.00 p.m.</td>
<td>Rs. 400.00 p.m.</td>
</tr>
<tr>
<td>Unskilled workers</td>
<td>Rs. 350.00 p.m.</td>
<td>Rs. 305.00 p.m.</td>
</tr>
<tr>
<td>Clerical staff</td>
<td>Rs. 435.00 p.m.</td>
<td>Rs. 400.00 p.m.</td>
</tr>
</tbody>
</table>

The variable dearness allowance was given in the following rates.

[i] Rs. 0.70 p. per point per month for the wages upto Rs. 200 -
    p.m.

[ii] Rs. 0.80 p. per point per month for the wages upto Rs. 201 -
    to Rs. 400/- and

[iii] Rs. 0.90 p. upto Rs. 400/- per month.  

It was agreed that V.S.A. shall be adjusted at the above rates
with rise and fall with the All India Average Consumer Price Index
of Industrial Workers (base 1960 - 100) to a maximum of 20 point per
annum.

4.2.1.1.5 Wages in the shops and commercial establishments:

The wages of the workers of shops and commercial establishments
were last revised in the year 1985 at the rate specified in the table
below.

19. Assam Government Notification Number GLR. 389/79/54 dated 22nd
### TABLE - 4.8

Minimum wages of employees of shops and commercial establishments in 1985.

**Shops**

<table>
<thead>
<tr>
<th>Category of employees</th>
<th>Minimum Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accountant</td>
<td>Rs. 550.00</td>
</tr>
<tr>
<td>2. Cashier</td>
<td>Rs. 500.00</td>
</tr>
<tr>
<td>3. Salesmen/Godown keeper</td>
<td>Rs. 450.00</td>
</tr>
<tr>
<td>4. Clerk</td>
<td>Rs. 450.00</td>
</tr>
<tr>
<td>5. Other workers</td>
<td>Rs. 400.00</td>
</tr>
</tbody>
</table>

**Commercial establishments**

<table>
<thead>
<tr>
<th>Category of employees</th>
<th>Minimum Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accountant</td>
<td>Rs. 650.00</td>
</tr>
<tr>
<td>2. Clerk</td>
<td>Rs. 500.00</td>
</tr>
<tr>
<td>3. Godown keeper/Chowkidar</td>
<td>Rs. 450.00</td>
</tr>
<tr>
<td>4. Peon</td>
<td>Rs. 400.00</td>
</tr>
</tbody>
</table>

20. Government of Assam Notification No. G.L.R. 263,84 19 date: 3.5.85.
The above rates are inclusive of dearness allowance but exclusive of variable dearness allowance.

Besides, the wages of the workers engaged in cotton mill, brick making industry, construction or maintenance of road in building operations and stones breaking or stones crushing etc. in the State of Assam are very poor. The cotton mill workers used to draw Rs. 17 - or Rs. 18/- per day in 1986, in the brick making industry Rs. 17 - by skilled and Rs. 18/- by unskilled workers per day in 1981, the skilled workers in construction or maintenance used to draw Rs. 19 - per day and unskilled workers Rs. 17/- per day in 1984.

The wages of the workers of different industries are very low in comparison to rising market prices. An idea about the cost of living in the State may be had from the consumer price index numbers for industrial workers.

The Labour Bureau of the Government of India compiles the Consumer Price Index for the country as a whole. Of the centres selected for data collection five are located in Assam namely Digboi, Mariani, Doomdooma, Labac and Rangapara. The index registered varying degrees of rise at different centres. As for example it rose by 9.2 percent at Digboi, 16.2 at Mariani, 15.2 percent at Doomdooma, 10.7 at Labac and 11.9 percent at Rangapara in 1983 over 1982 while corresponding
rises were 7.1 percent, 7.5, 13.8, 5.3 and 5.5 percent respectively in the aforesaid centres during 1982 over 1981.21

The wages paid to the labour cannot cope with growing prices even though variable dearness allowance is paid to the workers on the basis of price index (Base 1960-100). V.D.A. is not paid at the rate of 100 percent rise on the prices rather paid in lower percentage which means the workers' real wages are curtailed in comparison to market prices as the enhanced market price is not fully compensated resulting sufferings among workers.

The National Commission on Labour which was constituted by the Government of India in 1966 to study the conditions of labour and to give report there on itself concluded in its report as follows:

"Increases in money wages of industrial workers since independence have not been associated with a rise in real wages nor have real wage increases been commensurate with any improvement in productivity. Simultaneously, wage costs as a proportion of total costs of manufacture

have registered a decline and the same is true about workers' share in value added by manufacture. 22

4.2.2 BONUS:

In the post-independence period the Bonus issue occupies a prominent place in the history of the trade union activity. The struggle for bonus centered round the point that the workers were far away from a living wage, the bonus should therefore, be regarded as a deferred wage paid on a yearly basis, that it was a rightful claim in the share of surplus value produced by them. 23

The relentless struggle of the workers compelled government to set up the Bonus Commission in 1964. It declared that a minimum bonus of 4 percent of total wages (Basic + D.A.,) should be paid in all circumstances of profit or less. Minimum bonus thus became part of wages paid at the end of the year.

The Payment of Bonus Act, 1965 was put on the Statute Book. The Bonus Act of 1965 was amended in 1972 to raise the minimum bonus from 4 percent to 8.33 percent. Those public sector undertakings which


which are not run departmentally, the extent of 20 percent are also covered by the Act.

Under the present Bonus Act, the employees of following institutions/authorities have been excluded from the benefits of minimum bonus -

1. Central and State Government employees,
2. Education and Charitable Institutions,
3. Dock Labour workers,
3. Tailors, beedi workers, etc.

Moreover, though the minimum bonus is fixed at 8.33 percent, there is restrictions on payment. So far statutory bonus is concerned, the employees drawing more than Rs. 2500/- per month as salary are not eligible for bonus and the maximum amount of bonus is Rs. 1600. In some cases management declines to pay bonus at all on the plea that the industry is running on loss. In some cases management offers ex-gratia at the rate of 4 percent to 6 percent in lieu of bonus. Trade unions are demanding bonus for all without any maximum limit. They have been demanding that on account of the rise in prices, the real wages of the employees have fallen, quantum of minimum bonus should be increased. The payment of bonus should be extended to all sectors so that no one should be denied this part of annual wage payment.
4.2.3 SOCIAL SECURITY:

Social security is a vital issue of trade union struggles. After independence many schemes for social security for the workers which have already been discussed in the previous chapter. Here we shall discuss how much the workers are benefitted by the social security measures and why the trade unions have taken this issue as vital issue of their struggles.

4.2.3.1 Employees State Insurance Scheme:

Government of India has initiated a good scheme for the employees of small establishments in respect of health care. Keeping in the view that the employer of small establishments cannot provide medical facilities of their own, Government of India has introduced scheme under the banner of Employees State Insurance Corporation to facilitate medical care to those employees. According to this scheme, the employer has to pay certain amount as per the number of employees to E.S.I.S. and in return E.S.I.S. provides medical treatment free of cost. E.S.I.S. hospitals are also established in most of the industrial cities.

4.2.3.1.1 Employees State Insurance Scheme in Assam:

The E.S.I. Scheme was first implemented in Assam with effect from 28th September, 1958 in the five industrial centres namely Guwahati, Dibrugarh, Dhubri, Tinsukia and Makum.
The scheme was gradually extended to different areas and the scheme was found in operation in 13 centres till 1981.

Now the scheme is in operation in 17 centres of Assam and Meghalaya covering only 38,000 employees (37,000 employees in Assam valley and 1,000 in Meghalaya). Out of the 17 there are 16 centres in Assam. 24

The factories and establishments covered under the E.S.I. scheme are -

1. Factories employing 10 or more persons for wages and using power in the manufacturing process excepting the factories of seasonal nature.

2. Factories employing 20 or more persons for wages without the aid of power in the manufacturing process, except the seasonal factories.

3. Hotels and restaurants employing 10 or more persons for wages and using power in the manufacturing process.

4. The following classes of establishments employing 20 or more persons for wages -

[i] Shops,
[ii] Motor transport establishments,
[iii] Cinemas including preview theatres,
[iv] Newspaper establishments.

The total number of factories/establishments covered under the scheme in this State are 1095 upto 1987 (excluding the branch offices). 25

Under this scheme the State Government has provided certain benefits in the event of sickness, maternity and employment injury to employees.

There are 20 E.S.I. dispensaries, on diagnosis centre and one hospital and one annexes in the State of Assam which cater the needs of 41,000 insured persons and about 2,00,000 beneficiaries. 26

Though the State Government has provided certain benefits under the E.S.I. Scheme, a large number of employees have been deprived of the benefits of the scheme. The following table will prove it.


**TABLE 4.9**

Number of employees in non-implemented area as on 31.3.1986.

<table>
<thead>
<tr>
<th>Centres</th>
<th>Number of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amingaon</td>
<td>900</td>
</tr>
<tr>
<td>2. Bokajan</td>
<td>700</td>
</tr>
<tr>
<td>3. Bongaigaon</td>
<td>1800</td>
</tr>
<tr>
<td>4. Burnihat</td>
<td>800</td>
</tr>
<tr>
<td>5. Digboi</td>
<td>2600</td>
</tr>
<tr>
<td>6. Doomdooma</td>
<td>Not available</td>
</tr>
<tr>
<td>7. Nagaon</td>
<td>800</td>
</tr>
<tr>
<td>8. Namrup</td>
<td>3150</td>
</tr>
<tr>
<td>9. Namsai</td>
<td>600</td>
</tr>
<tr>
<td>10. Naharkatia</td>
<td>Not available</td>
</tr>
<tr>
<td>11. Panikhaity</td>
<td>900</td>
</tr>
<tr>
<td>12. Silchar</td>
<td>1200</td>
</tr>
<tr>
<td>13. Sibsagar</td>
<td>Not available</td>
</tr>
<tr>
<td>14. Tihu</td>
<td>600</td>
</tr>
<tr>
<td>15. Tuli</td>
<td>400</td>
</tr>
</tbody>
</table>

It reveals that the scheme is not adequate. The report itself says that the growth of the scheme has been very slow indeed in the region.

27. Ibid, pp. 25.
4.2.3.2 Gratuity:

The gratuity is a positive social security measure for industrial workers. The Gratuity Act is an Act to provide for a scheme for payment of gratuity to employees engaged in factories, mines, plantations, posts, railways, companies, shops or other establishments.

The Labour Commissioner has been vested with power of Appellate Authority under the Act. Such authority is generally in the hands of Assistant Labour Commissioner posted at District or Sub-divisional Head Quarters.

There were appeals during the year 1987-88 which were disposed of by the Appellate Authority. During the period a total of 13,361 claim cases in various industrial establishments in the State of Assam were entertained and out of which 468 claims cases were settled.

4.2.3.3 The Assam Tea Plantation Provident Fund and Pension Fund Scheme

The Assam Tea Plantation Provident Fund Scheme Act, 1955, for the first time made provisions for the framing of a compulsory Provident Fund scheme for labourers employed in the tea plantations in Assam. Since its inception, the function and scope has been consistently.

expanded by adoption of ancillary [i] Life Insurance Scheme, [ii] Old age pension scheme and [iii] Family pension scheme, in the pursuit of its objective of achieving full statutory protection and guarantee of workers' rights in the plantation industry in Assam.

All the workers employed for a continuous period of six months and drawing wages up to Rs. 1600/- per month, barring the personnel and managerial and executive cadres are compulsorily enrolled as members of the fund.

The scheme is applicable to [a] plantations having 25 or more acres of land under tea with production of more than 456 lbs of tea per acre, [b] plantations having 50 or more acre under tea irrespective of the rate of production.

As on March 31st 1974, out of 790 tea estates the scheme was applicable to 708 tea plantations in the state and thus 10.4 percent of the estates were excluded from its purview.29

Up to 1987, 728 tea gardens are benefitted by the Provident Fund Scheme. The following Table will prove it.

TABLE - 4.10

Provident Fund benefitted Tea Estates in Assam as on 31.3.87.  

<table>
<thead>
<tr>
<th>District</th>
<th>No. of Tea Estates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lakhimpur</td>
<td>10</td>
</tr>
<tr>
<td>Dibrugarh</td>
<td>229</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>234</td>
</tr>
<tr>
<td>Karbi Along</td>
<td>12</td>
</tr>
<tr>
<td>Darrang</td>
<td>95</td>
</tr>
<tr>
<td>Nowgong</td>
<td>23</td>
</tr>
<tr>
<td>Kamrup</td>
<td>13</td>
</tr>
<tr>
<td>Goalpara</td>
<td>10</td>
</tr>
<tr>
<td>Cachar</td>
<td>102</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>728</strong></td>
</tr>
</tbody>
</table>

According to the Tea statistics of 1985, there were 344 tea estates in Assam. But the Table reveals that up to 1987 only 728 tea gardens have been benefitted by the scheme. We may take the conclusion that a large number of tea gardens are excluded from the benefit of the P.F. Scheme.

"As per provisions under para 21 of the Scheme, there is a primary committee in every tea estates constituted democratically with equal representations from the employees and the employers. The primary committee is vested with powers to oversee the functioning of the scheme at the unit level, that is each and every tea estates.

There are reports suggesting that in some tea estates the primary committee are not properly functioning as per provisions of the scheme."

4.2.3.4 Pension Fund Scheme:

Pension Scheme was initially introduced from 2nd October 1971 which was subsequently revised and a Family Pension was introduced with effect from 1st April, 1972. This scheme covered the entire strength of provident fund members.

Monthly family pension was paid Rs. 40/- per month from 1st April 1972 to 31st March 1981, Rs. 45/- from 1st April 1981 to 30th June 1982, Rs. 60/- from 1st July 1982 to 31st March 1985 along with a lumpsum of Rs. 1,000/-.

The monthly family pension was increased from Rs. 60/- to Rs. 75/- per month and the lumpsum of Rs. 1,000/- increased to Rs. 2,000. 

with effect from 1st April 1985. Monthly family pension has been increased from Rs. 75/- to Rs. 100/- with effect from 1st April, 1987.

The coverage and progress of the Pension Scheme upto 1973 is shown in the Table below:

<table>
<thead>
<tr>
<th>TABLE - 4.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pensionary benefits of tea employees in Assam</td>
</tr>
</tbody>
</table>

Family Pension from 1.4.72 to 10.9.73.

| Total number of claims received | ... | 1029 |
| Total number of claims settled | ... | 739 |
| Total amount paid (lumpsum and monthly) | ... | Rs.7,86,480.00 |

Revised Pension from 1.4.72 to 10.9.73.

| Total number of claims received | ... | 2328 |
| Total number of claims settled | ... | 1512 |
| Total amount paid | ... | Rs.6,20,070.00 |

The above table reveals that the ever increasing number of pension claims submitted for payment.

The Family Pension Scheme as part of the Employees' Provident Fund Scheme, has not been working satisfactorily and many employees have been complaining about this.

4.2.3.5 Maternity Benefit:

The Maternity Benefit Act 1961 applies to every establishment whether factory, mine or plantation - except the factories to which the provisions of the Employees State Insurance Act 1948 apply.

The Tea Industry of Assam has employed a large number of women and this industry has been making the payments of maternity benefit as per rules. The following Table will indicate the position for the year 1987.

**TABLE - 4.12**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of Tea Estates covered by the Maternity Benefit Act.</td>
<td>686</td>
</tr>
<tr>
<td>2. Number of Estate making returns</td>
<td>523</td>
</tr>
<tr>
<td>3. Average daily number of women employed in the estates making returns</td>
<td>143336</td>
</tr>
</tbody>
</table>

4. Number of women who claimed Maternity Benefit during the year. 19603

5. Number of claims accepted and paid either fully or partially. 13968

6. Number of cases in which special bonuses were paid. 587

7. Total amount of Maternity Benefits (including Bonuses paid) Rs. 24,63,625.4.

8. Number of cases in which women enjoyed leave period to confine months. 17931

The above Table reveals that only 686 tea gardens in Assam are covered by the Maternity Benefit Act in the year 1987. It clearly points out that a large number of tea gardens are yet to be covered by the Act. Again, number of estates making returns in that year was 5 covering 143386 women labour. Out of these 143386, 19603 women claimed maternity benefits during the year. But the number of cases in which women enjoyed full maternity benefit was 17931. Thus, we have seen that the Maternity Benefit Act is not fully implemented in all gardens of this State.

4.2.3.6 Limitations of the social security scheme and the demand of the trade unions:

Benefits under the various social security schemes are very meagre inspite of the fact that the workers are the main contributors. The
workers themselves have to contribute substantially out of their wages for the operation of several schemes.

There are many important areas of social security which are totally uncovered yet. The provisions of the schemes do not apply to all industries or to all workers. Workers in unorganised sectors are virtually uncovered, and in some industries which are covered, many sections of workers are excluded. It covers only a minority of the working masses.

The trade unions have been demanding for the amending of the various social security Acts. They demand that the benefits under the E.S.I., E.P.F., maternity benefit, gratuity etc. should be substantially enhanced. Further, the category of exempted establishments should be abolished. All wage earners should be entitled to benefits of social security schemes.

The 31st Session of All India Trade Union Congress, held at Visakhapatnam from October 26-31, 1980, calls on all trade unions to take up this vital demand with renewed vigour and mobilise the broadest participation in a campaign for this demand.
4.2.4 WORKING CONDITIONS:

The conditions under which a person works have got a marked influence on his health, efficiency, psychology and the quality of work he does. Good working conditions have a great effect not only on the efficiency of the workers, but also on their wages and industrial relations.

Working conditions include a number of things such as the fixing of working hours, period of rest, paid holiday, many welfare measures like canteens, refreshment rooms, provisions of creches for children etc. Many of the above things are provided under welfare measures and many by various factories Acts. Now we shall discuss the working conditions such as working hours, leave with pay, welfare measures etc.

The Labour Investigation Committee carried out an extensive survey of the working conditions in different industries. It is said in the Labour Investigation Committee Report of 1947 that the working conditions in bigger units are, on the whole satisfactory, smaller and unregulated units specially those housed in old buildings, present unsatisfactory conditions as to light, ventilation etc. and leave much room for substantial improvement. As pointed out by the Labour Investigation Committee, most of the employees rarely do more than what they are forced to do by law and even this is evaded in several cases.
4.2.4.1 Holidays and leave with pay:

Some statutory provisions for granting leave and holidays exist in this country. The Factories Act provided for a weekly holiday in all factories. The Government of India also declared the Holidays with Pay Act which laid down that every worker who had completed a period of twelve months' continuous service in a factory should be allowed, during the subsequent period of twelve months, holidays for a period of 10, or if a child, 14 consecutive days.

Generally, there are three types of holidays which are granted in industry. They are statutory holidays, i.e. which are provided in the basic enactments, festival and national holidays. The national holidays are 26th January (Republic Day), 15th August (Independence Day) and 2nd October (Gandhi Janti).

A holiday should be differentiated with a leave. Holiday means an isolated day when the factory is closed and the entire community of workers enjoy rest. Such a day may be a religious or a national festival or it may be a weekly day of rest. Leave on the other hand, is a privilege enjoyed by a worker individually for different number of consecutive days and does not normally result in the closing down of the establishment. There are different kinds of leave - i.e. casual leave, privilege leave, earned leave, medical leave, etc.
Inspite of the statutory provisions, the conditions regarding holidays and leave are not satisfactory in some cases.

In the report on the working of the Factories Act in Assam for the year 1947 it lays down -

"The provisions of holidays with pay appears to be a dead letter as far as the rice and oil mills' workers of Assam are concerned. Very few workers qualify for holidays with pay not only because the factories remained closed for long spells every year when the factory workers are treated as discharged but also for the reason that there is a class of workers as permanent workers in the rice and oil mills. The compensatory holidays for the same reasons do not apply to such workers in factories. Most of these workers are daily wage earners and in each factory there may be only one or two monthly wage earners who are usually the trusted people of the rice and oil mill owners. These people do not make claims for benefits like compensatory holidays or holiday with pay.

The holidays with pay and compensatory holidays, therefore, are observed only in well established factories and generally in such places, the existing provisions for these benefits are more liberal than what is provided in the labour enactments."

34. Report on the working of the Factories Act in Assam for the year 1947, pp.5.
Till today the condition remains the same in most of the small factories in Assam. Holidays with pay are granted only to permanent workers. The daily rated, piece rated and temporary workers are not given any holidays with pay. The system of absorption of temporary employees in most of the private factories still exists. The advantage of depriving these employees from the right of leave and holidays are being enjoyed by the employers. The leave with pay is only granted to the permanent workers.

4.2.4.2 Hours of work:

The health and efficiency of the workers depend mostly on the number of hours they have to work. A normal period of working hours, with a rest interval, enable the workers to perform their duties efficiently and happily.

The Factories Act, 1948 fixes 48 hours a week and not more than 9 hours a day for adult workers. The Act also provides half-an-hour rest interval after 5 consecutive hours of work.

Mines Act of 1952, lays down 48 hours a week and not more than 9 hours a day for surface workers and 8 hours a day for workers working below ground, spread over for surface workers has been allowed up to 12 hours. Spread over for workers working below ground is allowed up to 8 hours only.
In railways, the hours of work are fixed by the Railways Act of 1890 are amended in 1930, which lays down the Hours of Employment Regulations, and the hours have been fixed at 60 per week for employees with intermittent work. A weekly holiday has been made compulsory, except in emergency cases. At present, workers in all the major railways come under the scope of this Hours of Employment Regulations. It may be noted that this does not apply to workers in the railway workshops which are subject to the Indian Factories Act. The other railway servants also now demand a 48 hours week.

The Plantation Labour Act 1951 does not provide for limit daily hours of work but it lays down 54 hours a week and allows spread over of 12 hours. In Assam, tea gardens being on a hazira basis, no rigid rule regarding the hours of work existed. Usually, one hazira could be finished in 5 to 6 hours piece-rated workers (employed during the time of plucking season) work up to 10-11 hours a day to improve their earnings in plucking season. The minimum hours of work does not apply for them.

The workers employed in factory have to work 8 hours a day with a rest interval of one and half hours while in the case of the field workers the workers get only half an hour.

The other main classes of wage-earners in Assam are of workers in unregulated workshops and workers in other shops and commercial
establishments. The hours of work for shops have been fixed in Assam 9 per day and 50 per week.

There is no uniformity in the hours of work for the industrial workers. In some factories, the worker have to work more than 48 hours a week. The trade unions have been demanding, for the reduction of working hours without loss in wages. The question of reduction of the hours of work has always been an important question for industrial workers in India as well as in Assam.

4.2.5 HOUSING, MEDICAL AND EDUCATIONAL FACILITIES TO INDUSTRIAL WORKERS OF ASSAM:

Proper housing, medical and educational facilities can improve the health and efficiency of workers. Bad housing conditions are responsible for the low standard of living of the workers. Improper medical facility has a great effect on the efficiency and health of workers and improper educational facility can not improve the mental efficiency of labour. Therefore, these are very essential for industrial workers.

To give a picture of housing, medical and educational facilities of industrial workers in Assam, these are discussed below.
4.2.5.1 Housing facility in the tea gardens:

The Plantation Labour Act of 1951 laid down that it shall be the duty of every employer to provide and maintain for every worker and his family, residing in the plantation necessary housing accommodation. State Government also makes rules for providing housing facility to the garden labour.

The Government of India declared their readiness to grant loans to the Tea Companies for construction of houses for the tea labourers. Accordingly, the Plantation Labour Housing Scheme was drawn up in 1956. The subsidised Housing Scheme for plantation workers was brought to force from 1966.

On 31st December 1966, there were about 11,65,668 resident labourers and 2,21,043 labour families in the tea estates in Assam. The total number of houses required to accommodate all families was estimated at 2,22,277. As against this the total number of houses of approved standard existing up to the end of 1966 was 94,577.35

The Housing Specification was revised in 1968. But according to the Labour report for that year, the employers had not constructed

any houses according to revised or 1968 specifications contending that old standard should be allowed to continue pending grant of housing loan and subsidy to them by the Government. However, Assam State Housing Board has sanctioned loans and subsidy from 1974 for construction of labour houses in tea estates of this State. Upto the end of the year 1982 out of 1,85,949 required houses 89,018 houses of old specification and 35,941 of new specification had been constructed. 36

Again as per Annual General Administrative Report of the labourers of Assam for the year 1986-87, 1987-88, there were altogether 5,03,768 workers in Assam representing 2,62,471 families. Total number of requirement of housing facility was 2,20,059. But till the date of this report only 97,845 houses were provided.

It reveals that all the workers did not get housing facility. In the sample study made by the researcher at different gardens, the heads of the families were asked whether they got housing facilities. Out of 35 interviewed, 25 replied that they got the facility, 10 replied that they did not get. Moreover, housing is invariably provided for settled labour only. Those who have got this facility, most of the houses have no proper latrine, bathing and washing facility. The total picture in the present is not very satisfactory. According to the

Labour Report of 1987-88, only 50 percent of the resident families in the Brahmaputra valley are provided with houses of standard specification.

4.2.5.2 Medical facility:

Labour in plantation is entitled to medical, health and other benefits under the Plantation Labour Act. The Act provides for setting up of garden hospital, group hospitals and dispensaries for treatment of plantation workers and their families. The Plantation Labour Act provides for a well-equipped hospital with a minimum of 15 beds for every 1,000 workers and other allied facilities in each estate. Tea gardens are also required to maintain dispensaries and First Aid Boxes. The Act has made it compulsory for the tea estates to have one qualified doctor, one midwife and one compounder for every 1,700 workers.

In respect of medical facility the picture is not satisfactory. The National Commission on Labour said in this context "The standard of medical facilities in plantations show wide diversities, on the brighter side, we have seen some of the best equipped hospitals and dispensaries in plantations both in Assam/Bengal region and in the south. On the other hand, particularly in the smaller plantations.
the provisions of the Act are almost a dead letter and incapable of implementation."37

According to the General Administrative Report for the year 1986-87, 1987-88 received from the Labour Office, Guwahati, Assam, there were 455 hospitals and 509 dispensaries in this State upto 1987. These hospitals and dispensaries had employed 398 qualified medical practitioners, 581 pharmacists and 395 midwives.

The present researcher, visiting a number of estates in this State, have found that although medical facilities have been provided in a number of estates, prescribed standards have not yet been reached in many of them.

4.2.5.3 Educational facility:

One of the most important questions of labour is that of education, because it can develop the mental efficiency of labour. The Royal Commission on Labour constituted in 1929 laid stress on education of industrial labour and therefore it recommended that -

"education of the industrial worker should receive special attention and that employers should try to develop the education of their workers' children."\textsuperscript{38}

The State Government by the Assam Plantations Labour Rules 195... makes provisions for educational facilities for workers' children.

The Committee on Labour Welfare that was constituted in 19... by the Government of India, observed that the educational facilities provided for plantation children were far below the actual needs, both quantitatively and qualitatively. The report said - "The standard of educational facility provided in various plantations is neither uniform nor adequate. As the provision of educational facilities to workers' children in plantations is a statutory obligation, the planters should provide these facilities adequately and should also maintain requisite standards at par with similar institutions wherever this is not so in their respective States. The State Governments, should also ensure that educational facilities in plantations are effectively provided to workers' children by the employers."\textsuperscript{39}

\textsuperscript{38} Report of the Royal Commission on Labour, 1929, pp. 494.

\textsuperscript{39} The Committee on Labour Welfare Report, 1966, pp. 298.
It is found that up to 1986, 364 schools were maintained by the management whereas Government has taken over schools in certain districts. One remarkable thing is that most of the schools are limited to the primary level only and are deprived of many facilities. In many cases, the school buildings are unattractive. During visits to some of the garden schools by the present researchers, it has been observed that the garden schools are deprived of basic facilities due to the neglecting attitude of the concerned authorities.

4.2.5.4 Housing, Medical and Educational facilities in other industries

The medical facilities are quite satisfactory in oil and coal industries of Assam. There are full-fledged hospitals in Oil India Ltd. at Digboi, Duliajan, Sibsagar, Guwahati and Bongaigaon. Coal India has a full-fledged hospital at Margherita. In these industries housing facility is almost adequate in comparison to other industries. Paper Mill of Jagi Road, Cement Factory at Bokajan are also providing housing, medical and educational facilities. The Assam Oil Company of Digboi, Guwahati Refinery, Oil India Ltd., Oil and Natural Gas Commission and Duliajan and Sibsagar have provided excellent facilities for education of workers.

The Labour Investigation Committee found satisfactory working conditions in Oil Industry even in the year 1946. In its report:

is found that the refineries, workshops and the tin factory of the Assam Oil Company are subject to the Factories Act and the working conditions are generally satisfactory therein. As regards the educational facilities it said that A.O.C. at Digboi has also provided excellent facilities for education of workers.

There are some industries in this State where there are quarters, schools and hospitals of their own. Though some of them are covered by the Employees State Insurance Scheme to give medical assistance, the scheme is also not adequate.

4.2.6 ISSUES ARISING FROM RETRENCHMENT, LAY-OFF AND CLOSURE:

The issues arising from retrenchment, lay-off and closure are not neglected ones. The problem of closure, lockout, retrenchment, lay-off are also increasing. In Guwahati city alone three big industries viz., Assam Hard Board, Everest Cycle and Assam Glass Factory were closed down. Assam Hard Board owner got defaulter of non-payment of Electricity Bill of Rs. 30 lakhs and other taxes and closed the factory. Management of Everest Cycle Factory was taken over by the Government in 1975. Glass Factory was also closed on 10th July 1978 by Assam Development Industrial Corporation (AIDC) which is also Assam Government undertaking. Workers of Ashok Paper Mill, Hard Board, Press, Road Transport, etc. are also facing lay-off, retrenchment, closure, etc.
The following Table will show the number of closure of the factories of Assam from 1983 to 1987.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of closed factories</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>11</td>
</tr>
<tr>
<td>1984</td>
<td>14</td>
</tr>
<tr>
<td>1985</td>
<td>10</td>
</tr>
<tr>
<td>1986</td>
<td>6</td>
</tr>
<tr>
<td>1987</td>
<td>22</td>
</tr>
</tbody>
</table>

Workers are affected for the closure, lock out, retrenchment, etc. By declaring closure and lock out by the employers workers are thrown out of job resulting in untold sufferings for the workers and their families.

4.2.7 THE PROBLEM OF CHILD LABOUR:

The legal stand against the employment of children is very strong in India. The Employment of Children Act, 1938 prohibits employment.

41. Annual Report on the Factories for the respective Year, collected from the Chief Inspector of Factories, Guwahati, Assam.
of children below 15 years in certain occupations which have been mentioned earlier. For employment in workshops connected with bill making, carpet weaving, cement manufacture, match manufacture, etc., the Act lays down the minimum age of employment at 14 years. The Constitution of India also provides for protection of child workers. Article 24 of the Constitution lays down - "No child below the age of 14 years shall be employed to work in any factory or mine or engage in any other hazardous employment". Moreover, various Labour Acts such as Factories Act, The Plantation Labour Act, the Shops and Commercial Establishments Act etc. prescribe different minimum age limit. Inspite of the various legislations for the child labour, there are lakhs of children in different industries and commercial establishments. According to 1981 Census, 17.36 million children below the age of 15 were working as child labour. The main reason for the growth of child labour is economic hardship and widespread poverty.

In Assam also a large number of child labour are working in different industries. In the Annual Report of 1969 on the working of the Factories Act 1948. It says

"Though an average of 976 young persons consisting of 474 adolescents and 506 children were employed daily in 1098 working

factories that submitted returns the actual number of such young persons employed in all factories was higher. But no information of any of the young persons being certified by certifying surgeons was received from any factory. In fact all the young persons employed during the year worked without certificates as a result of the services of the declared certifying surgeons not being available."43

It reveals that in 1969, 506 child labour worked in different factories. There is no mention of age of these children in the report. According to the labour law the certifying surgeons must give the certificates of fitness to the child labour. But as the certifying surgeons are not available as said in the report, all the children may not be fit for work and they may be of below the age of 15.

The report of 1984 on the working of the Factories Act of 1943 also says that a large number of children are working in different factories without having the certificates of fitness.

In the sampled tea gardens the heads of the families were asked whether there were child labour in their gardens. Out of 35, 20 replied that there were child labour and the maximum age of these children were not more than 12, another 15 replied that the age of these children were between 14 to 15.

Thus we have seen that the Child Labour Act is not fully implemented and children thus constitute a labour force outside the law.

4.2.8 LABOUR WELFARE ACTIVITIES:

Welfare activities influence the sentiments of the workers and can improve the standard of living of the workers. Welfare work includes such services as facilities of canteens, creches, rest and recreational facilities, sanitary, housing and medical facilities, social security measures, etc. The housing and medical facilities, social security measures have been discussed earlier. Here we shall discuss the position of creches, canteens and recreational facilities provided to the industrial workers of Assam.

4.2.8.1 Creches:

It is a welfare facility which is provided for women workers. The problem of a working mother to look after the children is a serious one, and, therefore, only a creche near the place of work can meet this need. A creche is defined as a place where babies of working mothers are taken care of while mothers are at work. But in many places of work there are neither any creches nor trained nurses or ayahs to look after the children of the working mother.
According to the Annual Administrative Report for the year 1948 on the working of the Factories Act 1948, creches were maintained in 247 factories only in this State and as many as 8,600 children of the workers utilised the services of the children. A considerable number of children were getting benefits of creches facilities up to 1984.

Creches are very necessary for the plantation industry specially in the tea industry as this industry employs a large number of women. In regard to the provision of creches the Labour Investigation Committee observed as follows:

"Even though the industry employs a very large number of women, there are practically no creches for children. Infants are generally taken by the mothers with them while working in the gardens while toddlers are left behind in the lines incharge of the grown up children or old women. It was stated that creches were tried in a few gardens but were not popular and specially in the conditions of garden life, they were probably not a very urgent necessity."

The present researcher visited a large number of tea gardens of Assam and had found the conditions of creches unsatisfactory and found that though in some of the gardens there are creches, these were often used as the store houses of the tea leaf.

44. Labour Investigation Committee Report, 1946, pp.69.
4.2.8.2. Canteen and Rest Room:

It is a statutory obligation to provide facility of canteen where 150 or more workers are working in a factory. The Plantation Labour Act 1951, requires that all plantations employing 50 or more workers should provide the facility of canteen to their workers.

As regards the canteen and restroom the Annual Administrative Report of 1984, on the working of the Factories Act 1948, said that canteens were provided in 167 factories. The average daily number of workers utilising the benefits of canteen services were 18,512. As per provisions more factories have yet to provide canteen facilities for the benefit of the workers.

In 66 factories, shelters restrooms and lunch rooms were provided for the benefits of the workers. A few more factories have yet to extend the benefits of the same as per provisions of the Factories Act and Rules.

It has been observed that canteens and restrooms have been provided only in the bigger undertakings. There are no properly organised canteens and restrooms in smaller undertakings.

The present researcher have found no canteen and restrooms for the field workers of the tea gardens. They get ½ hour rest and during this time they take ficca chah [red tea] in the place of their work.
4.2.8.3 Recreational Facilities:

Recreation has an important bearing on the development of individuals' personality as well as on his capacity to contribute to social development.

It is a statutory obligation for employer to offer recreational facilities to the workers such as club, indoor games, radio set, play ground with necessary sports equipments and outdoor games, etc.

The Committee on Labour Welfare constituted by the Government of India in 1966 observed that -

"The need for providing recreational facilities on a regular and sustained basis to industrial workers including workers in plantations and mines as also to their families, cannot be denied. Some of the large scale establishments both in private and public sectors are already spending considerable amount on providing recreational facilities to workers and their families. There is a need for every employer, including medium and small to pay adequate attention towards provision of some basic minimum recreational facilities for their workers." 45

In this connection, we may mention that a large number of industrial workers of this State are deprived of these facilities as the employers in most of the industries cannot give the recreational facilities to the workers. Although the Plantation Labour Act makes it statutory obligation on employers to provide recreational facilities, the condition is not satisfactory.

4.2.9

Various schemes for the welfare of the tea garden labours are the appointment of the labour welfare officers.

The Assam Government passed the Assam Tea Employees Welfare Fund Act and constituted a board known as Assam Tea Employees Welfare Board to give some facilities for the welfare of the tea garden labour which have been discussed earlier. Moreover, as per provision under the Assam Plantation Labour (Welfare Officers) Rules, 1977, the managements of the Tea Plantations are required to employ labour welfare officers in their gardens to look after the welfare of the workers as required under the Rules.

As per decision of the Labour Welfare Board, Welfare centres had been opened in some tea gardens of the State. The centres located mainly in the tea producing areas of the State. Fifteen community centres for plantation labour were set up under the administration control of the Assam Tea Employees Welfare Board. Of the fifteen centres, 3 located in Dibrugarh district, 2 in Sibsagar, 2 in Jorhat, 3 in
Sonitpur, 1 in Lakhimpur, 1 in Darrang, 1 in Nowgong, 1 in Cachar and 1 located in Karimganj.  

The managements employ labour welfare officers in the planatations to look after the welfare of the workers. The employment position of the labour welfare officers in the tea gardens in Assam is shown below:

**TABLE - 4.14**

Employment position of welfare officers up to 1991.  

<table>
<thead>
<tr>
<th>Districts</th>
<th>Total number of officers required to be appointed</th>
<th>Number of officers appointed</th>
<th>Balance to be filled up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tinsukia</td>
<td>61</td>
<td>53</td>
<td>8</td>
</tr>
<tr>
<td>Dibrugarh</td>
<td>84</td>
<td>66</td>
<td>18</td>
</tr>
<tr>
<td>Jorhat</td>
<td>98</td>
<td>52</td>
<td>46</td>
</tr>
<tr>
<td>Golaghat</td>
<td>31</td>
<td>22</td>
<td>9</td>
</tr>
<tr>
<td>Nowgong</td>
<td>16</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Tezpur</td>
<td>81</td>
<td>74</td>
<td>7</td>
</tr>
<tr>
<td>Dhubri</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Guwahati (Kamrup, Nalbari, Barpeta)</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Silchar (Cachar, Hailakandi, Karimganj)</td>
<td>69</td>
<td>29</td>
<td>40</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>452</strong></td>
<td><strong>311</strong></td>
<td><strong>141</strong></td>
</tr>
</tbody>
</table>


From the above Table it may be seen that managements have not fulfilled the requirements of the provisions of the existing laws.

Thus, we have seen that there are various burning issues which lead to discontentment amongst the workers.
1. Crech House used as store house of tea leaves.

3. Hut of a permanent tea labour.

4. Red tea served to the field workers during recess.