



SOCIAL SECURITY IN LABOUR INTENSIVE INDUSTRY: JUTE AND TEA

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ABSTRACT

The Jute and tea industry occupies an important place in the national economy of India. It is one of the major industries in the eastern region, particularly in West Bengal. Jute, the golden fibre, meets all the standards for 'safe' packaging in view of being a natural, renewable, biodegradable and eco-friendly product. It is estimated that that the jute industry provides direct employment to 0.37 million workers in organized mills and in diversified units including tertiary sector and allied activities and supports the livelihood of around 4.0 million farm families. In addition there are a large number of persons engaged in the trade of jute. On the other hand the tea industry is only industry where India has retained its leadership over the past 150 years offering a variety of products, from original orthodox to CTC and now green tea, Darjeeling tea, Assam tea and Nilgiris tea. No other country has so many popular varieties of tea. Accounting for over 30 per cent of the global production, India is a world leader in all aspects of tea production, consumption as well as exports. India is the second largest tea producer in the world after China. Tea contributes greatly to the country's GDP growth as well as foreign exchange earnings. Over the last few decades, tea has become one of India's most important commodities. Even though the social securities which are being given to the workers of these industries are not satisfactory. The provision of Plantation labour Act 1951 is not being effectively implemented. Workers are being exploited and their conditions are so pathetic. Though some social securities are available but due to illiteracy of workers they do not aware of their rights. Due to this they cannot available these facilities because no one is there who tell them about their rights.

The present study concerns with the constitutional provisions of social security and social securities Act and their effects on the workers of the jute and tea industries.

Introduction

Social security schemes are intended to provide a minimum living to people who are unable to earn due to invalidity, unemployment and old age. These measures serve as effective tools to alleviate poverty and destitution. However many social security schemes whether in the

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advanced economies or in the third world countries, are mainly meant for employees in the formal (organised) sector. Workers in the informal (unorganised) sector, on the other hand, are deprived of such benefits. In the backward economies, the formal sector constitutes only a small segment of the working population while the majority belong to the unorganised sector. Workers in the unorganised sector, more particularly the casual workers are, however, more likely to be poor and destitute due to the irregular nature of employment and unsustainable income.

The concept of social security has evolved over a period of time. In the primitive societies it was mankind's prime need to protect him from the vagaries of nature like earthquakes, famines and it was very difficult to find shelter and food in his day to day life. Societal groups were formed to confront such difficulties which turned into community living and formation of villages and also bringing in the concept of a family. These institutions provided whatever limited social security those societies needed and served them adequately. The industrial revolution brought in its wake altogether a new set of needs for the workers. These workers living around factories were mostly dependent upon their wages for subsistence and sustenance. They had left their villages and families to come and work in the factories. In the event these workers were rendered jobless because of accident, injuries or sickness or may be their services were not required, they were to live on their savings or from help from the fellow workers. Such arrangements were found grossly inadequate and it was felt the civil society as a whole or the State was required to play a major role in providing much needed respite to workers under such circumstances. This is how the concept of social security kept evolving. In 1952 ILO adopted a comprehensive Convention No. 102 concerning Minimum Standards of Social Security in which provisions of medical care, sickness benefits, unemployment benefit, old-age and invalidity benefits, employment injury benefit, family and maternity benefit. The concept of social security has been further widened, so as to include provisions for housing, safe drinking water, sanitation, health, educational and cultural facilities as also a minimum wage which can guarantee workers a decent life. In five year plans since independence adopted an approach which took considerations on the basic needs of workers for food, clothing and shelter must be satisfied. The objective of achieving 'socialistic pattern of society' was the avowed goal of early five year plans and provisions were made accordingly for the welfare of workers. However, not much could be achieved by way of all these efforts. Majority of the labour laws enacted sought to benefit only the organized sector.

Jute industry is one of the oldest industries and it is the most labour intensive industry in eastern India. There were more than hundred jute mills and three lakh jute mill workers in the country. This industry played an important role in earning foreign currency as well providing livelihood to lakh of families, and helped our economy to grow and sustain. The Indian Jute Industry plays a key role in the Indian economy, providing direct employment to about 0.26 million workers, and supporting the lives of around 4.0 million farm families. Around 0.14



million people are engaged in the tertiary sector, that supports the jute industry. Currently it contributes to exports about Rs. 1000 crore. Now due to severe competition, peasants are bound to sell raw jute at a price below the cost of production, and facing crisis in spite of increase in production. As a result, large area of jute cultivation is being converted to other crops. This will destroy the livelihood of lakhs of farmer and jute workers. In the coming days, raw jute production will be minimised and jute industry will be dead industry. On the other hand Indian tea industry is one of the major foreign exchange earners and it may become the largest producer and exporter of tea if it gives greater importance to socio economic condition of works force engaged in tea plantation. Although female labour is most exploited in tea industry, they are most significant contributor to the profits of the industry. The returns to women labourers in terms of wages and other facilities are very poor. The major problem facing by employees in tea industries are of insufficient wage rate in compare to the living expenditure. During the early period, standard of living of workers in tea plantations was very poor. They were ill-fed, ill-housed and ill-treated.

Social security and constitutional provision

The Social Security legislations in India derive their strength and spirit from the Directive Principles of the State Policy as contained in the Constitution of India. The Constitution of India recognizes Social Security as integral part of Fundamental Rights. It requires that the State should strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice social, economic and political. The Constitution of India requires that the State should within the limits of its economic capacity make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Article 43-A intend to secure workers participation in management of industries. Besides these, entries, 21, 22, 23, 24 and 26 of Concurrent list (List- III) authorize the State Governments to take necessary steps for regulations and control of Commercial and Industrial monopolies, Trade Unions, Industrial and labour disputes, Social Security and Social Insurance, employment and unemployment, welfare of labour etc., respectively with an intention to ensure protection of interest of all the citizens of India¹. Directive Principles of State Policy and Fundamental Rights of the Indian Constitution provide basis for many Social Security benefits. Based on these principles and rights, few Social Security laws are passed for the benefit of poor, weaker and unorganized sections of society. The Preamble of the Constitution itself gives important aspects relating to human life such as Justice, Liberty and Equality. Fundamental Rights was also included in the Constitution which guaranteed Right to Equality (Article 14) and Right against Exploitation (Article 23 and 24). A separate chapter on Directive principles of State Policy also incorporated in the Constitution which is a unique feature of Indian Constitution. It has embodies the fundamental principles based on social justice concerning labour. Under the

¹ Dr. Pandey J N, The Constitutional Law of India at 438, Edi. 50th

Indian Constitution, right to life includes all the rights that are essential to main human life in a civilized society, such as food, clothes, house medicine and education. The Right to work means the citizen's right on his society to have work according to his ability and skill with suitable minimum wages that enable him to maintain his life in a civilized society. It is appropriate to mention here the observation of Prof. P.Koteswar Rao in his lecture on Goals and Values of our Constitution, that our Courts are helpless if a hungry man goes to a Court, the Court cannot provide food and save the life because our Constitution does not provide only provision for such help, the judge out of sympathy will have to lead the hungry man spending from his own pocket².

The Constitution of India has numerous welfare provisions for social security of the weaker section of the society. Entry 24 in list III of schedule VII provides for "Welfare of Labour, including conditions of work, provident funds, liability for workmen's compensation, invalidity and old age pension and maternity benefits. Item No. 9 of the State List and item 20, 23 and 24 of Concurrent List relates to old age pension, social security and social insurance, and economic and social planning. Further, Article 41 of Directive Principles of State Policy deals with the State's role in providing social security to the unemployed, aged, sick, disabled and other unprivileged class of people. Article 39A of the Constitution envisages that the State should provide free legal aid by legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Article 42 of the Constitution provides that the State shall make provision for securing just and humane conditions of work and for maternity relief. The provisions of Article 43 envisages that the State shall secure by suitable legislation or economic organization 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.³

Legislative measures for social security in India

1. **The Employees' State Insurance Act, 1948 (ESI Act)** which covers factories and establishments with 10 or more employees and provides for comprehensive medical care to the employees and their families as well as cash benefits during sickness and maternity, and monthly payments in case of death or disablement.

The E.S.I. Act, 1948 presently applies to the factories using power in the manufacturing process and employing 10 persons and non-power using factories, shops, hotels, and restaurants, cinema, pre-view theatres, road motor transport undertakings and newspaper establishments employing 20 or more persons. The

² Jain M P, Indian Constitutional Law at 1406, Edi 7th

³ Constitutional provision on social security, (24 Dec. 2016, 3:46 p.m), <http://www.lexuniverse.com/social-security-welfare-laws/india/Constitutional-Provisions-on-Social-Security.html>

employees of Factories and establishments drawing wages up to Rs. 7,500/- per month are covered under the scheme. The scheme is administered by a separate body called the Employees' State Insurance Corporation⁴ which includes representatives of employer, employers, Central and State Governments, medical profession and the Parliament. A Standing Committee constituted from among the members of the corporation acts as the Executive body for administering the scheme. There is a Medical Benefit Council⁵ to advise the corporation in matters connected with provisions of medical care. The Scheme is financed mainly by contributions from employers and employees⁶. The employer's share is 4.75 % of the wages payable to employees and the employees' share of contribution is 1.75% of their wages⁷. Employees who are earning less than Rs. 50 per day are exempted to contribute but their employers are required to pay their share of contribution. The state governments share of expenditure on provision of medical care is to the extent of 12.5% of the total expenditure on medical care on their respective states subject to a per capita ceiling prescribed by the corporation from time to time⁸.

The benefits under the Act include both cash benefits and benefits in kind like medical benefits. The cash benefits are: (1) Sickness benefit⁹ - payable in cash at the rate of about 50% of wages for a maximum of 91 days in a year extendable up to 2 years in cases of specified long term diseases¹⁰ at a higher rate of about 70% of wages; (2) Maternity benefit¹¹ - payable for 12 weeks for confinement, six weeks for miscarriage and additional one month for sickness arising out of pregnancy at the rate of about full wage; (3) Temporary disablement benefit¹² - payable at the rate about 70% of wages till the disability is there; (4) Permanent disablement benefit¹³ - payable in the form of periodical payment for life depending upon the extent of loss of earning capacity determined by a duly constituted Medical Board. Full rate of benefit is about 70% of the wages; (5) Dependant's benefit¹⁴ - which is payable to the dependants in the contingency of death of insured person due to employment injury at the rate of about 70% of wages; (6) Funeral Expenses¹⁵ - actual expenditure on the funeral of a deceased insured person up to Rs. 2,500/- which is reimbursable to any person incurring the same; (7) Rehabilitation allowance/ vocational rehabilitation allowance -

⁴ ESI Act, S. 3.

⁵ *Id.* at S. 10.

⁶ *Id.* at S. 39.

⁷ See <http://esic.nic.in> accessed on 16th April, 2007

⁸ E.S.I. Act, S.26

⁹ *Id.* at S. 39

¹⁰ So far 34 diseases are specified

¹¹ E.S.I Act, S. 3

¹² *Id.* at S. 51 (a)

¹³ *Id.* at S. 51(b)

¹⁴ *Id.* at S. 52

¹⁵ *Id.* at S. 46 (f)

payable at full wage during the period of an insured person remains admitted for fixation or replacement of artificial limbs. Further cash benefit@ Rs.123/- per day or the amount charged by Vocational Rehabilitation Centre is also payable¹⁶;(8) Unemployment allowance-payable for a maximum of six months to insured persons losing employment due to closure of factory or retrenchment or permanent invalidity at the rate of 50% of the wages.

The medical care services under ESI Scheme are provided by respective state governments¹⁷. The Medical care services to the beneficiaries¹⁸ are provided in two ways: (1) direct provision through ESI schemes own network dispensaries and hospitals; (2) indirect provision by contracting with private clinics and hospitals. The ESI scheme is providing full medical care to its beneficiaries which include preventive, promotive, curative and rehabilitative services. The expenditure on medical care is shared between ESI Corporation and the State Government in the ratio 7:1 within the prescribed ceiling which is revised from time to time. There is no limit on the per capita expenditure on individual medical care. A scheme for model hospitals has been implemented in 2001 as per the decision of the ESI Corporation¹⁹. As per the scheme one hospital of the state is to be taken over from the state government and run by ESI Corporation directly. Till now 12 hospitals have been taken over from State Governments by Corporation. Recent and Proposed initiatives of the Corporation include Rajiv Gandhi Shramik Kalyan Yojna which is an unemployment allowance scheme aiming at those insured who are losing their employment due to closure of factory, retrenchment and permanent invalidity. The unemployment allowance is paid at the rate of 50% of the wages for a maximum period of 6 months, setting up of Super specialty hospitals in four zones²⁰ and extension of ESI Scheme to educational and private medical institutions²¹

2. The Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (EPF & MP Act)

Act which applies to specific scheduled factories and establishments employing 20 or more employees and ensures terminal benefits to provident fund, superannuation

¹⁶ <http://esci.nic.in/benefits.htm>, accessed on 16 April 2016

¹⁷ Except in Delhi and Noida where these are provided directly by ESI corporation

¹⁸ When the scheme was initially introduced medical care under the scheme was provided only to the insured workers, but in 1977 the medical care was extended to families of insured persons also.

¹⁹ E.S.I Act, S. 59.

²⁰ 133rd meeting of ESI corporation held on 7.7.05 decided to set up super speciality hospital in delhi, Kolkata Hyderabad and Mombie at cost 50. Core each

²¹ Decision in 125th meeting of ESI corporation held on 21.2.2003 (educational institutions) and 27.2.2005 (to private medical institute)

pension, and family pension in case of death during service. Separate laws exist for similar benefits for the workers in the coal mines and tea plantations.

This is yet another welfare legislation enacted for the purpose of constituting a Provident Fund for employees working in factories and other establishments. The Act aims at providing monetary assistance to industrial employees and their families when they are in distress or unable to meet family and social obligations and to protect them in old age, disablement, early death of bread winner and such other contingencies. This Act provided coverage to workers of factories and other classes of establishments engaged in specific industries and classes of establishments employing 20 or more persons²². The Act does not apply to employees of co-operative societies employing less than 50 persons and working without power and those belonging to Central, State governments and local authorities. An establishment which is not otherwise coverable under the Act, can be covered voluntarily with mutual consent of the employers and majority of the employees²³. The Act currently applicable to factories and other establishments engaged in about 180 specified industries²⁴. The Schemes under The Employees' Provident Funds & Miscellaneous Provisions Act are

Employees Deposit Linked Insurance Scheme, 1976

Under this scheme, the employees are not contributing but the employers are required to contribute and the contribution can be not to exceed more than 1% of the aggregate of the basic wages dearness allowance and retaining allowance plus the administrative charge at the rate of .05% of the wages. Under this scheme, if the employee dies while in service, the nominees or members of the family of the employees of the establishment get an additional amount equal to the average balance in the provident fund account of the deceased during the preceding 12 months if the balance is less than 35000/- and if the balance is above Rs.35000/- the amount payable shall be Rs.35000/- plus 25% of the amount in excess subject to a ceiling of Rs. 60000/-. Revamping the whole EPF Scheme has started in the year 2001 by initiating "Re-inventing EPF, India" Project²⁵. Social Security Number is a new initiative as the part of the project. SSN aims at uniquely identifying a subscriber i.e., every working person in India.

Employees' Pension Scheme, 1995

²² The centre govt. Is empowered to notify the coverage of this Act to any establishment employing less than 20 employees and once it is included the coverage will be there through the number of employees falls below 20.

²³ Section 1 (4) of the Act)

²⁴ Industries covered by the Act are specified in schedule of the Act

²⁵ Report of a multi disciplinary committee (a project of IT reform) was accepted by executive committee on 14.3.2000. M/s Siemen information systems Ltd. Appointed as a consulted.

The Act is amended in 1995 and replaced the Employees Family Pension Scheme, 1971. The benefits under the new scheme include:(1)Superannuation Pension (2) Early Pension (3) Permanent Total Disablement Pension (4) Widow / Widower's Pension (5) Children or Orphan Pension (6) Nominee Pension/Dependant Parent Pension.

From and out of the contributions payable by the employer to the provident fund, a contribution equivalent to 8.33% and 1.16% of the of the employees pay by the Central Government is remitted to Employee's Pension Fund. If the pay of the employee exceeds Rs. 6500/- per month, the contribution payable by the employer and the central contribution is limited to Rs. 6500/- .The superannuation pension will be payable on attaining the age of 58 years or on completion of 20 years of service or more and early pension can be taken at a reduced rate between 50-58 years of age, on completion of 10 years pensionable service or more. If the service is less than 10 years a lump sum withdrawal benefit is given.

3. **The Workmen's Compensation Act, 1923 (WC Act)**, which requires payment of compensation to the workman or his family in cases of employment related injuries resulting in death or disability.

The main objective of the Act is to impose an obligation upon the employers to pay compensation to workers for accidents arising out of and in the course of employment. The Act applies to any person who is employed otherwise than in clerical capacity, in railways factories, mines, plantations, mechanically propelled vehicles, loading and unloading work on a ship, construction, maintenance, repairs of roads and bridges, electricity generation, cinemas, circus and other hazardous occupations and other employments specified in Schedule II of the Act. The Act exempts the employees covered under Employees State Insurance Act, as disablement and dependant's benefits are available under that Act and also members serving in Armed Forces. The "workman²⁶" under the Act is a person employed but, not a casual employee, for the purpose of employer's trade and business and according to Schedule II of the Act.

The compensation has to be paid by the employer to a workman for any personal injury caused by an accident arising out of and in the course of his employment²⁷ if the disablement continues more than 3 days. The amount of compensation in case of death is an amount equal to 50% of the monthly wages of the deceased workman multiplied by the relevant factor or Rs. 50000/- whichever is more. In case of permanent total disablement results from injury, 60% of the monthly wages

²⁶ Section 2 (1) (n)

²⁷ Section 3

multiplied by relevant factor or 60000/- whichever is higher. If the monthly wages of the workman exceeds Rs. 2000/-, then his monthly wages for the above purpose will be deemed to be Rs. 2000/- only.

4. **The Maternity Benefit Act, 1961 (M.B. Act),**

Act which provides for 12 weeks wages during maternity as well as paid leave in certain other related contingencies. This Act is a social legislation enacted for the welfare of the working women. The Act prohibits working of the pregnant women for a specified period before and after delivery. It also provides for maternity leave and payment of monetary benefits for women workers during the period when they are out of employment due to pregnancy. The services of women worker cannot be terminated during this period in her absence except in case of gross misconduct. The maximum period for maternity benefit is fixed as 12 weeks, six weeks before delivery and 6 weeks immediately after delivery.

5. **The Payment of Gratuity Act, 1972 (P.G. Act),**

The Act which provides 15 days wages for each year of service to employees who have worked for five years or more in establishments having a minimum of 10 workers. This Act provides for a scheme of compulsory payment of gratuity to employees engaged in: (1) every factory, mines oil fields, plantations, port and railway company, (2) every shop or establishment in which 10 or more persons are employed or were employed on any day of the preceding 12 months, (3) every motor transport undertaking in which 10 or more persons are employed or were employed on any day of the preceding 12 months and (4) such other establishments or class of establishments in which 10 or more employees are employed or were employed on any day of the preceding 12 months as the central government notifies from time to time.

Every employee other than an apprentice irrespective of his wages is entitled to receive gratuity after he has rendered continuous service for five years or more. Gratuity is payable at the time of termination²⁸ of his services on superannuation or on retirement or resignation or death or disablement due to accident or disease²⁹. The benefits are calculated as 15 days wages for every completed year of service or part thereof in excess of six months based on the rate of wages last drawn by the employee subjected to a maximum of Rs. 3,50,000/-.

Social security in Tea industry

²⁸ Termination of service include retrenchment

²⁹ The condition of service is not necessary if service is terminated due to death or disablement



Many enquiries and rules were set up even in pre-independence period. Plantation Labour Act (PLA) was one among those enquiries and was shaped based on recommendations of ILO. This is one of the significant Acts in the Indian Tea Industry and has implications along with associated Acts which are related to the tea industries. In addition to PLA, there are other social security legislations, which have provisions for Provident Fund and gratuity and so on, and there are compensations schemes for injuries and so on, such as broad-based social security measures, umbrella of legislations which apply to the plantations in India. The other major Acts in the plantation sector are : Weights and Measures Act, The factories Act 1948, The Equal Remuneration Act 1976, The payment of Bonus Act 1965 and The Minimum Wages Act 1948. The Plantation Labour Act 1951 (PLA) provides for the welfare of plantation labour and regulates the condition of work in plantations. The term 'Plantation' has been defined under the Plantations Labour Act 1951 to mean any plantation to which the Act whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools and other premises used for any purpose connected with such plantations. Section 1(4) of the Act applies to any land used or intended to be used for growing tea, coffee, rubber, cinchona and cardamom which covers 5 hectares or more and in which fifteen or more persons are employed or were employed on any day of the preceding twelve months. The Plantation Labour Act is administered by the State Governments. The State Governments are, however, free to declare any plantation land less than 5 hectares or less than 15 persons to be covered by the Act. In every Plantation covered under the Act, medical facilities for the workers and their families are to be made readily available as may be prescribed by the State Government.

The conditions of plantation labour are governed by the Plantations Labour Act and the rules promulgated by the state Governments. The PLA is unique in the fact that it requires the employer to provide the workers with medical facilities, housing, sickness and maternity benefits and other forms of social security measures. The Act provides for setting up of canteens, crèches, recreational facilities, suitable accommodation and educational facilities for the benefit of plantation workers and their families in and around the work places in the plantation estate. The Act provides that no adult worker and adolescent or child shall be employed for more than 48 hours and 27 hours respectively a week and every worker is entitled to a day of rest in every period of 7 days.

The Act applies in the first instance to tea, coffee, rubber, & cinchona and cardamom plantations, but the State Government may apply it to any other plantation. Under statutory social commitments various statutory and non-statutory benefits are provided to plantation labour. Non-statutory benefits include fuel, roads and concessional ration. The plantation industry partakes the characteristics of both agriculture and industry and, is therefore, subjected to taxation under the Central Income Tax as well as Agriculture Income Tax (AIT) besides other levies and taxes. AIT is presently confined to plantation crops only.

Under the plantation labour Act, 1951, the following provision relate to social sector

Housing facility:

Section 15 of the PLA requires every employer to provide and maintain necessary housing accommodation. Further, rule 65 of the Assam Plantation Labour Rules, 1956 states that houses shall be allotted on the basis of one house per worker. Similar provision has also been incorporated in the West Bengal Plantation Labour Rules, 1956. PLA is the only social security legislation, which imposes a mandatory obligation on the employer to provide housing facilities.

Medical facility:

Section 10 of the PLA, 1951 stipulates that for every plantation, there shall be provided and maintained so as to be readily available such medical facilities for the workers and their families. Rule 35 of the Assam Plantation Labour Rules, 1956 also requires that there shall be two types of hospitals in plantations vis. garden hospital and group hospital. Similar provision has also been incorporated in the West Bengal Plantation Labour Rules, 1956.

Educational facility:

Section 14 of the PLA stipulates that the state government may make rules requiring every employer to provide educational facilities for the children between ages of 6 and 12, of the workers employed in any plantation where work force exceeds 25 in number. The Assam Plantation Labour Rules, 1956 (Rule 52) also requires that every employer shall provide and maintain a primary school or schools for imparting primary education to the children of the plantation workers. Further, as per Rule 55 of the said rules, the employer of the plantation shall appoint one teacher for every 40 children or part thereof on the roll of the primary school. Rule 57 stipulates that no fee shall be charged from the workers' children attending the primary school. It may be mentioned that the concerned state Govts. have been providing primary education facilities in the tea growing areas of South India, West Bengal and Cachar in Assam State. However, the garden owners are providing educational facilities in the tea growing areas of Assam valley except Golaghat district. Similar provision has also been incorporated in the West Bengal Plantation Labour Rules, 1956.

Drinking water:

Section 8 under the PLA stipulates that in every plantation, effective arrangement shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers. Rule 8 of the Assam Plantation Labour Rules, 1956 provides for drinking water in the tea growing areas of Assam.

Similar provision has also been incorporated in the West Bengal Plantation Labour Rules, 1956.³⁰

Jute Industry

Jute is a product of South Asia and specifically a product of India and Bangladesh. Nearly 98% of world jute is grown in these two south Asian countries. Nepal is the other country of south Asia that grows jute but its production volume is not very significant. Another south Asian country, Pakistan, does not produce jute but processes and manufactures a good quantity of jute goods through import of raw jute fibre mainly from Bangladesh. The table in the slide shows that recent average total world production of jute is of the order of 2465 thousand tonnes a year of which more than 2423 thousand tonnes are grown in the south Asian countries. There are some jute-like fibres such as Kenaf or Mesta the total world production of which is about 400,000 tonnes a year. The south Asian countries produce about 160,000 tonnes of those fibres. Many people may have heard the name of jute but have not seen it. Jute is a gift of Nature, a fibre derived from a plant that we, in South Asia, fondly call the 'golden fibre' on account of its colour and that it earns much needed foreign currency for the country. Cultivation of jute is quite arduous and painstaking. It has a number of stages of processing namely preparing the land, sowing, weeding, harvesting, retting, extraction of fibre, washing, cleaning and drying etc. It's a yearly crop and takes about 120 days (April/May July/August) to complete the process of cultivation.³¹

The jute industry of West Bengal has attracted immigrant labour from distant parts of India. These workers were "pushed, not pulled, to the city", according to the Royal Commission on Labour in India (1931). The city has few attractions for them. "Few industrial workers would remain in industry if they procure sufficient food and clothing in the village" (RRCL, 1931 p 16). These migrants remained villagers at heart and retained a close relationship with their village homes. As a result, for a long time, the jute mill labour was most unstable and floating in character and the labour supply in jute mills was greatly affected by the sea- seasons. The other factors contributing to this were bad working and living conditions, low rates of wages, insecurity of service, the system of "badli" workers, absence of social security measures, the "sardari" and "contract" systems of recruitment, and the fluctuations in the international market of jute leading to fluctuations in the total employment in the jute industry. The living conditions in the city being poor, most of the workers kept their families in the village and visited them frequently, especially during peak agriculture season. The village homes also remained their shelter in sickness, in maternity, in strikes and lockouts, and in the old age. The wage rates in jute mills were much lower compared to in the other industries. So the

³⁰ Saji M Kadavil, Indian Tea Research at 64-65, (26 Dec 2016, 11:56 p.m) <https://www.somo.nl/indian-tea-research/>

³¹ Rezaur Rahman A K M, jute in South India at 19, (26 Dec 2016, 12:26 a.m) <ftp://ftp.fao.org/docreap/fao/011/i0709e/i0709e04.pdf>

workers left the mills whenever they got better jobs, such as during the Second World War. Deshpande (Report on an Enquiry into Conditions of Labour in the Jute Mill Industry in India, S R Deshpande, 1946, p 8) noted high turnover, especially among the unskilled labourers. As the wage rate was not standardised, workers frequently went from one mill to another. The Sardars encouraged large labour turnover, as they got a fee for each new job secured. The same was true of the "contract" system. The workers could be dismissed arbitrarily, irrespective of the length of service. They were not made permanent even after many years of service because the management wanted to avoid the attendant economic obligations. "Badli" and "Casual" workers, engaged for a few months in a year, constituted 20 to 25 per cent of the total labour force.³²

Over 40 lakh farmers and nearly four lakh mill workers depend on the jute industry for their livelihood. The Union Textiles Ministry has urged State governments to help diversify the ailing jute industry by exploring new avenues for promotion. The Centre has thought of various products that can be made from jute, such as waste-paper baskets, folders, laptop bags, and moulded items. Most importantly, jute geo-textile products can be used in civil engineering works such as road construction and protection of hill slopes. "An important characteristic of jute is that it absorbs and retains moisture. This makes it very effective in the construction of roads and protection of hill slopes, by inducing vegetation growth. It also helps in stabilising sand dunes," a government official said. Apart from these products, the government has asked the States to promote jute bags for students. "This move will help generate employment," the official said. Union Textiles Minister Santosh Kumar Gangwar has written to several Chief Ministers requesting that they consider introducing jute school bags. Observing that the industry supports over 40 lakh farmers and 3.7 lakh jute labourers, Mr. Gangwar wrote: "To make the industry competitive and sustainable, it is necessary to diversify and move away from the traditional activities and products. In this context, I seek help in the promotion of diversification in the jute industry. You may please consider introducing jute bags for school children under the HRD schemes in your State." The proposal, initially suggested by activist Gouri Shankar Jain from Odisha, has been made at a time when the industry is beset with scams and growing unrest among jute farmers and mill workers. India accounts for an estimated 70 per cent of the world's total production of jute products. Over 90 mills are currently operational, 67 in West Bengal alone. The rest are in Bihar, Assam, Tripura, Uttar Pradesh and Andhra Pradesh. However, the industry's overdependence on government orders is considered a major factor behind the current state of affairs. The government buys jute sacks worth Rs. 5,000 crore a year for packaging of food grains and sugar under the Public Distribution System (PDS).³³

Conclusion

³² Bhattacharya N, Charterjee A K, some characteristic of jute industry workers in Greater Calcutta, (27.Dec .2016, 12:38 pm) <http://www.jstor.org/stable/pdf/4362301.pdf>

³³ The Hindu, Govt. To breathe new life into ailing jute industry, 4 Dec 2015

The above discussion shows that the Jute and Tea industry both are labour intensive industry where almost all works of the industry are done by manual work. And both industries are very old industry and they contribute much to the economy of the country. But the social securities which are being given to the workers are not adequate as compare to works what they are doing and what they contribute to the economy of the country. Some laws are there but they are not being effectively implemented. Regarding tea industry special Act is there namely "Plantation Labour Act 1951" in this Act a number of securities are being provided by this Act of 1951 to the plantation worker but they are not being effectively enforced. Because a number of intermediaries are there they are not willing to enforce and second reason is that most workers are migrated workers and casual they are not literate they are not aware about the provision of the Act. That's why they are unable to enjoy the sweet fruit of this Act. Today in India, only about 8% of workers actually get the benefits available under these Acts. The rest 92 per cent (over 30 crores) workers in the unorganized sector, and either are not eligible for coverage, or these Acts are just not implemented for them, with the result that these workers have insecure employments and low incomes. They have no coverage of social security, and have to spend out of their meagre incomes for all contingencies such as illness and children's education and in their old age they become helpless. In India, the laws governing social security enacted by the British are still in force with some minor amendments on coverage or on contribution amount, without any substantial changes to the provisions. Social Security in India is that a large number of programs and schemes are cross sector in design, involving various ministries, boards, and departments the number and diversity of such schemes. India has performed poorly in providing social security protection to its people until recently with "very high vulnerability" to poverty and informal labour practices in the world.

REFERENCES

Dr. Pandey J N, The Constitutional Law of India at 438, Edi. 50th

Jain M P, Indian Constitutional Law at 1406, Edi 7th

Constitutional provision on social security, (24 Dec. 2016, 3:46 p.m),
<http://www.lexuniverse.com/social-security-welfare-laws/india/Constitutional-Provisions-on-Social-Security.html>

ESI Act, S. 3.

Saji M Kadavil, Indian Tea Research at 64-65, (26 Dec 2016, 11:56 p.m)
<https://www.somo.nl/indian-tea-research/>

Bhattacharya N, Charterjee A K, some characteristic of jute industry workers in Greater Calcutta, (27.Dec .2016, 12:38 pm) <http://www.jstor.org/stable/pdf/4362301.pdf>

The Hindu, Govt. To breathe new life into ailing jute industry, 4 Dec 2015