

**REPORT TO THE NATIONAL HUMAN RIGHTS COMMISSION, NEW DELHI
DATED THE ...ON THE PLANTATION WORKERS OF TAMIL NADU.**

DR. K. Krishnasamy M.L.A., and leader of the Puthiya Tamilagam Party of Tamil Nadu made a representation to the Chairperson of the National Human Rights Commission, New Delhi on December the 7th 1998 alleging that 10 lakh plantation workers in Tamil Nadu spread over Manjulai, Coimbatore, Nilgiris, Nagarcoil, Theni and Yercaud areas were being ill-treated by the Managements, that their basic human rights are violated, that the basic facilities assured to them under the Plantation Labour Act, 1951 and the rules made there under are denied to them, that the said Act itself had become obsolete in many basic respects requiring drastic amendment and that the Government of Tamil Nadu was a silent spectator to the plight of the workers mainly because most of them were from the Scheduled Castes. Among the violations urged were that women workers could not even feed their babies while at work, that they were abused and insulted in the context of their caste, that workloads were beyond human tolerance, wages were very low and revised only once in 3 years, that facilities for drinking water, medical requirements, crèches, canteens, housing, overtime, wages during leave and sickness and maternity benefits provided for under the law were all denied to the workers. Plantation owners bringing intermediate caste goondas to intimidate the mainly Scheduled Caste workers was also alleged. Dr.Krishnasamy pointed out in his petition that the Plantation Owners had control over the plantation lands almost free of cost citing the case of the Bombay Burma Trading Company which was paying only Rs. 10 an acre a year as lease amount for the 8, 378 acres of lands held by it on lease from the Government, besides further encroaching on forest lands. Dr. Krishnasamy demanded that these contracts be cancelled and the plantation lands be distributed among the workers who are sons of the soil. He also sought Central intervention to prevent the Tamil Nadu Government from harassing plantation workers who were democratically fighting for their basic rights. He urged that a minimum wage of Rs.150 per day be fixed for the plantation workers through out the country.

The NHRC in D.O. Lr. No. 736/22/98-99 of December 31 1998 requested me to investigate in to the above complaint and submit a report to the Commission and forwarded to me a copy of the representation of Dr. Krishnasamy.

Since Shri. D. R. Kartikeyan, Director General (Investigation), NHRC was looking in to the complaint with reference to areas other than Theni and Yercaud, in consultation with him it was decided that I should investigate the matter in the Theni and Yercaud areas. Accordingly, I got in touch with the Chief Secretary and the Secretaries to the Government of Tamil Nadu in the Labour and Adi Dravidar Welfare Departments dealing respectively with plantation labour and bonded labour and indicated to them the information I required for the conduct of my work and also sought meetings with them, the Collectors of the concerned Districts, field level officers of the Departments of Labour and Adi Dravidar welfare and NGO's and Trade Unions at the places I intended visiting. I was provided with all these facilities by the Chief Secretary to the Government of Tamil Nadu. I also spoke to Shri. Muralidhar, Advocate at Delhi on phone about my visit to Tamil Nadu as also to Shri. M. Siraj Sait, formerly Advocate-commissioner and at present the Government of Tamil Nadu's Legal Adviser and Special State Public Prosecutor (Civil Rights). I invited the latter for a discussion at Chennai on matters relating to the Plantation Labour question and those relating to Bonded Labour.

Arriving at Chennai on the evening of the 31st January, 1998 I had a one-hour discussion with the Commissioner of Labour Shri. P.A. Ramiah, IAS. and Shri. Mohan, Chief Inspector of Plantations, Tamil Nadu on the Plantation Labour issues where after I was joined by Shri. Siraj Sait. Since Shri Siraj Sait was to leave on a tour abroad the next morning, he and I spent the next few hours taking stock of the bonded labour release and rehabilitation work being done in Tamil Nadu since my last visit in April, 98 as also the background to the plantation labour stir in the Manjolai tea estates area. The gravaman of Shri. Sait's advice was that there was scope for the Tamil Nadu Government to greatly expedite the work relating to the release of bonded labour and that as far as the plantation labour issue was concerned there were considerable political overtones. We discussed these points at great length and Shri. Sait's inputs were most useful to me.

As previously arranged, I started my day on the 1st February, 99 with a discussion at 8-30 AM with Shri. C. V. Shankar, IAS, Commissioner of Adi Dravidar Welfare on the progress of bonded labour work in the State and obtained his assessment of the status of the plantation labour in Tamil Nadu. I followed this up with a meeting in the chambers of the Secretary, Adi Dravidar Welfare Shri. R. Rathinasamy, IAS, on the same issues. The details of this meeting are discussed in a separate Report on Bonded Labour in the State. It, however, may be stated here that I sought the views of Shri. Rathinasami on the prevalence of bonded labour in the plantation sector and his response was that there was no bonded labour among the plantation workers.

My next meeting was with the Labour Secretary Thiru S. P. Elangovan, IAS. Also present at this meeting were the Commissioners of Labour and Adi Dravidar Welfare as also other senior officers of the Department of Labour including the Chief Inspector of Labour. I explained to Shri. Elangovan the reasons for my visit and gave him a detailed account of the complaints made by Dr. Krishnasamy and sought his reactions and views on them. Shri. Elangovan made the following points in response to my presentation:

- (a) At the level of the Minister of Labour, Government of Tamil Nadu and at his own level all the grievances of the plantation workers were being looked in to and solutions sought to be found. The Minister and he had met the representatives of the plantation labour unions and Dr. Krishnasamy's representatives on their grievances and had initiated steps for their redress. The District Collectors have also been made responsible to monitor the grievances of the workers so as to find solutions for them.
- (b) There was no bonded labour among the plantation labourers. Admittedly there were shortcomings in the provision of the basic facilities and the Government was looking into them regularly. No efforts would be spared to redress these grievances. The Commissioner of Labour is constantly on the job and had got organized several inspections including some at his own level and action has also been launched against erring managements.

The Commissioner of Labour handed to me the letters written in this regard to the Collectors and field officers and detailed notes on the meetings held by the Minister, Secretary and himself as also the agreements reached between workers' representatives and the Managements through the efforts of the Government's Labour Department. Two volumes of these efforts are enclosed to this Report.

Having completed my preliminary meetings with the Secretaries and the Commissioners concerned in the forenoon, I called on the Chief Secretary Shri A P Muthuswami for a meeting with him. The Chief Secretary had called for this meeting the Secretaries, Labour and Adi Dravidar Welfare, the Commissioners of these two Departments and the Special Officer for Bonded Labour. I explained to the Chief Secretary the objective of my visit to his state and gave him a detailed account of Dr.Krishnasamy's representation to the NHRC and a gist of the discussions I had had with his Secretaries and Commissioners. The Chief Secretary invited the Labour Secretary to respond to the issues which was on the same lines as already recorded above. Responding to my questions himself, the Chief Secretary made the following points:

- (a) In the plantation sector there has been no history of any serious trouble between the labour and the managements till very recently.
- (b) There was no bonded labour in the plantation sector.
- (c) Till now wage agreements in the State have been on the basis of bi-partite discussion and agreements. With the agreement having expired on 31-12-1998, an ad hoc agreement has been arrived at for revised wages till 31-3-1999. The current rates were higher than even those in Kerala. Some Trade Unions now want that wage agreements should only be tri-partite involving the Government as well, instead of the existing bi-partite arrangements. The Commissioner of Labour is himself holding discussions and meetings in this connection.
- (d) Shortfalls in amenities for workers like those in the areas of health and medical facilities and schooling could be there and these would be got fully rectified. Committees were in existence for these and even the work of the Tamil Nadu

Electricity Board is being coordinated for providing electricity to the workers' houses, as in Gudalur for instance.

The Chief Secretary and I agreed to have a wrap up meeting at the end of my field visit to take stock of the actual field conditions as would be determined by me on the basis of my findings during my tour of the plantations and plan the action that would be required thereafter.

Between 5PM and 6PM I held discussions with Dr. K. Krishnasamy, Founder-President of the Puthiya Tamilagam Party at the State Guest House, when Dr. Krishnasamy recounted the several problems, - the same as those listed in his representation to the NHRC- faced by the Plantation Labour in Tamil Nadu. I assured Dr. Krishnasamy that all the points raised by him would receive the closest attention during my field investigation and a proper report made to the NHRC.

On the 2nd of February, 1999 I reached Madurai at 1 PM and. from there, accompanied by Shri. R. Ramesh, Joint Commissioner, Labour and Shri. Shamsuddin, Inspector of Plantations, Dindukkal I motored to Theni. On arrival at Theni I had a brief discussion with the District Collector Shri Basheer Ahmed and representatives of the Non Government Organizations, representatives of the plantation workers and representatives of the Puthiya Tamilagam Party. The following are the more important points relating to plantation labour made by the several participants at this meeting which lasted 3 hours:

- (a) The High Wavys Tea Estate of the area, though planting tea on land leased from Government denies all rights to its workers and the people of the area by restricting their movements. The Plantation Management has set up gates on the roads leading to the plantation and collects tolls on every commodity transported in to the estate, including the essential commodities consumed by the workers and the household goods used by them such as cooking vessels. Visitors to the estate wanting to see their relations are stopped at these gates and interrogated for all details including

their addresses, and two wheelers and lorries are made to pay a toll of Rs.25 and 75 respectively for passage.

- (b) The estate area has a Town Panchayat where the labourers and other inmates alone contest for the post of councillors but no holiday is declared on the polling day, in violation of the law.
- (c) Government's IRDP loans can not be sanctioned in the Estate area since the Management reserves the right to grant or refuse permission for the rearing of cows. Usually, such permission is granted only to "friendly" labour such as those who side with the Management and oppose workers' rights.
- (d) Even in the treatment of sick workers, the "friendly" labour gets a better deal such as injections while the others have to make do with routinely dispensed pain killers whether or not they were relevant to the specific complaint. When outside treatment is resorted to by the workers on their own, they have to do so at their own cost. Even in emergencies patients can not be evacuated by outsiders as the prior permission of the Management is required.
- (e) A very large number of the workers have remained temporary. (A few workers submitted written representation also to me stating these facts).
- (f) In some of the quarters two families are made to live, - one of them forced to live in the kitchen sometimes.
- (g) Wild animals are common but street lighting is rare. Street lighting is not sanctioned despite repeated requests. Taxes are levied on the population but paid for by the Management itself but the streets remain dark.
- (h) Women are made to use scissors to prune tea plants to reduce the quantum of labour employed but this leads often to disability and hospitalization. This is a back-breaking and arduous work.
- (i) The temporary nature of women's employment is taken advantage of to force them to apply fertilizers which is hazardous.
- (j) Maintenance of lavatories in the lines is very poor because the supervisors concerned also are used for plucking tea leaves.
- (k) Sheds are not provided for workers to eat and often they eat standing in the rains during the rainy season.

The Revenue Divisional Officer, Uttamapalayam when asked to comment on the points made above took the stand that whatever was stated was exaggeration and the Sub Collector, Periyakulam concurred with him. The Revenue Divisional Officer further stated that no toll was being collected by the Management and that all that was happening was that the High Wavys Management totally stopped all movement of all vehicles once every year, on the 31st July, “to demonstrate that the property was theirs”. This action affected the Tamil Nadu State Transport buses also!

I started on my field work this morning on the 3rd February, 1998 at 8-20 AM by way of a visit to the High Wavys Estate of M/s Hindustan Lever Ltd., (HLL). This tea estate has 7 divisions and has an area of 1938 hectares. I spent 12 hours in all in this estate. During these 12 hours in the estate I spoke to the female and male workers separately, inspected facilities like the crèche, the dispensary, the garden hospital, two schools-one an English medium school and another a Tamil medium school-, the workers’ quarters and a drinking water source. The inspections included extensive discussion with those in charge of the facilities and the beneficiaries such as the ayah in charge of the crèche, the compounder at the dispensary, the medical officer in charge of the garden hospital, the head mistress and teachers at the schools, parents of the children at the crèche, the workers living in the quarters, the school children and inpatients in the garden hospital. After completing all these visits I received a delegation of Trade Union leaders and workers’ representatives which included organizations like the INTUC, HMS and the AIADMK and Shri. Suruli Das, Chairman of the Town Municipality. These organizations came with more than one representative and I heard each one of them and their points of view of conditions in the plantation for nearly 2 hours. I rounded up my work with a discussion with the General Manager of the estate Shri .D. G. Hegde lasting an hour. I adopted the same pattern of work in all the plantations visited by me subsequently.

The following are the points made by the women workers, who were the first to be met by me:

- (a) There were workers who had worked for 15 years without being made permanent. The management followed a policy of keeping either the husband or the wife temporary and never made both permanent. Only on the death of one of them, the other was made permanent. The “principle” was to have only one permanent employee in one family; the rest should be temporary. However well qualified, the children of the same family were not employed and outsiders were always preferred in recruitment.
- (b) Government programmes were not available to the plantation workers. Maternity assistance for pregnant women living in the estate is denied to them. Similar is the position in regard to the widows’ pension scheme and the free sari-dhoti scheme. Because of the Management’s policy in regard to cattle rearing which allows only the old workers- who have worked for decades- to have cows, Government’s own programmes are thwarted from being implemented.
- (c) Half the workers are without ration cards. The management runs a Cooperative Society which does not provide anything beyond rice and kerosene unlike the fair price shops outside the plantation area. Workers have, therefore, to go to Chinnamanur which is 32 km away to bring their essential commodities and other household requirements.
- (d) Transportation is a very serious problem. All in all only 5 trips are made by the buses to Chinnmanur, the nearest market- 2 by the State Transport buses and 3 by the private operators, with the result scores travel hazardously on the roof tops of these buses in the winding hilly roads.
- (e) Drinking water supply in summer is available only for 2 hours in the morning and 2 hours in the evening and there is no water supply at night. Only one tap is provided for every 6 houses. However, water is not a problem in the winter months.
- (f) Sanitary conditions are very poor, especially the latrines. Toilets have no taps and hence do not have running water. In summer water is a problem in any case. Added to this, when lavatories clog, they are not cleared for weeks leading to very unsanitary situations. The non-worker staff does not face this problem as their toilets are taken care of by the sanitary staff.

- (g) There is hardly a house that does not leak. There is poor maintenance of the workers' quarters which are tin and tiled houses.
- (h) During rains electricity always gets affected and it could be a week before supply is restored every time this happens.
- (i) There are no street lights.

The male workers had the following grievances to narrate:

- (a) Wages are very low and therefore they were always in debt.
- (b) While extra work was always paid for when OT was done, during regular working hours excessive work was extracted in that the work load of 240 workers was got done just through 180 workers.
- (c) Men have to report for muster at 6-30 AM and there after work allotment takes place which involves walking another 2 KM to reach the allotted work area. Even a minute's delay in being there results in denial of work for the day and invariably the trade union leaders have to intervene to get the right to work for the day restored and such restoration would be ordered only after a wait for 2 hours. Eventually the wages would indeed be paid but the wait is imposed as a measure of humiliation.
- (d) When a temporary worker has to go out in search of work outside the plantation, his child is removed from the crèche and when he is given back some work the facility is restored. This is a recent phenomenon of the last 5 years. Things have been deteriorating in recent times.
- (e) Provident Fund applications take 2 years to be sanctioned owing to government delays but in the mean time the retired worker is made to vacate his quarters within 2 months of his retirement.
- (f) Drinking water supplied is extremely unhygienic and unsafe. Chlorinating is done once a month and in this interval water becomes undrinkable for about 15 days.
- (g) The High School run by the Education Department of the Government and situated within the plantation is poorly run with rampant lack of punctuality and absenteeism on the part of the teachers and children are consequently wasting time. Since the children commute sometimes 5 KM and buses are extremely irregular a residential school or a hostel with a warden is an immediate need.

- (h) Maintenance of the quarters is poor and flooring and decrepit doors are not repaired or replaced. The electricity distribution system is in need of repairs for safer and continuous supply to the quarters.
- (i) There is congestion in the crèche and space has not been expanded though population has increased. Even separate heaters are not provided and often they are taken away to the hospital. The supplementary nutrition that used to be provided in the crèche at one time has been discontinued since 8 years and now only milk is supplied (the Government Mid Day Meals programme is however available).
- (j) At the Garden Hospital a patient gets attention only on the first day and there after the neglect practised compels him to take himself off to a hospital outside meeting such resulting expenditure on his own.
- (k) When a cow permitted by the Management is sold under distress a later replacement is never allowed. If a worker replaced the cow with out permission he would be suspended and sometimes even dismissed.
- (l) Excepting the tea plants all else in the areas surrounding are forest property. When workers gather even fuel or small timber the Management complain against them to the forest authorities while they themselves often remove large fallen trees with impunity.
- (m) Transport is a serious problem and it is a most essential but completely neglected sector by both Government and the Management.
- (n) Essential commodities like rice sold in the Management-run shop are more expensive than in the market outside. The distribution system needs to be established on sound lines.

Having gathered the above information from the workers themselves with whom I spent nearly 2 hours, I spent the next 7 hours inspecting the facilities. My findings are given below:

(a) The crèche in the Cloudland Division

The crèches and its surroundings were very neat and there were 16 children at the time of my visit of whom 6 were girls. They were in green uniform supplied by the management

but have to come to the crèche in their own clothes and change in to the uniform for the duration of their stay and would return home in their own clothes. The Balasevika Ms. Mallika, who was present said she had 2 assistants of whom one was away and the other was on leave. The crèche has been divided in to 2 parts - one for children above 2 years of age and the other for those below two. In the infant section there were 14 infants placed in nylon *jhoodas* suspended by stirrups. The crèche has a bath room and a toilet. The children are given cow's milk once, provided by the Management, and in addition get the rice meal provided by the Government of Tamil Nadu's MDM scheme. They appeared well nourished.

The basic maintenance of the crèche is on sound lines. However, the staff is inadequate. There is no way 16 infants and children can be handled by one Balasevika with two absentee assistants. The Balasevika had no doubt taken the assistance of the cook appointed by the Government of Tamil Nadu for the MDM scheme to cope with the children but then that is not the job of the Government appointee whose job is to cook the meal nutritiously and in a hygienic way and serve the children with care and love giving them full attention so that they ate their meal properly and attend to other chores connected with the MDM programme. Also, a crèche is not just a sleeping place which it certainly is for an infant and a child but it is also a place where a baby plays and learns social skills through play way methods. I saw few toys in the crèche which is a sad thing. Also the hygiene in the infant section was unsatisfactory for the urine of the infants poured from a height of about 4 feet in to the basins kept below splashing around, and that is no way of training the older children observing these things or for that matter the mothers for whom a crèche is also a place of learning in the ways of rearing their children. I actually saw that a baby had defecated in the *jhooda* and in that very condition it was being carried from there across the dining space where children were eating to the bath room by the father of the infant who had just come in there to see the baby. It was literally a mess. The short point is that the Management should do 2 things: (a) strengthen the staff in the crèche in terms of numbers and (b) get them all trained in a proper institution in child care and child development. That is the least we would expect from industrial houses and certainly from a renowned multi-national like the Hindustan Lever

Limited who own this plantation. It is ironical that the Management should provide just some milk to the children as supplementary nutrition and make do with the Government's MDM. The least they should do is to provide a nutritious meal to the children on their own, spacing the milk now being given by them, a new supplementary meal and the Government's MDM appropriately during the several hours the working mother leaves her child in the crèche.

(b) The Dispensary.

The compounder in charge of this dispensary is Shri. Radhakrishna, who has a diploma in Pharmacy. I examined the registers pertaining to the workers who have visited the dispensary and received drugs and medicines. The register of stocks showed the availability of medicines like paracetamol and aspirin, antibiotics like tetracycline, ampicilline and amoxyline, pain killers like brufen and rumalaya and anti-allergy medicines like prednisolone. It was clear that the medicines commonly dispensed were those needed for pain-killing, stomach upsets and respiratory and urinary track infections. Except for Tetanus, injections are never administered by the compounder here at the dispensary and the explanation he gave for that was that injections could lead to the spread of AIDS! Injections, he added, were given only when the Medical Officers visited the dispensary which was once a week each by the lady medical officer and the male medical officer. The dispensary did not have a refrigerator. Injections were administered only at the Garden Hospital. A total of 453 workers visited the dispensary in January, '99 of whom 143 were children and 128 were women. The ratio of old cases to new was 267:186 in January. The common complaints were pains in the hip, severe colds and allergy-induced constant running nose. The most striking thing in these registers was that the medicines dispensed were recorded according to the tenure status of the workers-whether temporary or permanent and this categorization was evident in the case of even children.

It is obvious that the health problems of the workers here in these plantations are induced mostly by the environmental conditions in which they live and work and the occupational

hazards incidental to the particular nature of their work. The low temperatures and the unpredictably changing and highly varying weather, the mists and the fog and the allergies induced by the sheer bio-diversity of the area call for focused health and medical measures, and to expect that these can be tackled through a tablet-based regime alone built around pain killers is indicative of indifference to the problems of the workers. That the patients have to wait for the weekly visit of the Medical Officer for a possible injection does not speak well of the concern of the Management for workers' welfare. The Garden Hospital which is only one of its kind is not easily accessible in terms of distances to be covered especially for a sick worker and on a working day. While it is acknowledged that anti-tetanus injection should be administered at the dispensary as a situation of that kind would brook no delay, it also shows that the management would not consider going beyond the absolute minimum for the safety of the workers' health. While every situation does not warrant an injection, where it is indeed required should not be denied and the management should not grudge this essential health expenditure. To argue that injections are an AIDS hazard and so should be avoided sounds shallow in the age of the disposable needle. Also, the recording of the dispensing of medicines to the workers on the basis of their being temporary or permanent including in the case of the children and dependents is an unnecessary exercise and can not be said to be in the interests of the workers and should be given up. Given the advantages the Managements have in treating workers as temporary, this kind of categorization can only raise doubts in the minds of observers that all are not being treated as equals.

(c) The Garden Hospital.

Reaching the Garden Hospital at 1-45 PM I spent the next 75 minutes there looking at the registers maintained and discussing with the Medical Officer in charge Dr. Geeta Damodar the working of the Hospital. Present at the time of my visit was also Dr. N. K. Pasupathy, who is the head of the medical establishments of the various estates of this Company and whose head quarters is Valparai. The hospital was absolutely spick and span and very cleanly maintained. It has 2 doctors but one of them was not available. They have an impressive, functioning, technical or clinical laboratory capable of performing all the routine biochemical investigations like blood sugar, cholesterol, urine,

stools, blood grouping etc., as also the test kits for AIDS testing. The hospital has an operation theater, X-ray facility, ECG and 2 ambulances.

I had a detailed discussion with Dr. Pasupathy and Dr. Geeta on the several complaints made by the workers on the inadequacies at the dispensary level, on the attitudes adopted by the Management in relation to the medical issues like reimbursement and lack of provision like injections at the dispensary level. On the basis of a quick analysis made by me I found that against a population of 8000 in the plantation, the number of cases that got referral in the Garden Hospital was a mere 139 which, in my opinion, dramatically substantiated the workers' allegation that the Management were reluctant to provide quality medical assistance to the workers. Given the climatic conditions and the nature of the work and the environment in which they worked, 139 referrals in a year of 365 days was indicative of near-nonexistence of referral facilities in any real sense. I brought out this position clearly to Dr. Pasupathy and asked him to look in to this with great care. I pointed out to him that even the inpatient number of 1125 was some thing that indicated that there was no readiness to willingly take patients in and render them the cure they needed. I also conveyed the perception of the workers about the Management's attitude and approach to the health and medical needs of the workers and emphasized that this was not a matter of arguments but understanding that perceptions mattered in real life situations and grievances including those that are perceived even if not scientifically established should have to be attended to. Dr. Pasupathy agreed to look in to these and he was in particular asked to examine all cases of reimbursements as the workers had complained that restricting the reimbursement to 1/3 of actual expenditure was unfair.

(d) Schools.

I next inspected 2 schools situated side by side but vastly differing from each other. The first was the English medium school, called the Brookes Matriculation School, run by the Management, where the children of the staff, as distinguished from the workers, constitute 40 % of the strength and which has classes from the LKG to the 5th standard. The strength of the school was 52 of whom girls were 16. All the staff are women and are either B.Ed.s or KG-trained. This is one of the 5 primary schools in the Estate (there are 2

high schools and 4 other primary schools in the Estate being State-aided and under the control of the District Educational Officer). The school has 5 rooms for the 5 standards, with the 4th and 5th classes being run in one room. The fee is Rs.140 per month plus Rs. 75 for the bus, totaling in all Rs.215. The teachers, whose strength is 6 were well turned out consistent with the atmosphere we see in the “English Medium” schools. While in the two KG sections there were 13 children and 9 students in the 1st standard, the children in the 5th standard were only 3. Right next to this school was the State-aided Elementary School where the strength was 120 and the staff strength was 5. The Head Master was “away on duty” and one of the teachers was absent. Of the 120 students, 55 were girls. In all the classes excepting in the 5th, there were more girls than boys. From 17 in the 1st standard their number dwindled to 8 in the 5th standard. The children here looked as bright as those in the English Medium school and the girls told me that they all wanted to continue with their education as they all wanted to “take care of their parents later”. When asked by me why they had not joined the English Medium School they told me in one voice that it was because they could not afford to pay the high fees at the English Medium School and added that if only they could afford they would all prefer education in the English medium. They were visibly sad while saying this. The education in their school was free as also the text books and note books. The teachers here were good and competent.

The schools appeared quite good and adequate except for the fact that certainly the Management could be more sensitive to an important area like Education and make the costs of English education cheaper so that they could fulfill the aspirations of the girls and boys who feel deprived of what is available literally next door. An enlightened Management would do that and take pride in doing that. That would be their contribution to the cause of better education, if they want to make such a contribution.

(e) Housing in Manalar Division

I next proceeded to the Manalar division of the estate and inspected the houses provided to the workers. A house is expected to be of the dimension of 287 sq. ft. and what

surprised me was that a number of workers had been given “ half houses”. A half house in which I saw a temporary worker called Selvi live is just a small room and an enclosed verandah used as a kitchen-cum- bath room. A half house has no lavatory and the inmates would depend upon the mercy of the other half house occupant for the use of the toilet. This is because one typical 287 sq. ft. house is divided in to 2 half houses and given to 2 families. No further description of the misery of the occupant of the half house with out the toilet would be necessary if there is a quarrel between the two families or the household with the toilet merely decided to lock up the toilet and went out for a few hours. As had been told to me by the workers whom I had met earlier in the day, the toilets did not have running water. The roofs of the houses were made of tin and to ward off the weather wooden false ceilings had been devised by the workers themselves which, if anything, made the ceiling even lower! In this particular line of houses I visited, 5 families lived in 4 houses and 1 common tap served their water needs.

I moved on to inspect another set of houses at another place and inspected a house where I saw a cow tethered to a pole. Occupant Perumal, 65 of years age, has retired and his wife has been made permanent. So he lives in the house with the cow for which permission had been granted 20 years ago. I estimate this house to be around 325 sq. ft., better than a 287 sq. ft. house and was informed that such a house is given only to permanent workers. It was also tiled. Discussions showed that the cow had to be kept away at a common cattle shed and not kept at home. Near Shri. Perumal’s house I saw two dish antennae and found there was a cable TV operator providing a 6-channel facility to workers who could install a B & W TV monitor in their houses. Discussions with the workers and a little reflection convinced me that this is the only way - expensive as it was - by which the workers kept in touch with the outside world. A TV monitor did not mean that the workers were wallowing in leisure and luxury. For them it was a minimum need, in the distant hills.

(f) Drinking Water in Manalar Division

I next inspected a new drinking water facility being created. This was a small loose- rock structure placed across a small waterway finding its way from the hilly terrain above and

the water thus dammed is to be brought down to the houses by pipe. Unless measures are taken to cover the storage area the water so dammed can not be kept safe from foliage etc. that would gather in the water, decompose and pollute it. Also chlorinating would be very difficult. This kind of crude measures can not provide safe water to the workers and as I passed by the common cattle shed provided for the cows I further noticed that the refuse, a mix of the cow dung, urine and other decomposed debris all being washed down to a stream below, the water of which a few hundred metres later became indeed the drinking water source for the houses further below. All this is dangerous and it is difficult to believe that safe water is being provided to the workers even assuming that other sources are safer in the Estate. This is an area where the management should be made to move in the fastest possible way.

As I finished inspection of the basic facilities, I was now ready to meet the trade union leaders of the plantation. The following were the points made by the trade union leaders and the Chairman of the Town Panchayat, who were in all 9 in number representing the INTUC, HMS and AIADMK:

- (a) Wages were inadequate though the Company's profits were very high. This is the biggest problem and on account of this, indebtedness is increasing. Rs. 100 should be the minimum wage.
- (b) Around 50 % of the employees were temporary and got employment for hardly 5 days in the month outside at a wage of Rs.30 per day minus the bus charges. The hospital should allow maternity assistance to more than one child of the temporary workers, unlike now. The rule that women who had worked for more than 80 days should get maternity leave is violated with impunity.
- (c) The practice of the Management imposing a toll on all visitors and goods brought in to the Estate, - even for a wedding- should be discontinued.
- (d) No Government programmes were implemented in the plantation area. The benefits of the PDS and IRDP should be made available. Inspection of schools should be tightened so that teachers do not play truant. In the case of the Town Panchayat, the

Government has taken the stand that it can not spend money on even essential electrification on the ground the roads are not the Town Panchayat's property and the Company on its part refuses to hand over the roads to the Town Panchayat. The same goes for the construction of the market or a kalyana mandapam or a hostel. Government has abdicated its responsibilities to the people of the plantation area. All this should be set right.

- (e) Adequate housing should be provided and maintenance given priority.
- (f) No essentials including even vegetables are available in the estate. A proper market should be established.
- (g) Kitchen gardens and rearing of cows should be permitted by the Management, unlike now. Management should not indulge in playing favourites in the grant of permission to rear cows.
- (h) Transport is a very serious problem and more buses should be introduced, including smaller buses that would suit the narrow ghat roads.
- (i) Forest Department's harassment of women collecting fuel should be stopped. Management should provide safety equipment like gloves to women who are made to apply fertilizers. Arrangements should be made for drinking water in a manner that women do not have to walk long distances as now.
- (j) An ESI hospital should be established with full facilities like scans, etc.,

With all the information above in my possession and the benefit of my own physical observations and discussions with every one concerned, I received Mr. D. G. Hegde, the General Manager of the High Wavys plantation at 8 PM for a discussion. I explained to him the context and object of my visit and gave him an idea of my impressions of what I had seen. I divided my observations in to two broad categories - Economic and Social

and analyzed for him the action required from his side. I conveyed to him all the observations which I have made in this Report under various heads above as part of my inspection findings, linking them for his benefit to the representations made at various times by various people starting from my meeting at Theni on the evening of the 2nd February till I finished my discussions with the representatives of the trade unions a little while earlier late on the evening of the 3rd. February. In particular I stressed the following points:

- (1) The need to recognize the special conditions in which the plantation labour lives and works and that it would be very difficult to properly assign a financial weight to the tremendous social isolation in which they live cut off from the rest of the community. This social loss is therefore some thing to be compensated handsomely through a substantial raise in their wages. Any comparison of their wages with those of the other rural labour living in the plains surrounded by their own communities will be seriously flawed and irrelevant.
- (2) The work load should be objectively determined so as to stop and eliminate the unacceptable status of the very large number of temporary workers, who stood to lose many of their rights in the matter of the facilities which the law otherwise provided for them. Mean while there should be no discrimination between the permanent and temporary workers in treatment and facilities.
- (3) The entire range of facilities inspected by me and the observations I have recorded in the previous pages were mentioned to him and he was asked to implement them, as they were the legal and social responsibility of the Management both according to the letter and spirit of the law. As an example, he was urged to make it possible for children wanting to join the Management-run English medium school by providing appropriate incentives to the parents of these children so as to eliminate a sense of educational deprivation they felt. That would be a great contribution to the cause of better education by the HLL.

In response Mr. Hegde made the following observations:

The solution for the drinking water problem lay in ground water and the Management was prospecting for it. Cleanliness and safety of water would be taken care of. As for the problem of transport they were straightening some of the bends in the ghat road and in about 4 or 5 months it might result in bigger buses plying on this road. In the matter of fuel, the problem was with the forest department and the Management would shortly be issuing kerosene stoves to the workers and the Collector has been approached for a larger allocation of kerosene oil. A *gobar* plant was also being contemplated. On permission for rearing more cows, the forest department was against it as it would endanger the forests; it would also affect the tea plants. For running a good essential commodities distribution system, funds were a constraint especially because the Employees Cooperative Store had in recent times sustained a loss of Rs.18 lakhs during the Special Officer's tenure. However, he would do his best to improve matters. He would look at the problems of temporary workers in the context of their medical needs. Protective gear is being given for workers for work like fertilizer application. He would examine how a solution can be found for the problem of housing for the retired employees. The management has been supporting the demand of the workers for ration cards and would take it up again with the authorities. Wherever it appeared the Government had to do some thing I found Shri. Hegde willing to support the cause of the workers while wherever the Management had to do some thing he had problems. I specifically told Shri. Hegde that losses in a consumer cooperative store can not be an excuse ever for a Multi National Corporation to argue against providing essential commodities to its workers.

On the 4th of February we left Theni for the Pandian Estate of Sabarigiri village of Andipatti taluq of Periyakulam revenue division in the Bodi area reaching the plantation after an extremely arduous journey of about 2 ½ hours on a road that was nearly non-existent. This is a coffee estate and privately owned and a relatively small one. The highest point in this estate is about 5500 feet and the climb very steep. The communications here are very primitive and the isolation of the workers here is far

greater. I repeated the exercise of yesterday in this plantation as well, as far as the investigation methodology was concerned, with the required changes in approach warranted by the conditions in this particular area. I visited the Primary School, the Dispensary, the Creche and the workers' quarters and held discussions with the Director of the plantation Shri. Ganesh, who also is the son of the owner. Shri. Ganesh is a young gentleman of about 30 years and is an Engineering graduate.

The Primary School has a strength of 59 children and 45 were present of whom 17 were girls. All the children were the children of the workers and the maximum distance they have to walk to the school is about $\frac{3}{4}$ of a km. There are 2 teachers and they are both bright young ladies. This is an aided school and has 5 standards. Like elsewhere, while Class 1 had 35 children, class 5 had 2 children. This was explained as being the result of the school itself having been established only last year. There was no enrollment register for the village to determine if all school going age children were coming to the school. Milk is provided by the Management @ 600 ml twice a day for the children in the 0-3 age group and for any child that is sick of any age. All the children were kept in the same area though there was space to divide them in to separate groups. Also articles like rice and lorry tyres were stocked in the premises. Quite clearly 2 teachers were inadequate for the school. The next visit was to the crèche. It had one big room and a low-roofed verandah but in the small adjoining room was kept a goat. But for the goat being kept there, there was nothing intrinsically wrong given the rural constraints, in the nature of the accommodation provided for the crèche. The crèche worker was illiterate. Again there was nothing wrong with her being illiterate but she had no comprehension of her duties. In other words, she had not been trained even in an elementary manner. The teachers in the school could have been used to train the Creche worker but that was not done. There were 2 children only in the crèche and they were sleeping in their jhoolas and there was cow's milk kept for them. The food itself required by the children would be brought by the mothers from home. I next inspected the quarters of the workers and found that though in terms of space they conformed to standards, they were very badly kept. There was no sense of environmental hygiene in evidence with polluted water all around. The children were very unkempt. In an atmosphere that was otherwise sylvan the human

habitation was kept dirty with out reason. Obviously, there was no effort at health or environmental education of the workers. I noticed the same deplorable sanitary conditions around the quarters meant for the staff, indicating that regardless of the relative difference in social status or education, when it came to sanitation and hygiene due importance was not given either by the Management or the people themselves. Both seemed to need education and awareness in this regard. Discussions with the workers showed that their wages were Rs. 50 for a male and Rs. 30 for a woman worker. This was both low and discriminatory. And these were the wages earned even by workers who had put in 8 years of work in the plantation. My next visit was to the Dispensary. This turned out to be the most disappointing institution. The plantation did not have a doctor. The nurse, a male, was singularly unmotivated and had kept the needles meant for injection stuck in to small bottles which is the surest way of promoting infection. He is a Diploma holder in Nursing but it had not struck him or the management that he should take up health and environmental education of the worker households as part of his work. The tragedy of this hospital was that its Medical Officer who used to live here had recently died and no doctor was willing to live and work here because of the conditions of isolation and poor communication. Advertisements have yielded no results, as also offer of higher salaries. Even higher and better salaries and special conditions need to be offered by the Management if a Medical Officer should find it worthwhile to work in this plantation. Meanwhile, motivated paramedical personnel would be the answer not so much as temporary substitutes for the doctor but as a strategy itself to deal with medical and health problems of this remote area.

At the end of the inspections I met Shri. Ganesh, Director and raised all the issues in the manner analyzed by me above and asked him to take action on those lines. Shri. Ganesh is a highly educated and decent young man who gave me the impression that he would personally take charge of the improvements suggested in the plantation. A great deal needs to be done in Plantations of this kind.

Returning to Theni at 6 PM, I drove to Dindukkal and caught a train to Salem at midnight, arriving at Salem at 4-15 AM the next morning i.e., on 5th February, 99. At

5 AM I held discussions with Shri. Ramalingam, Deputy Commissioner of Labour, Salem, Shri. Marimuthu, Inspector of Plantations in charge, Salem and Shri. Nallusami, District Adi Dravidar Welfare Officer, Salem on the question of bonded labour in the plantations of Yercaud and finalized my programme for the next 2 days in the Shevroy hills area. In pursuance of the plan made, accompanied by these officers I visited 3 coffee estates on the 5th and 6th February, 99. Again, the methodology of investigation adopted was the same as in the Theni and Bodi areas and the following are my findings pertaining to these estates, which are relatively small and privately owned including two of them by Missionaries:

(1) San Jose Estate.

This estate has an area of 600 acres of which the planted area is 200 acres.

The inquiry here was confined to verifying the wage and amenities situation by talking with the workers. The wages here are Rs.39.98 per day with no wages on Sundays. Wages are paid once a week but not fully, the normal payment being Rs.150 out of the Rs.240 due to the workers. In the case of those eligible for Provident Fund deduction is @ 12%. Till 6 months ago, continuously for 2 years the wages were only Rs.34.72. About a third of the 55 workers lives within the estate and are provided with free quarters. With rice being sold at Rs. 12 to 15 per KG and tomatoes at Rs.10 per kg and all other commodities being expensive as they mostly come from the plains below i.e., Salem town, the wages question is the most important question for them. They were unacceptably low. The Management does not run a school but schooling is free in the neighbouring school run by another management. The estate hospital at a distance of 3 kms allows deliveries of only complicated cases and most deliveries take place only at home. Full reimbursement of medical bills is allowed if supported by bills and an HRA of Rs. 175 is paid for maintenance of houses owned by the workers who live outside the plantation. There used to be a crèche but it is now not there as there are not enough number of children. No protective gear like gloves is provided for work like application of fertilizers.

(2) Honey Rock Estate.

This is also an estate run by Missionaries. There are 21 quarters in the estate and only 13 are occupied. The surroundings were unclean and the 3 children I saw there aged between 6 and 8 years had very bad skin condition. None of them was going to school. At a distance of 100 metres there were 2 separate taps - one for drinking water and another for water used for other purposes. Inquires showed that there was no arrangement in the plantation to check about the safety of the water supplied for drinking. The samples have to go to Salem in the plains 30 kms away which does not serve any purpose considering that safe drinking water is an hourly necessity. Accompanied by Brother Regis of the Management, I visited the Garden Hospital. Known as the Craigmere Hospital this small but well-maintained hospital serves four plantations namely Honey Rock, San Jose, Balmadie and Hawthorne. There was only one inpatient at the time of my visit. The hospital is in the hands of an extremely competent nurse-not a doctor- whose knowledge and qualities were of a very high order. During an interesting discussion on the environmental and occupational conditions of the workers, she told me that while coffee itself as a plant did not cause allergy, plants around coffee like Parthenium caused considerable problems of allergy. She explained that most of the medical problems of the workers pertained to arthritis, bronchitis, gastritis, dysentery, several kinds of allergy and dental caries because of insufficiency of Calcium in the water here. She in an exceptionally transparent medical person and was most forthcoming in discussions pertaining to the workers' health problems.

After a visit to the school nearby which catered to the needs of more than one estate and which was well-run we held discussions with Brothers Joseph Marappil and Regis on the action they needed to take in the areas seen by us and more particularly in the area of better wages and making permanent the temporary workers, which the accompanying officers pointed out to them was a legal obligation. The reply to this from Br. Regis was that,"workers when made permanent did not work" And that in many estates there were temporary workers on a large scale. The Brother further explained that the legal procedures made it cumbersome to take disciplinary action against permanent workers. I explained to the Brother that Managements could not take such an attitude and the

Mission-run Plantations had a duty to initiate a new kind of Management-workers relationship as a model for others, the right place to start being the area of making permanent the temporary workers. I also called upon the accompanying officers of the Labour Department to study the situation in some of the estates with reference to verifiable work load norms to find a credible solution to this problem.

In the afternoon I called on the Collector, Salem and discussed with him bonded labour issues, and this is dealt with in a separate Report.

In the morning on the 6th of February, 99 before I visited the third estate of the Shevroy area , I had a long discussion at Yercaud with Shri. V.K. Nallamuthu, General Secretary of the Neelamalai Plantation Workers' Union, Yercaud at the Coffee Demonstration Farm. The main points he made were:

- (a) Among all the plantation workers of Tamil Nadu, those of the Shevroy area were the most deprived in the matter of wages- the central issue for the workers- since the Shevroy planters do not allow the Planters' Association of Tamil Nadu to negotiate on their behalf and have their own wage arrangements. The concept of settled wages is not there in the Yercaud area. Even the basic minimum wage of Rs.22.40 was challenged in the High Court by the Shevroy Planters and a stay obtained, which was vacated 3 years after the event in December, '98. Even a copy of the order was yet to be received. In this respect the Missionaries were no better than the other planters. The situation needs reversal and it is a good sign that the Tamil Nadu Government is moving towards a tri-partite approach to the wage issue.
- (b) The connected issue of the continued existence as temporary workers of those who have toiled for years together was of the same importance as the question of wages. One problem here was proving that any worker was working at all in the plantation, thanks to the records not being kept at all. Thus arrears materializing after the vacation of the court orders would be available only to those whose names figure in the muster rolls and those not on the musters would be 80 to 85 % of the workers.

Some workers have remained temporary for 20 to 30 years and if such workers do not get gratuity, that is unjust. The plantations run by missionaries were no better in this respect. San Jose does not record the names of the temporary workers. Thus wages and muster are the central issue.

- (c) Schools and crèches are not established because of the narrow definitions in the law. In some instances existing institutions were also closed down.
- (d) There is no bonded labour in the Shevroy plantations but what causes resentment is that even the relatives are restricted from visiting the workers inside the estates. Checking the persons and their belongings at the gates is a humiliation. In some plantations workers can not even speak to officers and they would be watched by the management representatives. Unlike in the estates run by companies who do implement the laws, the proprietary estates of Shevroy are whimsical. In a certain plantation, the owner would not let an inspector to enter the plantation.
- (e) For the Government, inspection of plantations is a low priority area. Old men are posted as plantation inspectors and generally they are amenable to the managements, though the present team of officers is an exception.
- (f) With his head quarters at Ooty the Medical Officer of the Labour Department can not effectively inspect the hospitals. Only some plantations give medical reimbursement. Others do not. San Jose sends only its permanent employees to Craigmore hospital for treatment.

After these discussions with Shri. V. K. Nallamuthu I proceeded on my inspection of the Cauvery Peak estate situated at a half hour's drive from Yercaud.

I started my work here with a discussion with the workers. There were 12 of them almost all of them women. The wages were Rs.34.78 per day for both men and women. Of the 12, only 1 was permanent. Among them was a 15 year old adolescent girl, educated up to

the 7th standard, motherless and neglected by her father and being fostered by the mother's mother. They stated that about 20 women had given in writing to the Management on their own that they did not want to be permanent. Further probe in to this extraordinary development brought forth the explanation from one of them that the reason why in her own case she opted out of permanent status to a temporary one was she did not have money to build a small house in neighbouring Salem town and when she approached the Management the latter told her to terminate her services and obtain the terminal benefits so that with that money she could build the house. That is how she became temporary. In the case of some of the others they had to be away from the plantation for 2 to 2 ½ months in their villages, which meant loss of wages, and hence could not be permanent workers. The Management does not cut a part of the salary from temporary workers towards provident fund and more importantly does not have to make a contribution towards provident fund in the case of temporary workers. All other benefits were the same for the two categories of workers. They did not have taps in their houses and drew water from the well and the plantation did not have a school. The children attended a government school ½ km away. They all had housing that was free. Electricity was free but failed frequently. The crèche admitted children of both temporary and permanent workers. The milk and food needs of the children had to be provided by the parents while one bun was supplied a day by the management to the children. The working mothers breast-fed their babies once every 4 hours but cow's milk provided by the parents was fed in the interregnum at the crèche. There were 15 children in the 0 to 6 age group in the crèche. The dispensary in the estate provided drugs and injections when needed while for emergencies and bigger illnesses they went to the Providence Hospital in Yercaud. Most deliveries were at home. Sometimes the nurse came home. Where a family had been provided quarters, either the wife or the husband would not have the right to work outside the plantation. Wages were paid once a week and no wages were admissible for Sundays. On days when a worker was sick half wages were paid provided the worker had reported the fact to the Management and obtained a chit and gone to the hospital. If this procedure was not followed, no wages were paid. Wages were paid on festival days.

With this information as the background, I inspected the crèche, the living quarters and the dispensary.

The crèche was most unhygienically maintained. Creche worker Rathinam is an illiterate person and it was clear she would not be able to manage the 11 children normally left behind by their mothers every day. She told me she cleaned the crèche once a week, - urine and all! I was at the crèche during the lunch hour for the workers and a little later and actually saw the mothers bringing back their children, which showed that the crèche was really in use but considering that there were no toys or charts or minimum cleanliness it was clear that the advantages children should derive from a crèche were not being derived. Significantly the crèche worker was a temporary worker. The children were extremely unkempt and hardly seemed attended to. All these called for rectification in terms of conceptually what a crèche stands for, with out being looked upon merely as a place for dumping children while the mother was away at work. The living quarters of the workers were next visited. The environs were dirty and so was the hygiene of children. The Management does not allow rearing of cows nor was any kitchen garden in evidence. An open drain outside was carrying filth and the white washing done only a few days earlier was perfunctory. The nearby well supplying drinking water was right beneath a large tree from which foliage was freely falling and decomposing. The well needed all round cleaning to make the water safe for drinking. The dispensary which I next visited had nothing more than some Gelusel, Septran and a few other drugs. The Auxiliary Nurse Midwife in charge of the dispensary told me that in the past 2 months no one had been referred to a hospital from the dispensary nor had any immunization been done. When questioned about the linkages the dispensary had with the crèche she sounded innocent of the existence of the crèche. That was very surprising considering that one of the main jobs of the hospital or the dispensary is to have the closest possible linkages with the crèche from the point of view of providing all child-related services to the infants, their mothers and the other children and nutrition and health education to both.

It was 1-30 PM now and I met the owner of the plantation Shri. Vijayan P. Rajes. Explaining the reason for my visit I gave him a critical analysis of what I saw and what

action was needed on his part on the lines I have described the various institutions above. In particular I requested him to take note of the issue of wages and the tenure-related issues of the workers. He explained that most of the Shevroy labour was migratory and preferred to stay that way and were not interested in becoming permanent. They did not want to become permanent as they had their own fields to cultivate. They came to work for part of the year and then went away to work in other estates. When I expressed skepticism of the point he made, he offered to make permanent which ever worker wanted to become one. I pointed out that part of this problem could be because of low wages in the plantation and he pleaded that coffee prices had crashed 44 % this year. He concede that “settlement wages” was a new concept in the making. He assured me that he would usher in a new approach to dealing with the working class.

Returning to Salem in the evening I caught the train to Chennai in the night, reaching Chennai on the morning of the 7th February, 98.

I had a meeting with the Commissioners of Labour and Adi Dravidar Welfare, the Chief Inspector of Plantations and other officers of the Labour Department of the Government of Tamil Nadu and briefed them in detail the findings of my tour, the chief of which was that there was no bonded labour in the Plantations of Tamil Nadu but that there were several areas of concern needing immediate rectification. Accompanied by the Commissioners of Labour and Adi Dravidar Welfare, I called on the Chief Secretary Shri. A.P. Muthusamy at his residence and briefed him on what I found during my tour of the Plantations. Though it was a Sunday and the Chief Secretary was busy with other official work he spared a lot of time for this meeting. The main points I submitted for action by the Chief Secretary was the need for rationalizing the wage structure of the workers consistent with the social isolation and deprivation that the plantation workers suffer from, a Constitutional review for excluding the jurisdiction of the Courts from reviewing minimum wages arrived at by bipartite arrangements or laid down by Government in the light of cases like the one in Yercaud where the planters successfully thwarted the minimum wages for 3 full years by going to the High Court, evolving work load norms that would find an answer to the vexatious question of the temporary tenure

of a very large number of workers, the need for amending and modernizing the Plantation Labour Act, 1951, the review of the work load of the Inspectors of Plantation and strengthening their support staff and infrastructure so as to make them more effective, the need for Government to promote a more even relationship between the Managements and Labour and the need for Government to implement its own welfare and development programmes in a big way in the plantation areas. The Chief Secretary promised to take action on all the points mentioned to him.

I would like to record here with gratitude the full and complete cooperation, understanding and support that I received from Shri A.P. Muthusamy, IAS, Chief Secretary to the Government of Tamil Nadu in completing the task assigned to me by the Commission. His sincerity was reflected in the whole hearted assistance that I received from his Labour and Adi Dravidar Welfare Secretaries and Commissioners and officers in the field. I have every confidence that the Tamil Nadu Government would make sincere efforts to bring about substantial improvements in the plantation areas of Tamil Nadu.

I now submit in conclusion the following findings and recommendations to the National Human Rights Commission for favour of consideration and appropriate action:

- (a) There was no incidence of bonded labour in the plantations of Tamil Nadu visited by me and this was really a non-issue in the lives and working conditions of the Plantation workers of the Theni, Kambam, Bodi and the Yercaud areas.
- (b) The main problem of the plantation workers is their social isolation, having to live and work in remote hilly terrain cut off from most kinds of social communication and community support which is always available to the rural labouring classes in the plains, despite their poverty. This social isolation has created in them a claustrophobic attitude and a sense of persecution.

- (c) The Managements of these plantations are heirs to an attitude that has nothing to do with modern management and labour practices. There is an out-dated attitude of Master-Servant relationship governing their approach to their workers. While we have to be extremely careful in the choice of our words in describing any given situation I would not be far wrong if I say that there are just a few of the vanishing traces of the colonial attitude still present in the way they approach and deal with their workers' problems.
- (d) Only if we look at the issues presented to the NHRC by Dr. K. Krishnasamy in the setting and context of the realities mentioned at (b) and (c) above, we will have reasonable solutions to them. The context is important in this case because the kind of relationship that ought to exist between Managements and their work force on the eve of the 21st Century certainly does not seem to exist and considerable reconciliation and reordering of the relationships is called for. If this is not done there is going to be considerable unrest in these remote areas in the days to come. Unrest in remote areas is not to be under estimated. The incidents in Manjolai should be recognized as mere symptoms of this.
- (e) Wages and the tenure problem - the question of the temporary nature of appointment, such workers remaining temporary for long periods and their rights in this regard to aspire to achieve a permanent status - are the most important issues for the workers. It would be unrealistic to compare the settled wages of the plantation workers with those given to agricultural labourers in the plains, the former being more and argue that they are *ipso facto* better off. The social deprivation and isolation the plantation workers suffer is very difficult to compensate and therefore the wages and tenure conditions have to be determined by absolute standards based on the fact that these plantations are industrial in nature, often export-driven and that their economics are not the economics of an agriculturist or of a farmer. The minimum wages should not be anything less than between Rs. 80 and Rs 100 depending on the area and the settled wages of one year should automatically become the minimum or base wages for determining and settling the wages for the next year. There should be no judicial

review of the minimum wages fixed by Government and a Constitutional review to this end should be initiated to protect workers' fundamental right to adequate livelihood. Also, these wages should become monthly wages and the concept of daily wages should be replaced by the concept of monthly wages. The norms of work load should be studied so as to determine the norms for engaging temporary workers so that the treatment of the temporary workers by the Managements conforms to proper verifiable labour standards. The attitude towards and actual treatment of temporary workers as an inferior category of human beings in the provision of basic human services like crèche facilities, medical facilities and housing are certainly violative of their human rights as such treatment is fundamentally discriminatory. These services must be available to all workers equally and the Managements' obligations in this regard should be strictly enforced. **While I am absolutely certain that there is no bonded labour in the plantations I visited, I am no less certain that some of the conditions I have described in the various parts of this Report seen in some of the plantations are violative of basic rights which are indeed human rights.**

- (f) To enable the above recommendations in particular and all others I have discussed in the body of my Report, immediate amendments to the Plantation Labour Act, 1951 are called for. This Act is outdated in several substantial respects- the most obvious ones being those that deal with the definition of who a worker is, the criteria for establishing facilities like crèches and the quantum of punishment provided for violations of the provisions of the Act. It is laughable that a worker is one who gets less than Rs. 750 a month according to this Act and the punishment for violation of its provisions is Rs.500! That puts every worker outside the purview of law and the quantum of punishment is of course a standing invitation to the managements to violate the law with impunity. That the Central and State Governments have allowed such a law to remain in the books with out amending it for so long renders them responsible for the consequent sufferings of the plantation workers - particularly the women and children. However, there should be no further delay in amending the Act in these and other respects.

(g) The officers of the Department of Labour in the Government of Tamil Nadu I met at Chennai and in the field at Theni and Salem are excellent material. The qualifications prescribed by the Government of Tamil Nadu for the direct recruitment of its Department's officers at the field level such as the combination of a degree in Sociology and Law make them the best possible human resource material. The quality of the individual officers I met, namely, Shri A P Ramiah, IAS, Commissioner of Labour and S/Shri. Mohan, Chief Inspector of Plantations, Ramesh, Joint Commissioner, Madurai, Shamsuddin, Inspector of Plantations, Dindukkal, A. Ramalingam, Deputy Commissioner, Salem and P. Marimuthu, Inspector of Plantation, in-charge, Salem and Dr. Hall Dorai, Medical Officer, Coonoor was outstanding. With all this, they can not be expected to deliver the goods if they function under an outdated Act. Also, the geographic spread of the jurisdiction of the Inspector of Plantations is so vast that the expectation that he should complete all his inspections in 120 days regardless of the size of the plantations or his own lack of supporting staff and infrastructure is asking for the impossible. The Medical Officer at Coonoor with his vast jurisdiction has to perform his tours to distant places like Salem within a budget that provides him 250 litres of diesel a month! The only way the workers can be made aware of their rights and the Managements about their obligations to the Law is through the enforcement officers touring the plantations frequently and upgrading standards. Absence of, and hurried, inspections only bring the law into contempt in the eyes of the Management and the workers. A review of the staff position, geographic jurisdictions, nature of inspections, existing relationships between the Department on the one hand and the Managements and the Labour on the other is immediately called for so as to rectify the shortcomings.

(h) The Government of Tamil Nadu in the past seems to have persuaded itself that the socio-economic conditions of the plantation workers was a matter between the Managements and the Labour. Issues pertaining to basic rights like drinking water, medical and health facilities, sanitation, shelter, amenities like electricity, street lighting, relations between investors and workers, conditions of women and children are all legitimately the duty and responsibility of the State Government and can not be

left only to the management-labour devices. The Government of Tamil Nadu should, therefore, get itself actively involved in the socio-economic dimensions of the basic rights of the workers and find solutions to problems like civic amenities, transportation, public distribution of essential commodities and other daily needs, in consultation with the Managements. **In particular, it should ensure the rights of the workers to environmental resources.** In a dogmatic fashion, the Forest Department or the Managements cannot say that the workers can not rear cows or access forests for fuel and small timber. These are people's rights and, subject to the preservation of the environment, these rights of the people must be protected. They are not mutually hostile concepts but must be patiently worked out by all concerned parties. For example, it is a funny idea for the HLL management to state before me that they would provide kerosene stoves to workers subject to the Collector assuring them a kerosene quota! What they need to do is to manage the environment and not to pollute it further resorting to the use of kerosene. Probably the idea is to evade responsibility. Their plan for a *gobar* gas plant is also a diversionary tactic considering they have crippling restrictions on the rearing of cows and it is not clear how those restrictions will make a *gobar* plant feasible. The Government should get actively involved in these issues through the Collectors. As far as the wages themselves are concerned, it is for the government to decide the best strategy to protect the workers' interests consistent with good work ethics and productivity, - whether sensitively intervening in the existing bi-partite arrangement or making the system tri-partite. To my mind the existing bi-partite system appears the best for the power of the Government is always effective when exercised from outside. After all, the Government can always intervene when required. Its essential job is, however, to be ever alert so as to be able to intervene and help the two sides whenever required. The first task in front of the Government is to normalize the skewed relationship that exists in the plantations and bring about mutually respectful relationship between the two parties. The Managements should be told to understand that they are part of the local community, should respect the community and that Labour is part of the community.

(i) One of the sore points for the workers is the way access to them is restricted by the Managements even when close relations and friends wish to visit them and the way toll gates are set up by the managements where friends and relations are checked, their addresses taken and toll taxes levied on articles they bring in from the market for their personal use as also on vehicles used for transport. This practice is widespread and a source of great friction. The High Wavys Estate even closes the entire traffic including for the Government State Transport buses for a full day on the 1st of every July to assert their “ownership” of the plantations. Now, these properties belong to the Government of Tamil Nadu and the companies have taken them on lease. Even if these leases are for a period of 99 years, still the Government *are* the owners, and not the lessees. The State Government should reexamine this whole question of access for the workers and their friends and relatives as also the right of the management to collect a toll on the movement of goods meant for the personal use of the workers. **The State Government should also clarify the status of these lands in regard to ownership so that we do not have the unacceptable situation of islands of private sovereignty existing within the Nation State that assert their sovereignty even against the State itself and in the process endlessly inconvenience the social intercourse between their own workers who help them generate all their wealth and the community around. Surely, the Managements should be entitled to all reasonable security and protection to their own properties and investments but that should at all times be consistent with the rights of the community living around them. It is the duty of the State to ensure this social balance.**

Having made the above Recommendations, I further recommend that this Report in its entirety may be forwarded to the Central and State Governments so that in addition to the findings and recommendations (a) to (i) submitted above, the various other detailed observations made by me may also receive due attention for action. The advantage in their seeing the entire Report may also perhaps, hopefully, lie in their field officers getting a different view of the same issues with which they have been dealing in the past.

K. R. VENUGOPAL.