

RIGHTS OF MARGINALIZED AND ROLE OF STATE: A STUDY ON TEA GARDEN LABOURER IN ASSAM

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ABSTRACT: The rights of tea garden labourers symbolize a very compendious issue on labour matters, as it has clutch so many important predicament to daily life, service, working conditions of labour. Tea garden labourer is one of the major communities in Assam which was migrated during the colonial time. Tea garden labourer has a lot of contribution towards the development of organized economy in the state. But their socio-economic condition is very pathetic, they live in very deplorable condition. Although government prescribed various facilities for the development of tea garden labourers but till date they are lagging behind in the process of development. They even does not enjoy their basic rights provided by the constitution of India. Therefore an attempt has been made to analyze the rights of tea garden labourer and the role of state for the protection of the rights.

Key words: labourer, marginalized, rights, colonial, lagging.

1. INTRODUCTION

Rights are integral part of human being in any civilized society of the world, which refers to the common claim of people which every civilized society recognizes as essential claims for their development which are therefore enforce by the state. As a rational and moral claim, every individual have demand rights for their development. Every state of the world is known by the right it maintains. It is the main duty of any state is to provide minimal rights for individual to live in society. Every state of the world whether it is developed or developing they has try to provide basic rights of the people, but there have an group of people which are deprived from the basic rights provided by state or constitution are called as marginalized group. The group of individual who are pushed to a marginal situation is referred to as marginalized group. There have marginalized group in every society of world, whether it is homogeneous or heterogeneous. In heterogeneous society there have much more marginalized groups in comparison to homogeneous society because in heterogeneous society there have different type of religion, language, ethnicity, culture etc. which has make a mosaic on different culture or melting pot. As a heterogamous society Assam has also a huge number of marginalized groups which include women, children, tea communities, schedule cast, disabilities group etc. Tea tribe is the major marginalized group in Assam, which are contemplate as largest homogeneous tribe in Assam, migrated during the colonial regimes from different part of worlds to Assam and settled in the both upper and lower part of Assam. There have exclusive psychological characteristic and enunciated socio-cultural background of tea tribes. They have great contributed to the tea industry of Assam which not only help to develop economic condition of the state but also help to increased GDP of whole nations. But it has been seen that since the time of immemorial this tea garden laborers have been exploited in differently in the both colonial and post colonial regimes. Although post colonial era the government has taken various policy regarding the protection of rights of tea tribes but this policy remains only in paper not implemented in real sense. Therefore the present Paper tries to examine the rights of marginalized especially in tea tribes in Assam and state role with the help of primary sources.

2. OBJECTIVES

- I. To find out the rights of tea garden labourer in Assam.
- II. To discuss the role of state for the protection of the rights of tea garden labourer in Assam.

3. METHODOLOGY

The present paper is based on both historical and analytical method. The data and information are collected from secondary sources. The secondary sources are collected from various office report, UN conventions, and student organizations of tea tribes etc. For the assessment of the quest of rights of marginalized groups especially in tea tribes in Assam other information is collected from various published or unpublished source like journals, reports, books, article, internet source related with study.

4.TEA GARDEN LABOURER AS A MARGINALIZED GROUP AND THEIR RIGHTS

Tea garden labourers living inside the tea garden of Assam, popularly known as tea tribes is marginalized group of Assam. The tea garden labourers of Assam branded as the tea tribes, generally prefer to be called as Adivasi led a ghettoized life under both colonial and post colonial regime. ¹Tea tribes were known as different names. For some they are known as adivasi, for some jharkhandi, Chahjanajati and for many as cooly. Dr Mahendra Bora has called them as Sahpatiya, Dr Nagen Saikia called them as HeujAxomiya, and Dr Debabrata Sarmah called them as Jharkhandi adivashi. ² Today tea tribes are one of the major communities of Assam, who were convey by the British colonial planters as apprenticed labourers from predominantly tribal and backward caste dominated regions of present day Jharkhand, Oddisha, West Bengal, Telengana, Chattisgarh into colonial Assam during 1869-90 in multifarious phases for the purpose of being employed in the tea garden industry as labours. ³ The tea garden labours may be appraised as one of the constitutive parts of tea industry in Assam. They are mainly settle up in the district of Kokrajhar, Udalguri, Sonitpur, Nagoan, Golaghat, Jorhat, Sivsagar, Dibrugarh, Tinsukia, Darrang, Cachar, Hailakandi, Karimganj, Lakhimpur and almost all the district of Assam. Tea garden labourers have contributed substantially to the economy of Assam. But they are the most exploited class in the organized sector of economy. Low wages, poor housing and lack of boulevard for social mobility have been a persisted them since its inception in the early 19th century to till date. ⁴The government of Assam also recognized tea garden labourers as other backward classes. Therefore these people became dissatisfied with the government of Assam. Therefore in contemporary time they have asserted their tribal identity and also try to represent their collective demand for indigenous rights including the recognition for achieving the status of Scheduled tribe. ⁵

5.RIGHTS OF TEA GARDEN LABOURER

Democracy has creates a most suitable conditions for the enjoyment of the rights of individual. Tea communities, which has been living in Assam they cannot enjoy their basic rights prescribe by Indian constitution due to social economic backwardness. Indian constitution has enumerated various rights for all individual to live as a human being, but in case of tea communities they are not enjoy this type of rights, as they are not aware about their basic rights. These rights are fundamental for ensuring fairness in the carrying out of the labour process, these rights have also been seen as symbols of all round development of human being.

5.1.1 Political Rights

Political rights one of the most important rights for human being. Political rights are includes rights to vote, rights to representation, right to participate in politics, rights to be elected as people's representatives. But in case of tea communities in Assam they are not aware about their political rights. Most of them are not interest to cast their vote in election. In Assam it has been notice that some people of tea communities are dissatisfied with their political party, as political leader has keep promises to give various facility if they win in election, but after winning the election they forget their promises. Therefore most of them are not cast their vote. In case of participate in election it has been noticed that in Assam there have very few representatives in the Assam. Therefore to upliftment of tea communities various political parties stated mobilizing the tea garden workers and in the process certain trade unions came to be organised⁶. Some of these are *Assam ChahMazdoorSangha (ACMS)*, the *SurmaVally Tea Labourers's Union (SVTLU)*, the *Assam BharatiyaChahMazdoorSangha (ABCMS)* and *All Assam Shramik Union (AASU)*. These trade unions in due course became a source of enthusiasm for the tea and ex-tea garden students to profess and harmonize themselves politically. Moreover, the indifferent attitude of than existing student wings of political parties such as the Assam Chatra Federation towards the cause of the tea community students tremendously exhilarate them to float an organization of their own⁷. As a result, a group of college students of tea garden labour

¹ Das NK, '*Making of Tea Tribes in Assam: Colonial Exploitation and assertion of Adivasi Rights*' published by Journal of adivasi and Indigenous Studies, Vol-III, No-1, February 2016, P-1

² Sharma Debrabrat '*Asomiya jatigathan Prakiya Aru Jatiya Janagosthigata Anusthansamuh*' Published by Ekalavya Prakashan, p- 345

³ Baishya Dipali, '*History of tea industry and status of tea garden workers of Assam*' Published by International Journal of Applied Research, p-555

⁴ Saikia sangeeta et.al, '*Tea Garden Labours and their living conditions: A study on Sarusarai Tea garden of Jorhat district of Assam*' Published by www.internationalseminar.org. p-508

⁵ Ibid., p- 1

⁶ ThapaRudraman '*Assam Tea Tribes Student Association: An overview*' Published by journal of Politics, An Annual Publication of the department of Political Science , Dibrugarh university, Vol-3, P-90

⁷ Ibid., p-90

community formed the Assam ChhotnagpurChatraSanmilian in a historic student conference held at Dighalia village in the undivided Dibrugarh district of Assam on December 28, 1947.⁸

5.1.2Economic, Social and cultural rights: Rights ensuring minimum necessities of life for human existence are referred to as economic, social and cultural rights. Generally economic, social and cultural rights are include rights to adequate food, clothing shelter, right to work, right to social security, rights to enjoy benefits of scientific progress and its application, rights to social security includes free consent to marriage, rights to education, rights to take part in cultural life, social insurance, condition of work, equal pay for equal work, maternity relief, adequate standard of living rights to rest and leisure etc. But in case of tea communities they are not equally enjoy economic, social and cultural rights in comparison to others, as tea garden labourer are not aware about these rights provided by the Indian constitution. They live in very deplorable condition, where have lack of sanitation, lack of drinking water etc. Although they can enjoy rights to work but they do not get equal pay for equal work. especially women do not get equal pay for equal work.

5.1.3Right to Education :Education is the best way for the upliftment of any society. Education is the potential instrument for social change. An individual can improve to the maximum mainly through education. It has expose humanity, humanity gives stability, stability enables us to secure wealth and wealth lead to happiness. As a marginalized group, tea garden labourers are not aware about their educational rights. By amending 86th constitutional amendment of Indian constitution, government of India has include one more fundamental duties of Indian citizen which directed the guardians to send their children under the age of 6 to 14 to schools and to consider it as a moral obligation. But in case of tea communities there have many children who are not take this free and compulsory education. Most of children have been engaged in working of tea estate and earning money to their poor family.

Similarly with the aim of ensuring Education for All and zero dropouts from school by 2010, the Government of India initiated the SarvaShikshaAbhiyan (SSA) across the country in 2001.⁹The SSA is being implemented in partnership with state governments to cover the entire country and address the needs of 192 million children in 1.1 million habitations.¹⁰ A survey commissioned by the Assam SarvaShikshaAbhiyan Mission (ASSAM) during 2002 has shown that 25 per cent of the children in the age group of 6-14 years are out habitations.¹¹ A survey commissioned by the Assam SarvaShikshaAbhiyan Mission (ASSAM) during 2002 has shown that 25 per cent of the children in the age group of 6-14 years are out of school in the entire state of Assam, while the corresponding figure for children in the tea gardens is about 43 per cent.¹²

Apart from these rights tea communities in Assam also entitle their basic rights i.e. Right to equality, right to freedom, right against exploitation, right to freedom of religion, Rights against exploitation, rights to healthy environment, right to self determination etc.

To enjoyment of the basic rights and welfare of the tea garden community, The Assam Tea Tribes Student Association(ATTSA) and very recently Assam Adivasi Student Association (AASA) have been voicing their concerns and embossed the demand for granting Schedule Tribe status to the tea garden community as their community members in their home states have been granted ST status.¹³But till date tea garden communities are not get the ST status.

6.ROLE OF STATE

The protection of rights of individual has become one of the cornerstones in the preeminent of peace, democracy and development. Since the time immemorial state has been playing a significant role for the protection of the individual right, which had noticed in the American declaration of independence and French declaration of right of man in 1789. Especially after the development of the concept of human rights and establishment of united nation, the rights of human being are become more momentous. With the inspiration of the UN and its achievement of UDHR Universal Declaration of Human Right, Indian constitution also enumerated various legal and statutory frameworks in their constitution by the forms of fundamental rights and directive principle of state policy. The State has to

⁸ Ibid., p-80

⁹ Saikia Biswajeet '*Development of Tea Garden Community and Adivasi identity politics in Assam*' Published by The Journal of labour Economics, vol-51, No-2, p-312

¹⁰ Ibid., p-312

¹¹ Ibid., p-312

¹² Ibid., p-312

¹³ Chakravorty RN '*Socio-Economic development of Plantation workers in North east India*' Published by NL Publishers, New Market, Dibrugarh, Assam, P- 308

secure a social order for the promotion of welfare of the tea plantation workers. After attainment of India's independence, various programme has been taken by government to uplift the tea communities like, the Workers Compensation Act, 1923, The Indian Trade Union act 1926, the Tea District Emigrant Labour Act 1934, The Payment of Wages Act 1936, The Assam Maternity Act 1944, The Minimum Wages Act 1948, The Plantation Labour Act, The tea Act 1953, and the Assam Tea Plantation employer Welfare Fund Act 1959 etc. These acts and regulations cover a wide range of labour welfare measures such as housing, medical, education, nutrition, establishment of canteens, sanitation, rest and recreation, holiday with pay and sickness benefits etc.¹⁴

Immediately after independence the parliament of India passed an act called Plantation Labour Act in 1951. The provisions of the act encompassed the registration of the plantation and the appointment of chief inspector of the state government who has to verify the provision of basic facilities like health care, drinking water, sanitation, canteen, recreational facilities, housing facilities in the tea garden.¹⁵ The act also empowered state government to appoint a labour commission to look into the issues of wages, conflict with the management or other legal matters. The act also circumscription that no adult worker and adolescent or child shall be employed for more than 48 hours and 27 hours respectively in a week and every worker is entitle for a day of rest during every period of seven days.¹⁶ In 1955 the Government of Assam passed Assam Tea Plantations Provident Fund Scheme commonly known as Assam Act X of 1958 and implemented in the State.¹⁷ This is the first major milestone in the welfare legislation for the tea plantation workers of Assam.

Apart from this act in Assam, there are three types of institutions who has overseer the functioning of the tea industry and shepherd the welfare of labourers in the tea gardens in Assam. The first institution is the Tea Board, which has been compound by an Act of Parliament, pledge with the development of tea business in the country.¹⁸ The second institution is the Directorate for Welfare of Tea Garden Tribes which contrivance schemes for the welfare of the tea gardens workers. The third institution is the Assam Tea Labour Welfare Board which contemplation after the general welfare activities of the tea garden community.

6.1.1 The Tea Board of India

The tea board of Assam counterpart the development of tea gardens and oversees up gradation of quality through the modernization of tea factories and extension of services to tea growers."¹⁹ Tea Board also eaves dropper the regulation of various statutory provisions for the control of the tea industry and trade, collects data and promulgate information on tea systematically to various ally for effective policy intercession and initiatives, ensures the welfare of labour in the form of the efforts of various agencies involved in welfare activities among tea garden workers through project-specific grants and financial assistance for schemes and grants to institutions for carrying out research in tea science and technology, and development projects²⁰.

6.1.2 The Directorate for Welfare of Tea Garden and Ex-Tea Garden Tribes:

The Directorate for the Welfare of Tea Garden Tribes established in the state in 1983 for chaperon contentment projects for the tea tribe community, apparatus a number of schemes in keeping with its objective²¹. The Directorate provides scholarship awards and grants-in-aid for the elevation of education. It also underpinning welfare works and cultural activities carried out by NGOs. These schemes have contributed a lot towards the enjoyment of the basic rights provided by the Constitution of India. Some of the welfare schemes adopted by the Director for Welfare of Tea Garden and ex-Tea Garden Tribes are-

- **Family Oriented Income Generating Scheme (FOIGS) :** This scheme indulge compensation in the form of Government Grants-in-aid to the Tea Tribes families living below the poverty line with a view to enable the families to enhance their annual income.²²
- **Pre-Matric and Post-Matric Scholarship:** Under this scheme, economic assistance is replenish to poor Tea Tribes students who are pursuing Pre-Matric and Post matric-studies.²³

¹⁴ Pachoni Parag ' *laboure welfare in Tea industry with special reference to Harmuty Tea Estate of Assam*'

Published by International Jopurnal of Humanities and social Science, Vol-1, P-80

¹⁵ Ibid,. p-309

¹⁶ Ibid,. p-309

¹⁷ atppf.nic.in

¹⁸ Ibid,. p-317

¹⁹ Ibid,.p-319

²⁰ Ibid,. p-317

²¹ Ibid,. p-317

²² Ibid,. P- 555

²³ Ibid,. p-555

- **Grants for Non-Government Educational Institutions:** The objective of the scheme is to parent educational encompassment chunk tea Tribes Students Educational Institutions by providing financial assistance to such Institutions for possession reaching instruments, books and major repairing as well as extension of the school building.²⁴
- **Grants for Cultural Activities including Education Tour:** This scheme proffer financial assistance to the Cultural Organisations of Tea Garden and Ex-Tea Garden Tribes for development of their cultural heritage, which includes asset of musical instruments, holding of cultural functions and exchange of cultural troops etc.²⁵
- **Grants for Non-Government Organisation:** This Scheme reinforcement the Non-Government Organisations such as MahilaSamiti, Association, Clubs, and Libraries of Tea Tribes Community, which are grip services for all round development of the community.²⁶
- **Grants to Patients suffering from T. B. and other malignant diseases:** This scheme procure financial assistance to poor Tea Tribes Community people suffering from various malignant diseases like Cancer, Tuberculosis etc. for their treatments.²⁷
- **Grants for Purchase of Text-Book and Uniform:** Under the scheme, financial assistances is dispense to poor Tea Tribes students for bargain of their School uniform.²⁸

6.1.3 Assam Tea Labour Welfare Board

After the execution of the Assam Tea Plantation Labour Welfare Fund Act, 1959 the Assam Tea Labour Welfare Board was established. Since its inception the Board has been functioning for the tea labour welfare in Assam through various schemes. These schemes implicate skill development training in labour welfare centres in 18 places in Assam; provision of boys' hostel facility to children of tea garden labourers studying in colleges; provision of one- time scholarship for buying textbooks to students studying from class VIII to the university level; and facilitation of nursing training for the educated children of tea garden labourers."²⁹

6.1.4 WELFARE POLICIES UNDER MODI GOVERNMENT

- ✓ In the year 2017 the government had launched the Chah Bagicha Dhan Puraskar Mela to incentivize and strengthen the efforts for financial inclusion of the tea tribe community.
- ✓ In January 2018, through this scheme the Government had transferred the first tranche of Rs 2500 through direct benefit transfer to over 7 lakh bank accounts of tea garden workers across 752 tea gardens in Assam.³⁰
- ✓ Similarly under the Pradhan mantra Awas Yojana launched by prime minister narendra Modi , the Government will provide housing benefits that are at per with PMAY benefits subject to the garden authorities willingness to provide long term lease in the name of tea garden workers.³¹
- ✓ In 2018, Assam Government has adopted innovative steps for securing socio-economic security in tea tribe community.³²
- ✓ In 2018, Assam chief minister Sarbananda Sonowal has launched the wage compensation scheme for pregnant women in tea gardens of the state. Under the scheme, each pregnant woman get sum of Rs 12,000.³³
- ✓ In 2019, Government provide one time grant of Rs 25,000 for encouraging entrepreneurship to 10,000 tea tribe youth.³⁴
- ✓ In 2019, Assam CM launched Free Drugs Scheme for 651 tea garden hospitals of the state at a national health mission programme.³⁵
- ✓ Recently in 2019 Feb, Assam government announced special package in Assam budget for the tea tribe communities in Assam. Finance minister Himanta Bishwa Sharma said that ,

²⁴ Ibid., p-556

²⁵ Ibid., p-556

²⁶ Ibid., p-566

²⁷ Ibid., p-566

²⁸ Ibid., P-566

²⁹ Ibid., p-322

³⁰ The sentinel, 6th Feb, 2019, www.sentinelassam.com

³¹ Ibid., P-29

³² North east news, 1oct 2018, <https://nenow.in>north-east-news>

³³ India Today, 2nd Oct, 2018, 01:14IST, www.indiatoday.in

³⁴ North east news, 23 Nov, 2019 <https://nenow.in>north-east-news>

³⁵ Business Standard, 24 Sep, 2019 21:00 IST, [HTTPS://WWW.BUSINESS-STANDARD.COM](https://www.business-standard.com)

“ We will be releasing the second tranche of Rs 2500 on Feb, 2019 under Chah Bagicha Dhan Purasker Mela to an expanded list of beneficiaries that include those who have been left out, thereby fulfilling our promise made during my budget speech 2018-19 ”³⁶

7.CONCLUSION

The tea garden laborers of Assam are considered an integral part of greater Assamese society and they have been contributing towards the embellishment of the arena of literature, political, and economic fronts. But in conclusion it may be summarized that the tea community are highly deprived in all respect of socio-economic and political aspects. In contemporary time through there are some statutory provisions for the development and enjoyment of the basic rights of tea garden labourer which included medical care, hospital, housing, water supply, sanitation, educational facilities, etc but until and unless illiteracy, backwardness, ignorance is removed from the minds of tea community they will not able to avail of these benefits properly. Therefore gravely need to be empowered as social, political and economic forces and also essential to organize various awareness programme among tea garden labourer so that they have able to enjoyment of basic rights.

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