

May 13, 1961

Dear Com.Parvathi,

The Labour Ministry has allotted both the two Labour Seats on the Wage Board for COFFEE plantations to the AITUC. I am enclosing copy of the letter received in this regard.

Please let us have your suggestions as whom we may nominate for the Wage Board seats.

With greetings,

Yours fraternally,

K.G.

(K.G.Sriwastava)

Recd 8-1

Encl:

Immediate

No. LC-10(59)/61
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

Received 11/60/9-5-61
Replied

From Shri R.C. Saxena,
Under Secretary to the Govt. of India.

To 16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

2nd May 1961

Dated New Delhi, the 2nd May, 1961.

Subject:- Tenth Session of the Industrial Committee on
Plantations - Composition of the.

Sir,

I am directed to say that the composition of the
next session (tenth) of the Industrial Committee on Plantations,
which is proposed to be held shortly, will be as follows:-

- | | |
|---|----------------------|
| 1. <u>Government</u> | |
| Union Minister for Labour & Employment. | Chairman. |
| (i) <u>Central Government.</u> | <u>No. of seats.</u> |
| Ministries of Labour & Employment and Commerce & Industry (one seat each). | 2 seats |
| (ii) <u>State Governments.</u> | |
| (a) Governments of Assam, West Bengal, Madras, Kerala, Mysore and Punjab (one seat each). | 6 seats |
| (b) Governments of Bihar, Tripura and Uttar Pradesh (one seat by rotation this time the seat to go to Uttar Pradesh | 1 seat |
| Total | <u>9 seats</u> |

II. Employers

- | | |
|--|-----------------|
| (1) The Indian Tea Association, Calcutta. | 3 seats |
| (2) The United Planters' Association of Southern India, Coonoor. | 3 seats |
| (3) The Tea Association of India, Calcutta. | 1 seat |
| (4) The Indian Tea Planters' Association, Jalpaiguri. | 1 seat |
| (5) The Tripura Tea Association, Calcutta. | 1 seat |
| Total:- | <u>9 seats.</u> |

III. Workers.

- | | |
|---|----------------|
| (1) The Indian National Trade Union Congress. | 6 seats |
| (2) The All-India Trade Union Congress. | 1 seat |
| (3) The Hind Mazdoor Sabha | 1 seat |
| (4) The United Trade Union Congress. | 1 seat |
| Total | <u>9 seats</u> |

2. The Government of Uttar Pradesh may send a delegate while the Governments of Bihar and Tripura may send one observer each to attend the meeting. The delegates of the State Governments may be accompanied by advisers if they so desire.

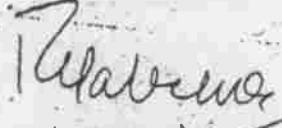
3. The Employers' and Workers' delegates may bring an adviser each at their own expense or at the expense of their organisations. The Employers' and Workers' delegates will be paid Travelling Allowance by this Ministry at the usual rates.

4. The date venue and agenda of the meeting is being communicated seperately.

5. The name, designation and address of the delegate (s) and or adviser (s)/ observer may kindly be communicated to this Ministry and they may also be advised of their nomination .

6. The receipt of this letter may kindly be acknowledged.

Yours faithfully,



(R.C. Saksena)
Under Secretary

A. I. T. U. C.
Received. 1182/4-5-61
Replied.....

Document No:
No. LC-10(54)/60.
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT.

From

Shri R. C. Saxena,

Under Secretary to the Government of India.

To 16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

3rd May
1961

Dated New Delhi, the 3rd May 1961.

Subject:- Tenth Session of the Industrial Committee on
Plantations - Agenda of the.

Sir,

In continuation of this Ministry's letter No. LC-10(59)/
61, dated the 2nd May 1961, I am directed to say that the
agenda of the 10th Session of the Industrial Committee on
Plantations will be as follows:-

1. Action taken on the main conclusions/
recommendations of the last session of
the Industrial Committee on Plantations.
2. Housing for plantation workers.
3. Payment of Provident Fund dues to tea
garden workers on the lines of the Assa
Tea Plantations Provident Fund Scheme.

4. Fixation of wages on the basis of eight hours work per day or forty-eight hours per week.
5. Fixation of a ratio of employment of workers on plantations on the basis of acreage under tea, and discontinuance of the system of engagement of 'Bigha' (temporary) labour.
6. Absenteeism.
7. Difficulties in the enforcement of the Plantations Labour Act, 1951.

The memoranda on the above items will follow separately.

Yours faithfully,

R. C. Saksena

(R. C. Saksena)

Del: Hanuman Prasad

Adv: Parvati Krishna ? (with the case in between series?)

WSP
guy

See this to Hanuman Prasad

WSP
guy

No.180/A/61
May 11, 1961

Shri R.C.Saksena,
Under Secretary to the Govt of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Tenth Session of the Industrial
Committee on Plantations

Dear Sir,

With reference to your letter No. IC-10(59)/61 dated the 2nd May 1961, we wish to inform you that the following persons will represent the AITUC at the Tenth Session of the Industrial Committee on Plantations:

DELEGATE: Shri Monoranjan Roy,
General Secretary,
W.Bengal Committee of the AITUC,
249 Bowbazar Street,
CALCUTTA 12

ADVISER: Shrimati Parvathi Krishnan, M.P.,
X 10/21 Periaswamy Road,
R.S.Puram, COIMBATORE

Yours faithfully,

WV

(K.G.Sriwastava)
Secretary

Copy to: Com.Monoranjan Roy

180

A.I.T.U.C.
Received 1585/30-5-61
Replied.....

No. LC-10(54)/60
Government of India
Ministry of Labour & Employment
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From Shri R. C. Saksena,
Under Secretary to the Government of India

To 16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 29th May '61.

Subject:- Tenth Session of the Industrial Committee on
Plantations - Agenda of the .

Sir,

*with
two
spare
copies

In continuation of this Ministry's letter dated the 3rd
May, 1961, I am directed to forward herewith memorandum on item
4 viz. "Fixation of wages on the basis of eight hours work per
day of forty-eight hours per week" of the agenda of the 10th
Session of the Industrial Committee on Plantations. Memoranda
on other items would follow.

Let it be M. B. S.
Shri R. C. Saksena
M. B. S.

Yours faithfully,

R. C. Saksena
(R. C. Saksena)
Under Secretary

d.a.refd.to.
N.Ran/27/5

INDUSTRIAL COMMITTEE ON PLANTATIONS
(TENTH SESSION)

...

Item 4: - Fixation of wages on the basis of eight hours work per day or forty-eight hours per week.

MEMORANDUM

Prepared by
The Indian Tea Planters' Association.

According to the provisions of the Minimum Wages Act the appropriate Government may fix the number of hours of work which shall constitute a normal working day. Accordingly the West Bengal Government under the Minimum Wage Notification fixed the working hours "from 5 to 8 hours" for full day's work. This is causing a lot of hardship to the tea estates even in the busy season and some of the labour organisations have been agitating for refusal to work for more than 5 hours a day. They have also been refusing to work in two shifts in two 'belas' (morning and afternoon). This vague wording of normal working hours for a day to be "from 5 to 8 hours" is creating a lot of confusion, as the employers are under the statutory obligation to pay full day's wages to every worker who offer to work two shifts, though there is no corresponding obligation on the part of the workers to work in second shift.

It is felt necessary that a clear cut policy should be inunciated that against a full day's minimum wage a worker is bound to put in 8 hours work and that for lesser hours of work, he will be paid less, pro-rata. As regards tasks on piece rates, the minimum work-load should be such as an average worker may complete in 8 hours. As an incentive to diligent workers it should be prescribed that performance in excess of the minimum should entitle the worker to additional

Immediate

No. LC-10(54)/60
Government of India
Ministry of Labour & Employment

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To Shri R.C. Saksena,
Under Secretary to the Government of India.

16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 31st May,
1961.

Subject :- Tenth Session of the Industrial Committee on
Plantations - 30th June, 1961 - Agenda of the.

....

Sir,

In continuation of this Ministry's letter dated the 29th May 1961, I am directed to say that the tenth session of the Industrial Committee on Plantations will be held on the 30th June, 1961. The time and venue of the meeting will be intimated separately.

2. Memorandum on item 5 of the agenda "Fixation of a ratio of employment of workers on plantations on the basis of acreage under the, and discontinuance of the system of engagement of

..... 2/-

-: 2 :-

'Bigha' (temporary) labour" is enclosed.

Yours faithfully



(R.C. Saksena)
Under Secret

N O T E

ON

Fixation of a Ratio for employment of workers
on plantations on the basis of acreage under tea.

...

(Prepared by Indian Tea Planters' Association)

The Plantation Inquiry Commission says in its Report that "the problem to-day in most of the Plantations is not want of labour necessitating recruitment of outside labour from long distances but one of restricting surplus labour." Due to this ever-increasing population in tea gardens because of higher birth rate and lower deathrate and for migration due to economic reasons, the question of employment is becoming a headache in tea plantations. Unless, therefore, a limitation is put forward as to the number of persons who can be profitably employed per acre of plantation the unemployment figure will swell up and be in excess of the capacity of an estate to maintain, specially in common and low producing areas."

Regionally compared according to the figures collected by the Plantation Inquiry Commission for the year 1954, permanent labour per acre was 0.8 in Darjeeling, 0.9 in Cachar, 1.1 in South India, 1.2 in Assam and 1.4 in Dooars; Darjeeling and Cachar employed less labour per acre owing to high costs and low yields.

It will be seen, therefore, that time has now come to tackle seriously the problem of surplus labour, which has not only brought a socio-economic problem but also a lot of discontent among the workers in tea estates. It may not be out of place to mention here that this problem of growing unemployment has been at the root of many labour disputes in recent times.

The problem of surplus labour was to some extent tackled by the Assam Government by restricting the entry of Emigrant labour and thus forcing the estates to employ surplus labour in estates and villages.

Accordingly, the Plantation Inquiry Commission has recommended in their Report that "A rational distribution of available surplus in the estate in such a manner as to reduce excessive unemployment in any region is the responsibility of the State Governments. In the placement of tea garden labour the Government employment exchanges do not appear to have played any significant part in any State so far. In such placements the existing surplus labour in the gardens and settled labour in villages should get preference. As suggested by the West Bengal Government, the possibility of using employment exchanges should be employed by the State Governments and employer's Organisations."

After due consideration of all the factors it appears reasonable that there should be not more than one adult worker per acre of plantation in Dooars, Terai and Assam. In Cachar and Darjeeling where cost of production is high and yield is low the number of people to be employed per acre should be much lower than the above figure for Dooars, Terai and Assam. Any surplus labour over and above this figure should be taken away by the Government/employed elsewhere.

10th Session of the Industrial Committee on
Plantations.

Item 5: Fixation of a ratio of employment of workers on plantations on the basis of acreage under tea, and discontinuance of the system of engagement of 'Bigha' (temporary) labour.

M E M O R A N D U M

This item has been included in the agenda at the instance of the Indian Tea Planters' Association and the Hindi Mazdoor Sabha. Notes on the subject received from these Organisations are enclosed, (Appendix - A)

2. The employment position in the plantation industry including the question of fixation of a ratio of employment of workers on the basis of acreage was considered at the first meeting of the 9th session of the Industrial Committee on Plantations held at Calcutta in October, 1959, when the following conclusion was reached :-

"In view of the non-availability of correct data regarding the employment position in the plantation industry, which alone could provide an adequate basis for the formulation of measures for dealing with the problem of surplus labour, the Committee recommended that the Governments of the States, in which the plantations were located, should each set up a Committee to collect detailed information for the purpose of assessing the employment position on the plantations and for determining the number of workers who could be profitably employed in the plantations.

The employers' representatives agreed that pending the findings of these State Committees, there would be no intensification of the work-load and that for filling vacancies arising in the gardens preference will be given to resident workers."

3. The above conclusion was brought to the notice of the State Governments for necessary action and a statement showing the action taken by them is enclosed. (Appendix - B)

4. The Committee may consider the notes of the I.T.P.A. and the H.M.S. and express its further views, if any, in the matter.

N O T E
O N

Discontinuation of 'bigha' (Temporary) Labour

(Prepared by Hind. Mazdoor Sabha)

As stated in the note for item No. 5 (copy attached), temporary labour is engaged only from the view of exploitation. As there is huge unemployment in the tea growing regions, thanks to the policy of progressive reduction of the previous quantum of employment, there can be no need for temporary labour, particularly when stipulated employment to the dependents such as wives and employable children is being denied on a large-scale. The Committee ought to take a very serious view of the position and devise effective remedy to ensure usual employment (as obviously stipulated while constructing minimum wage base).

N O T E
O N

Restoration of employment

(Prepared by the Hind Mazdoor Sabha)

It is well-known that the rate of Minimum Wages were fixed on the assumption that all the family members including adolescent sons and daughters available for work would be given work throughout the year and all the 6 days of the week. It was assumed by the West Bengal Minimum Wage Committee that on the basis of the earning of the wife and employable children, the responsibility of maintaining dependents including working-self would be 1.414 (whereas in other industries it was then around 2.5 and now 3.0). Naturally, therefore, wherever wives and employable sons and daughters are denied employment, earning shrinks. And consequently the basis of the Minimum Wage is vitiated resulting in direct reduction of Minimum Wage which however is regarded as irreducible. Therefore, postulating that the Minimum Wage is irreducible, either, (a) wives and employable children must be given jobs or (b) the Minimum Wage must be refixed on the basis of the new situation. But until the latter has been effected, the former i.e. employment of wives and employable children must be assured as statutory obligation.

There are many instances of wives and employable children of workers being denied employment. The total volume of work is distributed among less number of workers through intensification of work-load, and by resorting to recruitment of temporary labour called ('bigha' labour during the peak season. The preference for bigha labour is because, unlike the permanent labour, the 'bigha' labour have not to be given provident fund, cheap ration, statutory annual leave with pay and Bonus, and often any medical aid. Only one instance is cited by way of illustration, namely of Ambootia tea estates, 3 miles from Kurseong, where the work-force has been brought down by stages from over 1100 to about 870 as at present, causing utmost misery to the settled labour population.

A.I.T.U.C.
Received 1657/3.6.61
Replied.....

Immediate

No.LC-10(54)/60
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
.....

180

From Shri R. C. Saksena,
Under Secretary to the Govt. of India.

To 16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 2nd
June, 1961.

Subject:- Tenth Session of the Industrial Committee on
Plantations - 30th June, 1961- Agenda of the.

Sir,
In continuation of this Ministry's letter dated the
31st May 1961, I am directed to forward herewith memoranda on the
following items of the agenda of the tenth session of the Industrial
Committee on Plantations:-

- Item 1: Action taken on the main conclusions/
recommendations of the last session of the
Industrial Committee on Plantations.
- Item 6: Absenteeism.
- Item 7: Difficulties in the enforcement of the
Plantations Labour Act, 1951.

Yours faithfully,

R. C. Saksena
(R. C. Saksena)
Under Secretary.

*See copy to M. P. Singh
& P. S. Saksena
1657/3.6.61*

*Sent on
6/6/61
R.C.*

Industrial Committee on Plantations
(10th Session - June, 1961)

Item 1: Action taken on the main conclusions/recommendations of the 9th Session of the Industrial Committee on Plantations (First Meeting - October, 1959 ; Second Meeting - April, 1960 ; Third Meeting - August, 1960 ; Fourth Meeting - November, 1960)

Conclusions

Action taken

1) The statement of action taken on the decisions of the 8th session of the Industrial Committee on Plantations was noted.

No action is called for.

2) Wage Board - At its first meeting the Committee decided that a National Wage Board should be set up for this industry with two divisions, one for the South and the other for the North and North Eastern regions.

A Wage Board for tea has already been set up and has started functioning. The composition of Wage Boards for coffee and rubber is under consideration.

This subject was further discussed at the 2nd and 4th meetings. The decision reached at the 2nd meeting was to set up 3 Wage Boards one each for tea, coffee and rubber. The fourth meeting considered an alternative proposal for constituting a National Tribunal for the whole industry but eventually decided in favour of having three separate Wage Boards one each for tea, coffee and rubber.

3) Housing - In regard to housing for plantation workers, the Committee recommended -

The position has been explained in the Memorandum under item No. 2- Housing for plantation workers.

(i) A central agency should be set up, consisting of representatives of the State Housing Boards, for examining the difficulties that stood in the way of implementing the housing programmes.

(ii) The question of furnishing security for obtaining loans for house construction should be examined by the Government at a high level.

(iii) Whenever any particular garden sought exemption from the statutory provisions relating to the phased programme of housing, on account of their economic position, each case should be examined and decided on its own merits.

(iv) Detailed statistics in regard to the progress made in the matter of construction of houses by the individual gardens should be collected.

4) Code of Discipline - In the matter of application of the Code of Discipline to the Plantations, It was agreed that there should be no strike or lock-out without at least 7 days' notice, such notice being given only after the procedure prescribed in the Code for the peaceful settlement of disputes had been exhausted.

The Central Employers' and Workers' Organisations were requested to bring this conclusion to the notice of their constituents for necessary action.

5) Employment position - The State Governments in which plantations are located should set up a committee to collect data on the employment position in the plantations and also for determining the number of workers who could be profitably employed in the plantations.

The position has been explained in the Memorandum under item No.5 - Fixation of a ratio of employment of workers on plantations on the basis of acreage under tea, and discontinuance of the system of engagement of 'Bi-gaa' (temporary) labour.

6) Norms of Wage Fixation - This matter would be looked into by the Wage Board for the plantations when it is appointed.

This matter has been brought to the notice of the Wage Board for Tea Industry.

7) Movement of labour from surplus to deficit areas within Assam

(a) No fresh recruitment should be made from outside the State of Assam without taking specific permission from the Central Government.

(a) The Tea Districts Labour Association stopped its activities from 1.9.60. The Controller of Emigrant Labour has, however, reported that some agencies have sought permission to recruit labour for Assam tea gardens from outside the State. He has been advised to grant such permission in the spirit of the conclusions reached by the Industrial Committee.

(b) A special Employment Exchange for plantation labour should be set up at a suitable place in Assam for transfer of labour from surplus to deficit areas. A tripartite Advisory Committee should also be constituted to assist the Employment Exchange in the discharge of its duties.

(b) & (c) - The recommendations have been brought to the notice of the Assam Govt. for necessary action.

(c) A proper scheme of movement of labour based on suitable incentives should be drawn up by the Committee in consultation with the interests concerned.

8) Amendments of the Tea Districts Emigrant Labour Act, 1932.

The Act should be amended so as to (a) make it obligatory on the part of garden managers to obtain permits from a prescribed authority for recruiting labour from outside the State of Assam; and

(a) & (b) - The question of amending the Act has been taken up with the Ministry of Law and the amendments are being finalised.

(b) provide for the imposition of a penal cess in case of illicit recruitment and also for the effective prosecution of persons resorting to such recruitment.

9) Discouragement of illicit recruitment

It was recommended that the Organisation of the Controller of Emigrant Labour should be suitably strengthened so that frequent inspections could be carried out and cases of illicit recruitment detected.

It is proposed to appoint a full time Controller. Sanction has already been issued for the appointment of four Inspectors to help the Controller in his inspection work.

10) Continuation of arrangements for the repatriation of assisted emigrants

The employers agreed that in the event of the winding up of the Tea Districts Labour Association they would make suitable alternative arrangements for the repatriation of emigrant workers:

(i) Emigrant workers returning to the various States would be assembled in batches at a central place in Assam and would be sent with an escort to a convenient central place in each of the main recruiting States.

(i) The Indian Tea Association is of the opinion that this requirement could be met by appointing the senior labourer being repatriated as the escort-in-charge. They have advised the member gardens accordingly.

(ii) The subsistence allowance payable to workers during the journey would be raised from Rs.1.50 to Rs.2.50 per day in the case of adults and from Rs.0.75 to Rs.1.75 in the case of minors.

(ii) It has been reported by the Controller of Emigrant Labour that subsistence allowance is being paid to workers at the enhanced rates recommended by the Committee.

(iii) A rest room or rooms of adequate size providing sleeping accommodation, water facilities and sanitation would be maintained at Gauhati, Katihar, Ranchi and Vizianagram for a period of three years. The room or rooms at each place would be under the charge of a care-taker.

(iii) The Indian Tea Association has reported that they have taken over the transit sheds at Gauhati, Katihar, Vizianagram and Ranchi, from the Tea Districts Labour Association and are maintaining the staff. These centres are supervised by an inspector.

(iv) Notice should be given to emigrant workers who had previously postponed their rights of repatriation that such of them as wish to exercise their rights of repatriation should do so within three years, and that repatriation rights would thereafter be extinguished.

(iv) According to available information, the Indian Tea Association has issued necessary instructions to its members.

11) Reviewing the Act after three years.

Tea Districts Emigrant Labour Act would be considered after a period of 3 years, if it was found that labour was sufficiently mobile and that there was no illicit recruitment.

No action is required for the present.

Industrial Committee on Plantations
(Tenth Session)

Item No.6 :- Absenteeism

M E M O R A N D U M

(prepared by the United Planters Association
of Southern India).

Absenteeism is becoming a problem in plantations. It is roughly of the order of an average of 16 to 20% on most estates. Quite apart from the difficulty of running an estate such absenteeism causes, it means the employment of larger resident labour force than are warranted by the estate work and, therefore, result in a considerable increase in the costs to the estate on account of houses, amenities, etc. The system of family employment on an estate enables absenteeism to flourish. The family earnings taken as a whole allow one individual member to be absent from time to time or even regularly. Even for the death of a child or a guest in a house, the entire labour population in the estate absent themselves. Some effective check is, therefore, essential to reduce absenteeism.

Industrial Committee on Plantations
(Tenth Session)

Item 7:- Difficulties in the enforcement of the Plantation Labour Act, 1951.

M E M O R A N D U M

(Prepared by the State Govt. of Assam)

1) Under the Act, the term 'employer' means the person who has ultimate control over the affairs of the Plantation and when these affairs are entrusted to any other person (like managing agent, manager etc.), such other person is to be deemed to be the employer in relation to the plantation. The ownership of the plantations vests in public and private limited companies, partnerships and private proprietor/proprietors as the case may be, but the actual management is left to the managers who exercise varying degrees of control and who may not, therefore, be the employers for the purposes of the Act. In actual practice, difficulties are experienced in locating the 'employer' and fixing the responsibility for contravention of the provisions of the Act. Though normally correspondence is addressed to the Manager, the Proprietor, the Managing Agency or the company head office, it would be more appropriate to deal directly with the persons who are the 'employers' within the meaning of the Act. The difficulty is further aggravated by the fact that the employers do not remain the same from year to year, and every time such a change takes place a fresh enquiry, often very protracted, becomes necessary.

2) The definition of the term 'Plantation' raises another set of difficulties. What is the area of the land that is to be treated as one plantation - whether the acreage registered as one unit, or whether the separate divisions and the outgardens are to be construed as plantations? Since the facilities prescribed under the Act, are to be made available in each 'Plantation', there should be no ambiguity in the definition of this term. If the unity of administration is intended, it should be made clear in the definition.

In view of these difficulties, there should be provision in the Act for compulsory 'registration' of Plantations and notification of name, acreage, ownership, employer together with changes thereof and such other particulars as may be considered necessary.

3) The definition of another term used in the Act viz. 'Worker' requires consideration. In some plantations, contractors are engaged in some seasonal operations like pruning, plucking etc. and these contractors employ their own labour and evade most of the liabilities imposed under the Act. It is not clear whether such labour would be covered by the definition of 'Worker' as given in the Act. The ambiguity, if any, should be removed by necessary amendment.

4) Section 10(2) of the Act provides that if in any plantation Plantation medical facilities are not provided and maintained as required by Sub-Section (1), the Chief Inspector may cause to be provided and maintained therein such medical facilities. It has been found that it is not administratively feasible for the Chief Inspector to make the necessary arrangements for the purpose in the absence of any hospital and medical staff under his control. No arrangement with private doctors is also likely to be feasible as payment of the medical bills is bound to take an inordinately long time. In all such cases, the responsibility for providing medical facilities should be with the Directorate of Health Services and the duty of the Chief Inspector should be limited to only reporting the absence or inadequacy of medical facilities on a plantation to the said Directorate.

P.T.O.

5) Section 18 of the Act provides for appointment of welfare officers in every plantation wherein 300 or more workers are ordinarily employed. It has not been possible to implement this section in the absence of any agreement regarding the terms and conditions of service of such officers. It has been found that active co-operation of the workers is an essential pre-requisite if the welfare provisions of the Act are to be operated successfully. Unfortunately, in most cases, the backwardness of the workers stands in the way. A sympathetic appreciation of the workers' point of view, the practical difficulties they have to face and their apprehensions which are quite genuine, is what appears to be called for under the circumstances, besides constant contact and continuous encouragement. It is only welfare officers who can discharge these functions adequately. If it is not possible for the employers to appoint such officers, they may be appointed independently for a group of plantations (employing about 10 to 15 thousand workers), and a fund may be created for the purpose by an appropriate levy on the plantations. In the Scheme of the Act, Welfare Officers constitute an essential ingredient and in their absence, one of the purposes of the Act viz. to provide for the welfare of labour, is not likely to be realised in practice in the very near future. It is high time, therefore, that a way out of the present stalemate is found without delay.

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180

IMMEDIATE

A.I.T.U.C.
Received 1761/8.6.61
Replied.....

No.LC-10(54)/60
Government of India
Ministry of Labour & Employment

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From

Shri R.C. Saksena,
Under Secretary to the Government of India.

To

16. The General Secretary,
All-India Trade Union Congress,
Ashok Road, New Delhi.

Dated New Delhi, the 5th June '61.

Subject:- Tenth Session of the Industrial Committee on
Plantations - 30th June, 1961 - Agenda of the.

....

Sir,

In continuation of this Ministry's letter dated the
2nd June, 1961, I am directed to forward herewith memorandum
on item 3 of the agenda viz. "Payment of provident dues to tea
garden workers on the lines of the Assam Tea Plantations
Provident Fund Scheme".

Yours faithfully,

R.C. Saksena
(R.C. Saksena)

Under Secretary to the Govt. of India

Lo copy to U. Reg
S. S. Saksena
11/6
9/1/61

INDUSTRIAL COMMITTEE ON PLANTATIONS
(TENTH SESSION)

Item No. 3:- Payment of provident fund dues to tea garden workers on the lines of the Assam Tea Plantations Provident Fund Scheme.

Note furnished by the Indian
Tea Association.

P A R T I

The employees' Provident Funds Scheme, as introduced from 1957 in the tea plantations in West Bengal, has not been working to the satisfaction of either workers or employers, particularly with regard to the procedure for refund of accumulations when an employee dies or leaves the estate. This is in strong contrast to the position obtaining in Assam where tea garden workers have the benefit of the Government of Assam's Tea Plantations Provident Fund Scheme, and where there have been practically no complaints in this regard.

2. In West Bengal payment under the Government of India Scheme is made from the Regional Commissioner's Office, after giving notice in writing to the person to whom the amount is payable under Section 72 of the Scheme. It is not difficult to appreciate the amount of difficulty which an illiterate labourer, or his widow or children, living three days' journey by rail and river from the Calcutta Office, has in securing the payment. The position of the Nepali worker, who wishes to retire to his own country, is even more difficult. In practice, it is impossible for him to secure his dues unless he waits six months to a year, perhaps without employment, in India until he can secure it.

3. In Assam, on the other hand, payment of the Provident Fund to retiring workers or their nominees is made by the Manager with the counter-signature of another member of the Primary Committee which has been set up on every tea estate. This authorisation has been given to all Primary Committees under Section 33 of the Assam Scheme. It can also authorise payment to the family of a deceased member when such persons are resident on the plantation. The Manager makes the calculation; he has the Board's statement according to the last annual return. After interest has been declared, the amount due is added. The Manager has also to add in the contributions from the last annual return to the date on which the subscriber ceased to be a member of the Fund. There is no specific authorisation of the amount by the Board. Succession Certificates are ordinarily not required, and the system works satisfactorily. Moreover, the Manager is authorised to make payments out of his collections of Provident Fund before remitting the latter to the Board of Trustees.

4. It is clear that the present system for re-payment in West Bengal is bringing the Provident Fund into disrepute, and that workers are even tending to lose trust in its integrity. The Association would, therefore, strongly recommend that the Government of India should, by Notification under 19A of the Act, make such amendments to the Scheme as will render it permissible for employees of tea plantations or, in case of death, their nominees, to obtain payment of their Provident Fund dues direct from the Manager, and for the latter to deduct such payments from the Provident Fund collections of the estate.

5. It is believed that such a change will have the support not only of the whole working population of the plantations but also of the Government officials in the Labour and Provident Fund Departments who look after their welfare.

Under the Assam Tea Plantations Provident Fund Scheme, 1955, a Primary Committee is constituted for each Tea Plantation and the Primary Committee is authorised to make payment of provident fund dues to members or their heirs/nominees. Each employer maintains provident fund accounts of the subscribers under him.

2. Under the Employees Provident Funds Scheme 1952 the payment of provident fund dues in non-exempted establishments covered under the Scheme is made by the Regional Provident Fund Commissioner. The accounts of the subscribers are also maintained by the Regional Provident Fund Commissioner concerned.

3. It is not possible to set up Primary Committees in establishments covered under the Employees' Provident Funds Scheme. The Assam Tea Plantations Provident Fund Scheme, 1955, applies to the Tea Plantations in Assam only whereas the Employees Provident Funds Scheme applies at present to 53 industries and employments including tea plantations in states other than Assam. The number of non-exempted establishments under the Employees Provident Fund Scheme 1952, was 8,183 upto the end of January, 1961, and this number is expected to increase considerably as a result of the recent amendment to the Employees Provident Funds Act reducing the employment limit from 50 or more persons to 20 or more persons for purpose of coverage under the Act. It is hardly possible to constitute separate Primary Committees in such a large number of establishments in different industries and it will also be impossible to keep proper control and check on the provident fund accounts if they are maintained separately by each employer. It is, therefore, not possible generally to introduce under the Employees Provident Fund Scheme the procedure followed under the Assam Tea Plantation Provident Fund Scheme for payment of provident fund dues.

4. The question of expediting payment of provident fund dues to members of the Employees Provident Fund has been engaging the attention of Government and it has been found that much of the delay now caused in the settlement of claims is due to the fact that the claims submitted by managements are incomplete or defective. A statement showing the more common types of omissions and defects noticed in the settlement of claims is enclosed for information. It is considered that if these omissions and defects could be avoided, the claims could be settled without much delay.

5. The possibility of simplifying the procedure and abolishing certain forms to ensure expeditious settlement of provident fund dues is being examined in detail. However, for the time being instructions have been issued to the Regional Provident Fund Commissioner, West Bengal, that the managements of plantations and tea factories of his region may be requested to intimate to him the particulars of the workers likely to retire, repatriate or migrate three months in advance. On receipt of this information steps will be taken to close the accounts of the members concerned and to pay to them or their nominees etc. at the estates the amounts already received

on their behalf. The employer will pay to the member the contributions for the remaining months after making such deductions as may be authorised. It remains to be seen how far this will expedite the settlement of provident fund dues.

6. It may be stated that the Employees Provident Funds Act, 1952, provides for the exemption of establishments from the operation of the Employees Provident Fund Scheme under certain conditions where the employees are already enjoying Provident Fund/other retirement benefits which are not less favourable than the benefits provided under the Employees Provident Funds Scheme. In the case of such establishments, the payment of provident fund dues is made by the employers who also keep the provident fund accounts of the subscribers under them. A more liberal use of this provision might be found helpful.

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7. There is a proposal to open a sub-office of the Regional Provident Fund/dues to members of tea plantations and tea factories.

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7. There is a proposal to open a sub-office of the Regional Provident Fund/dues to members of tea plantations and tea factories.

Statement showing the more common types of omissions and defects noticed in the settlement of claims.

.....

1. Non-submission of requisite information by the employer such as

- a) Form No. 10 when the same is due
- b) Form No. 3 & 4 covering the period of the claim
- c) Form No. 12 or certificate thereof covering the period of claim.

2. When the claims are forwarded directly by the members, many a time they are found incomplete in the following respects:-

- a) Form No. 19 and non-employment certificate are not dated.
- b) Non-employment certificate is not sent along with the claim.
- c) Mode of payment vide item No. 7 of Form No. 19 is not stated clearly.
- d) Attestation on the claim by an official other than an employer is done without affixing the official seal of the attesting officer.
- e) The certificate on the reverse of Form No. 19 in respect of the name of the member is kept blank.
- f) Difference in name especially of female members in the claim and Form No. 9. In some mills members change their names very often.
- g) Medical certificates are not properly worded as required when the claims fall due for settlement under para 69(1)(b).
- h) Information against item 8 in form No. 19 is not given.

3. Omissions and defects in Form No. 20

(a) Difference in the name of the nominee in Form No. 20 and Form No. 2.

(b) Difference in age as furnished in Form No. 20 and Form No. 2.

(c) Address of the nominee is not furnished clearly.

(d) Where the nominee is a person other than the member of the family, an affidavit or such documentary evidence from the claimant to the effect that the deceased had not acquired a family prior to his death, is not submitted.

(e) In many cases death certificate is not submitted along with the claims.

(f) Where the nominee is a minor the necessary documents such as guardianship certificate, etc., are not forthcoming from the claimants.

(g) Many a time the members who have no family do not intimate us through Form No. 8 even when they acquire family resulting in abnormal delay in calling for succession certificate, etc., as required under para 70(3) of the Scheme. And in some cases where the nominee predeceases the member, necessary change in the nomination is not executed by the member through Form No. 8 in time.

(h) In case of death cases where no nomination subsists proper certificate or details of the family members are not furnished by the claimants who generally insist payment. /on

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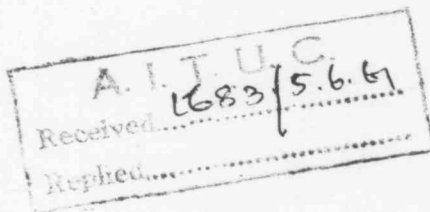
WEST BENGAL COMMITTEE

All India Trade Union Congress

249, BEPIN BEHARI GANGULI STREET, CALCUTTA-12

Ref.....

Date..... 2. 6. 1961.



Hydcar Com K.A.,

Received your letter regarding the next meeting of the Industrial Committee of the Manufacturers. I find the agenda of this meeting to be very important, vitally affecting the service conditions of the workers.

As I am still ill, it will be helpful if you kindly enquire & let me know the date & venue of the meeting, at least ~~the~~ an approximate date. I want to adjust my appointments accordingly.

I hope you will take the trouble & inform me at the earliest.

A.I.T. C
Received 1763 9.6.61 No. LC-10(54)/60
Replied.....
From

120
Immediate

ATJue

.....
Shri R. C. Saksena,
Under Secretary to the Govt. of India.

To

The State Governments, Employers' and
Workers' Organisations concerned.

Dated New Delhi, the 7th
June, 1961.

Subject:- Tenth Session of the Industrial Committee on
Plantations- 30th June, 1961- Agenda of the.

.....
Sir,

I am directed to refer to this Ministry's letter
dated the 3rd May 1961, and to say that it has been decided to
include the following items in the agenda of the tenth Session
of the Industrial Committee on Plantations:-

Item 8: Abolition of contract system

Item 9: Payment of sick leave

Item 10: Education of workers' children

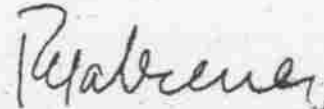
Item 11: Weighment of crop at the work spot.

to Mr. P. S. &
Amal
Jhe
9/1/61

Item 12: Leave with wages of temporary workers.

Memoranda on the above items are enclosed.

Yours faithfully,



(R. C. Saksena)
Under Secretary.

Copy with enclosures forwarded to:

Industrial Committee on Plantations
(10th Session).

Item 8: Abolition of Contract System:

MEMORANDA

Prepared by

(The Indian National Trade Union Congress)

Large Scale contract system is introduced, in regular items of work such as weeding, pitting, manuferring etc., in the cultivation and manufacture of tea, by planters in Kerala. In many estates packing of tea and rubber is done on contract basis. There are rubber estates which do not employ even a single workman on a permanent basis, although hundreds of workmen are engaged as casuals throughout the year.

Due to severe competition the workers of Kanganise are forced to bid or accept much lower rate than the prevailing wage level, in plantation industry and no such worker is able to earn even a minimum wage.

Unless the present contract system is abolished as much in work which are part and parcel of cultivation and manufacturing process, the very objectives of the Labour legislation will be defeated.

Item 9: Payment of sick leave

MEMORANDUM

(Prepared by the Indian National Trade Union Congress)

According to Section 32 of the Plantation Labour Act and Rule 73 of the Kerala Plantation Labour Rules, the plantation workers are entitled for 14 days sick leave with pay for certified sickness. But in practice the employers fix a qualification for this right, as that the worker should remain as an inpatient and for not less than 14 days at a stretch.

Item 10: Education of workers' children

MEMORANDUM

(Prepared by the Indian National Trade Union Congress)

According to Section 14 of the Plantation Labour Act and Rule 49 of Kerala Plantation Labour Rules, it is obligatory on the part of the employer to provide educational facilities to the workers' children. But pushed about between the Government and planters hundreds and thousands of plantation

INDUSTRIAL COMMITTEE ON PLANTATIONS

(TENTH SESSION)

Item 11: Weighment of crop at the work spot

MEMORANDUM

(Prepared by the Indian National Trade Union Congress)

In most cases of tea estates, the tea leaves plucked are weighed at a place within a furlong from the work-spot. But the rest of the tea planters insis the women pluckers to carry the tea loads weighing upto 100 lbs sometimes 2 to 3 miles twice a day for weigment. In rubber and coffee plantation too, the workers are subject to this extra burden. This unreasonable stand of some planters in tea, rubber and coffee cause such unnecessary hardships to plantation labour.

Item 12: Leave with pay:

MEMORANDUM

(Prepared by the Indian National Trade Union Congress)

The Planters insist 240 days continuous attendance qualification for leave with pay. It is a practice among planters to break the service of the temporary workers after a month or two. This amounts to deliberate denial of leave facilities. The ambiguity in fulfilment of prior conditions is being exploited by the planters.

No.180/SM/61
June 6, 1961

Com. Parvathi Krishnan
& Com. Manoranjan Roy.

Dear Comrades,

Enclosed please find the memoranda in regard to items 5,6,7 and 1 of the agenda of the 10th session of the Industrial Committee on Plantation, scheduled to be held in Delhi on June 30, 1961.

Please prepare your comments and suggestions, if any, on the items on which memoranda are enclosed.

With greetings,

Yours fraternally,

K.G. Sriwastava

(K.G. Sriwastava) *g w*
SECRETARY

Enclosed: As stated

100

June 7, 1961

Dear Com. Monoranjan Roy,

Yours of 2nd inst.

The Industrial Committee on
Plantations, I learn unofficially,
is on 30th June 1961 at Delhi.

Copy of a Memo on item 4
is enclosed.

How are you now?

Wish you good health.

With greetings,

Yours fraternally,

the
7/4
(K.G. Sriwastava)

Encl:

Com. Monoranjan Roy,
WB STUC, Calcutta

IMMEDIATE

1856 18-6-61 No. LC-10(54)/60
Government of India
Ministry of Labour & Employment

From

Shri R. C. Saksena,
Under Secretary to the Government of India

To

16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 13th June '61.

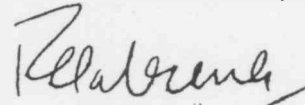
Subject:- Tenth Session of the Industrial Committee on
Plantations - 30th June, 1961 - agenda of the.

Sir,

In continuation of this Ministry's letter dated the 7th June, 1961, I am directed to say that it has been decided to include also the subject of "Wage fixation in minor plantations" in the agenda of the tenth session of the Industrial Committee on Plantations. A memorandum on the subject is enclosed,

2. A memorandum on item 2 "Housing for plantation workers" is also enclosed.

Yours faithfully,



(R. C. Saksena)
Under Secretary

d.a.refd.to.
N.Ram/13/6

*copies sent
M Roy +
Banva Thi*

A. J. T. U. C.

Immediate

I.R. No. 1857 Date... 15.6.61 ...

No. LC-10(54)/60

Government of India

Ministry of Labour & Employment

From

Shri R. C. Saksena,
Under Secretary to the Government of India

To

The State Governments, Employers' and
Workers' Organisations concerned.

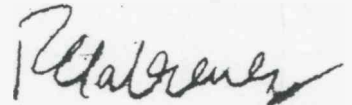
Dated New Delhi, the 14th June 1961.

Subject:- Tenth Session of the Industrial
Committee on Plantations.

Sir,

In continuation of this Ministry's letter dated the 13th June, 1961, I am directed to say that since 30th June was inconvenient to some of the members it has been decided to hold the meeting of the Industrial Committee on Plantations at New Delhi on the 4th July, 1961. The time and place of the meeting is being intimated separately.

Yours faithfully,



(R. C. Saksena)
Under Secretary.

M Roy &
Parva Thi
in front
AS 15/6

Immediate.

No.LC-10(54)/60
Government of India
Ministry of Labour & Employment

From

Shri R. C. Saksena,
Under Secretary to the Government of India.

A. I. T. U. C.
I.R. No. 92 Date 16.6.61
Min. of Labour & Employment, Govt. of India.

To

16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

Dated New Delhi, the 15th June, 1961

Subject:- Tenth Session of the Industrial Committee on
Plantations - New Delhi, 4th July, 1961.

Sir,

In continuation of this Ministry's letter dated the 14th June, 1961, I am directed to say that the meeting of the Industrial Committee on Plantations will commence at 11 A.M. on the 4th July, 1961, in Committee Room 'C', First Floor, Vigyan Bhavan, New Delhi.

Yours faithfully,

R. C. Saksena
(R. C. Saksena)
Under Secretary.

I.R. No. 1934

21.6.61

File No.

WEST BENGAL COMMITTEE
All India Trade Union Congress
249, Bowbazar St. Calcutta-12

19.6.61

19 June 1961

My dear Com Achyutan, / Com K.G. Srivastava,

Received your letter informing me about the change of date of the Plantation Committee meeting. As I had adjusted my appointments according to the previous date I shall have to face much difficulty due to sudden change of the date. However would you kindly enquire if the said meeting would be held on the 4th only or it will continue till 5th? I shall have to start on the very date i.e. immediately after the meeting.

It will therefore be helpful if you take the trouble of booking a seat in the night plane on the 4th or 5th according to the date of the meeting.

in any case I shall have to return by 4 reach by 6th.

I am writing to the Secy, Lab. Dept (a copy ^{will be sent to you} is attached) accordingly. Please book the ticket from Delhi to Calcutta. I shall book from Cal to ~~Delhi~~ Durgam Chatterjee from here after I hear from you.

Please inform me if you have booked the seat & on what date so that I can also book for Day accordingly.

Where is Com K.G.? would you kindly write to Com Parvati to reach Delhi by 3rd morning positively? I would like to meet her & discuss on the Plantation W age

अन्तर्देशीय पत्र
INLAND LETTER



Board's questionnaire. Please talk
to Com. K. B. about this. I shall
reach by 3rd morning, if not
by 2nd.

Expecting your reply
at the earliest,

with greetings,
yours truly
Honoranjan Roy.

To the Secretary,
All India Trade Union Congress
4, Ashok Road
~~Delhi~~
NEW DELHI

तीसरा मोड़ Third fold

भेजने वाले का नाम और पता :- Sender's name and address :-



FOR
Honoranjan Roy

WEST BENGAL COMMITTEE
All India Trade Union Congress
249, Bowbazar St. Calcutta-19

इस पत्र के अन्दर कस न रखिये NO ENCLOSURES ALLOWED

पत्र को यहाँ पर खोलिये To open cut here

June 23, 1961

Dear Com.Monoranjan Roy,

Thank you for your letter of 19th inst. On inquiry with the Labour Ministry, we are informed that there is no likelihood of further postponement of the meeting on 4th July and the meeting would be over on the same day. We have booked your seat by the night plane on 4th July as desired by you.

We have written to Com.Parvathi about your suggestion that she should reach Delhi on 3rd morning to discuss the Wage Board Questionnaire.

Com.KG is expected back from tour in a couple of days.

With greetings,

Yours fraternally,


(M. Atchuthan)

P.S. We have written to the Wage Board to see if we can get more copies of the Questionnaire.

WEST BENGAL COMMITTEE
All India Trade Union Congress

249, BEPIN BEHARI GANGULI STREET, CALCUTTA-12

Ref.....

A. I. T. U. C.	
I.R.N.	Date 20th June, 1961.
File	

To
 The Secretary,
 Ministry of Labour & Employment,
 Government of India,
New Delhi.

Sir,

I am informed by the All India Trade Union Congress that the date of the 10th Session of the Industrial Committee on Plantations has been changed from 30th June to 4th July. As I have already fixed up my programme according to the previous intimation, I shall have to reach Darjeeling by 7th positively.

Under the circumstances, I hope you will kindly sanction air passage for my return journey only and oblige.

Thanking you,

Yours faithfully,

Monosujan Roy

General Secretary

N.B. I am informing the AITUC office to book air passage for me in advance.

Copy to the Secretary,
 A.I.T.U.C.,
 New Delhi.

June 15, 1961

Dear Com.Monoranjan Roy,

Information has been received today from the Labour Ministry that the Industrial Committee meeting has now been postponed from 30th of June to 4th July 1961. The meeting will be held at New Delhi.

Some more memoranda on item 2 and item 13, received today are enclosed.

With greetings,

Yours fraternally,

(M.Archuthan)

Encl:

Copy to: Com.Parvathi

10th Session of the Industrial Committee
on Plantations

Item 2: Housing for plantation workers.

MEMORANDUM

The question of housing for plantation workers has been discussed at several tripartite conferences. It was last discussed at the 1st meeting of the 9th Session of the Industrial Committee on Plantations held at Calcutta in October, 1959, when the following conclusions were reached:

- i) A Central agency, consisting of representatives of the State Housing Boards set up under the Plantations Labour Act, should be constituted to examine the difficulties faced by plantation owners in implementing the housing programme and to suggest measures that would facilitate construction of houses by them.
- ii) The difficulties encountered by employers in the matter of furnishing security for obtaining loans for house construction should be examined by the Government of India at a high level.
- iii) Where particular gardens sought exemption from the statutory provisions relating to the phased programme of housing, in view of their economic position, each such case should be examined and decided on its merits. There should be no general relaxation applicable to all, irrespective of their economic position.
- iv) Detailed statistics regarding the progress made in the matter of housing from year to year in respect of the individual gardens should be collected.

2. The progress of action taken on the above conclusions is explained below:-

(a) Items (i) & (ii):- The matter was considered in consultation with the Ministry of Works, Housing and Supply who felt that it was not really necessary to set up for the present a Committee on the lines suggested by the Industrial Committee on Plantations in their recommendations referred to above, as :-

(i) the main difficulty of the planters in taking advantage of the loan available under the Plantation Labour Housing Scheme was their reported inability to furnish security prescribed by the State Governments for repayment of loans under it; and a solution to this difficulty lay in the establishment of a Pool Guarantee Fund on the lines already under consideration of the Ministry of Works, Housing and Supply.

(ii) most of the difficulties which might arise in connection with the provision of satisfactory housing accommodation to resident workers in plantations would be of a local nature, as housing conditions and requirements were bound to vary not only from State to State but also, in many cases, from plantation to plantation. As such, these difficulties could best be solved by the State Governments themselves in consultation with the representatives of the planters and the workers. As regards the problems, common to the various State Governments concerned with plantations, they could profitably be discussed at one of the meetings of the Industrial Committee on Plantations or any of its sub-committees.

The necessary details in regard to the setting up of a Pool Guarantee Fund by each State Government were worked out

and communicated to the State Governments by the Ministry of Works, Housing and Supply on 14th September, 1960 (vide copy of the letter enclosed as Appendix I). It is expected that the accumulations in the Pool Guarantee Fund over the years will be adequate to cover most, if not all, of the losses that the State Governments might incur as a result of relaxation of security provisions prescribed by them for advance of loans under the Plantation Labour Housing Scheme. The present position in this regard is that the Governments of Assam and Kerala have agreed in principle to set up a Pool Guarantee Fund and are taking action to finalise the necessary rules for the administration of the Fund in consultation with the authorities concerned. The Government of Madras do not consider it necessary to set up a Pool Guarantee Fund as, in view of liberalisations already made by them in the rules for grant of loans under the Plantation Labour Housing Scheme, no difficulty is reported to have been experienced by the Planters in the matter of furnishing the required security to the State Government. The Government of Mysore have stated that as the State has mostly Coffee plantations, they will consider setting up of the Fund only after the Coffee Board has agreed to participate in the Pool Guarantee Fund Scheme (for the present only the Tea and Rubber Boards have agreed to participate in the Fund and negotiations are under way with the Coffee Board). The matter is still under consideration of the West Bengal and Uttar Pradesh Governments.

(b) Item (iii):- The matter was brought to the notice of the State Governments. The Central Government has not so far received proposals from State Governments for exemption of any employers from the obligation to provide housing accommodation for workers.

(c) Item (iv):- A statement showing the figures since received from the State Governments is enclosed (Appendix II).

3. Since the last meeting of the Industrial Committee on Plantations, the employers have in their representations and meeting with the Union Labour Minister raised the following points:-

i) Under the Plantations Labour Act and the State Rules, the employers are required to construct houses according to prescribed standards, for at least 8% of their resident workers every year. At the time of discussions, at the 3rd Session of the Industrial Committee on Plantations held in November 1950, when the 8% formula was evolved, it was mentioned that this rate of construction would be maintained if the then existing conditions did not change. According to the employers, the conditions have, however, now changed as a result of imposition of local taxes by the Governments of Assam and West Bengal, liability to pay bonus, increase in wages, institution of provident fund etc. and the annual requirement for building labour houses to standard specifications should, therefore, be revised.

ii) As in the case of other industries, benefits of the Subsidised Industrial Housing Scheme providing for a loan of 50% and a subsidy of 25% should be extended to the plantation industry. Plantation workers are members of provident fund schemes and it is from the accumulation of such funds that some of the financial assistance for housing is granted.

iii) The building of standard houses should be treated as qualifying for cent per cent development rebate, or the cost of such houses should be charged to revenue.

A copy of letter dated 19-7-60 on the subject from the Consultative Committee of Tea Producer Association is enclosed. (Appendix III).

4. The 8% formula was devised by the Industrial Committee on Plantations at its 3rd Session, after a full discussion of the subject and the obligation was voluntarily accepted by the industry. In this connection, it may also be mentioned that the requirement to construct houses for 8% of resident labour per annum was incorporated first in the model rules prepared by the Central Government and subsequently in the State Rules framed by the State Governments. The draft model rules were discussed at a tripartite meeting before they were finalised and the State Rules were promulgated after prior publication for objection. There is, therefore, no question of any imposition of the Rules on the employers. The record of proceedings of the 3rd Session of the Industrial Committee on Plantations, however, shows that 8% was deemed appropriate "assuming that conditions did not change". If, therefore, conditions have, as claimed by employers, substantially changed since 1950, the matter may be re-examined by the Committee.

5. The Subsidised Industrial Housing Scheme does not apply to plantation industry. The view hitherto taken was that no subsidy could appropriately be given for fulfilment of a statutory obligation. It may, however, be stated that the obligation in regard to housing had to be laid down statutorily because of the very nature of the industry and of the lack of alternative residential accommodation in the case of most plantations. It was based on the necessity of the situation rather than on financial considerations, such as the profitability of the industry, or its ability to provide housing without external aid, and it could be argued that since statutory obligation has been placed on this industry, that should be all the greater reason why State aid should be given to the industry. The matter has accordingly been taken up with the Ministry of Works, Housing and Supply who are operating the Subsidised Industrial Housing Scheme and the Ministry of Finance. The Fifth Housing Ministers' Conference held at Udaipur on December, 28 to 30, 1960 has also recommended that the possibility of extending the Subsidised Industrial Housing Scheme to the Plantation Industry should be considered by the Government of India. The Ministries of Works, Housing and Supply and Finance are examining the proposal in consultation with the Planning Commission, but it cannot now be stated what decision will eventually be taken.

6. The Ministry of Commerce and Industry have stated that no decision in regard to the employers' proposal that full development rebate should be allowed for every house built to approved standards etc. has yet been reached. However the matter is still being processed with the Ministry of Finance.

7. The workers' Organisations have also since represented to the Government that in view of the lack of substantial progress in the matter of housing, the whole subject should be considered again by the Industrial Committee, and definite decisions taken to ensure the actual construction of houses at a sufficient speed.

8. The Committee may consider the matter and express its view particularly in regard to the following:-

- a) Whether the Central Agency as recommended by the 9th Session of the Industrial Committee on Plantations should now be set up.
- b) Whether the statutory rate of construction of workers' houses under the Plantations Labour Rules should be revised.

Copy of letter No.HII-20(91)/57 dated the 14th Sept. 1960 from the Ministry of Works, Housing and Supply, endorsed to the Ministry of Labour & Employment etc.

Subject:- Plantation Labour Housing Scheme - creation of a Pool Guarantee Fund for:

It has been represented to the Government of India that planters in some of the States are not in a position to take advantage of the loan assistance available under the Plantation Labour Housing Scheme in view of their inability to furnish the security prescribed by the State Governments for loans under that Scheme. In view of the peculiar nature of plantation finance, the planters have to deposit their Title Deeds etc. with their Bankers against advances for their normal working expenses and cannot, therefore, offer a first mortgage of their estates or other immovable property to an adequate extent to serve as security for the repayment of the loans which they might obtain under the Scheme. Thus the planters have been experiencing practical difficulties in taking advantage of the Scheme, despite their reported willingness to do so. The Ninth Session of the Industrial Committee on Plantations (Calcutta, 1959) and the Fourth Housing Ministers' Conference (Hyderabad, 1959) also recommended that the difficulties encountered by employers in the matter of furnishing security for obtaining loans for construction of houses for their resident workers (under the Plantation Labour Housing Scheme) should be examined by the Government of India.

2. This Ministry have, therefore, been considering for some time past the feasibility of setting up a Pool Guarantee Fund in each State, which would serve as a collateral security for the grant of loans to planters. The Third Housing Ministers' Conference held at Darjeeling in 1958 had already approved in principle this Ministry's proposal for the establishment of such a Fund, and recommended that necessary details should be worked out by the Government of India and circulated to the State Governments. The details have been worked out in consultation with the Ministry of Commerce and Industry and are indicated in the Annexure to this letter, which is intended to be incorporated as a proviso to para 2(c) of the printed Scheme.

3. As indicated in the Annexure, necessary Rules for the operation and administration of the Pool Guarantee Fund will be drawn up by each State Government in consultation with the Government of India, the Accountant General of the State and the Commodity Board(s) concerned. For the time being, only the Tea and Rubber Boards have agreed to participate in the Pool Guarantee Fund, and as such, the grant of loans in terms of the proposal in this letter will for the present, have to be restricted to Tea and Rubber plantations only. Negotiations are however under way with the Coffee Board, and a further communication will follow as soon as they agree to the proposal.

4. It is to be expected that the accumulations in the Pool Guarantee Fund over the years will be adequate to cover most, if not all, of the losses that the State Government might incur as a result of relaxation of security provisions prescribed by them for advance of loans under the Plantations Labour Housing Scheme. If the State Governments ensure that loans are advanced to planters after full verification of their financial position and capacity to repay, and exercise proper vigilance in regard to recovery of loan instalments as and when they fall due, there shall be little possibility of bad debts exceeding the assets in the Pool Guarantee Fund.

5. It is requested that the assent of your State Government to set up the Pool Guarantee Fund on the lines indicated in the Annexure and/or your comments on it, may please be communicated to this Ministry urgently. If your State Government agrees to this proposal, action to draw up the necessary rules for the administration of the Fund and to amend the existing rules framed by the State Government for implementation of the Scheme may also please be taken in hand at an early date, under intimation to this Ministry.

[Note to be incorporated as proviso to Para 2(c)
of the Plantation-Labour Housing Scheme]

.....

"Provided that in cases where planters are not in a position to furnish the required security and it is necessary to relax suitably the normal security conditions, the State Government shall charge an additional interest @ 1/2 of one per cent per annum, from the planters over and above that payable by them to the Government of India. The resultant realisations will be deposited in a separate Bank account, which, together with the interest earned thereon from year to year, will constitute a Pool Guarantee Fund to serve as collateral security for the grant of loans under the Scheme. The State Government concerned will draw up detailed rules for the administration of the Fund in consultation with the Government of India, the State Accountant General and the Commodity Board concerned : these rules will provide, inter alia, that:-

- (i) Losses incurred by the State Government on account of bad debts will be recouped by them from the Fund, with the prior concurrence of the Government of India, only after all normal methods of recovery have failed.

The State Government concerned will send a statement each year to the Government of India showing each case of bad debt proposed to be recouped from the Fund and indicating the measures already taken to effect recovery.

- (ii) The State Government will prescribe such other security conditions as are feasible. For example, the relaxed security conditions should provide for second mortgage of the planters' estates; care being taken, however, to ensure that the second mortgage can be enforced after meeting the claims of the first mortgagee and that the value of the mortgaged estates is sufficiently high so as to allow for the recovery of the amount of the second mortgage.
- (iii) Losses, if any, in excess of the assets in the Fund, will be shared equally by the Government of India, the State Government and the Commodity Board concerned.
- (iv) The disposal of the surplus balance, if any, in the Fund when it is wound up, will be determined by the Government of India in consultation with the State Government concerned.

Name of State	Total number of workers in Plantations		Total number of houses required to be constructed for the resident workers and their families. As on 1.1.60	Total number of houses of approved standards existing on 31.12.1959	REMARKS
	As on 1.1.51	As on 1.1.60			
Kerala	99,555	1,13,222	39,397	22,431	56.9% of the required number of houses have been constructed.
Tripura	-	10,211	3,707	9	---
Punjab	4,445	2,609	70	Nil	---
Madras	70,432	82,777	33,807	17,667	52.2% of the required number of houses have been constructed.
Mysore	-	61,794	20,848	Nil	---
Uttar Pradesh	2,164	2,597	768	Nil	During 1960 eight houses of approved standard have been provided.
Assam	-	5,62,980	2,41,004	79,459 (for 503 out of 661 estates)	37.5% of the required number of houses have been constructed (for 503 estates).
West Bengal	2,42,268 (for 220 estates)	2,26,508 (for 233 estates)	1,01,361 (for 225 estates)	29,773 (Not complete)	
Bihar	-	1,200	Nil	Nil	No houses are required to be provided as there are no resident labour.
Himachal Pradesh	-	50-80	Nil	Nil	

Copy of letter No. 9462 dated the 19th July 1960 from the Consultative Committee of Tea Producer Associations Calcutta to the Secretary, Government of India, Ministry of Commerce and Industry, New Delhi.

.....

Labour Housing under the Plantations Labour Act

The Tea Industry has always considered that the obligation to build annually pucca houses for eight per cent of its workers is an obligation which was imposed without due appreciation of the costs likely to be involved. Nevertheless, in view of the facts that the Act itself made no reference to actual percentages, and that both in the Act and in the Rules there were powers of exemption from the Act's provisions, it was agreed that the Industry should rely upon a sympathetic understanding of its difficulties, and upon the undoubted powers which the Act provided to allow generous relaxations if circumstances justified such action.

2. Of late it has become apparent that State Governments are under considerable pressure to insist upon the fulfilment of the eight per cent target. It is also apparent in Assam that the officials entrusted with the Act's administration may be asked to establish the principle that until an estate has completed its annual housing programme, no expenditure should be incurred upon replanting, replacement of machinery, or indeed upon anything of a "non-statutory" nature. Managements have argued that unless the property is maintained, the whole enterprise will collapse; but it has been pointed out - with stubborn logic - that while there is no statutory obligation to replace worn out machinery, or to replant worn out bushes, there is a statutory obligation to build a certain number of pucca houses each year. Therefore, the building of houses must take precedence, not merely over the payment of dividends but also over every other non-statutory estate liability.

3. It had been my Committee's hope - and such a hope had been expressed as recently as the First Session of the Ninth Meeting of the Industrial Committee on Plantations - that it would not be necessary to approach Government with a request that the 8% provision should be revised, but recent events have compelled the Committee to review its attitude, and to make this formal approach to Government, to ask that, if greater latitude and facilities cannot be given to estates in the task of the fulfilment of their programme, then the Industrial Committee should again be summoned to discuss the matter and to make its recommendations to Government. That Government may be the better able to understand how greatly things have changed since the figure of 8% was first mentioned, the following regrettably lengthy note is submitted:-

4. At the 3rd Session of the Industrial Committee on Plantations, the following exchange of views took place: (I quote from the official proceedings)

"Mr. Llewellyn informed the house that they hoped to carry out 8% of the total programme of housing in 1950. If they could carry on at the present rate they would have finished in 12 or 15 years.

..... /-

He, however, emphasised that the over-riding factor was finance. Uniform progress might not be possible every year, if prices of tea fall, or if they were to provide other amenities to labour. He felt that Government should come forward to help those estates whose finances did not permit them to cope with the general pace of progress. He was not asking for grants-in-aid but for assistance through a loan at the highest rates charged by Government.

Shri Menon was glad to hear that they agreed to an interest bearing loan.

Mr. Llewellyn pointed out, in reply to Shri Tripathi's suggestion, that the raising of further finance by the companies would not be an easy matter. In reply to an enquiry from Shri Menon, he informed the house that the total cost involved approximately per annum with the present 8 per cent programme was about Rs. 47,50,000.

Shri Menon thought that a programme should be evolved. He suggested that assuming that conditions did not change, it should be on the basis of providing houses for at least 8% of the labour population every year.

Shri Ghose said that they had 28,000 houses to rebuild and on the basis of 8% houses to be made every year the number required to be made annually was 2,240 which at about 2,500 per house would require Rs. 57 lakhs per year.

The Chairman wanted to know how 8% of the I.T.P.A.'s programme could cost 57 lakhs when the same percentage of the Indian Tea Association, which represented about 80 per cent of the estates, cost only Rs. 47,50,000.

Shri Ghose replied that he could not say how the figure of Rs. 47 lakhs was arrived at by the I.T.A. but his basis and figures were clearly stated and for which he wanted a loan from the Government.

Mr. Hards explained that 25 to 33% of the Indian Tea Association's houses were pucca and the others were kutcha.

The Chairman said that the same applied to all. He thought they could build kutcha houses to specification and when they had sufficient money they could build pucca houses."

5. From this extract it will be seen:-

(a) that a target of 8% was mentioned by one section of the Industry only, but that it had not been attained at the time of speaking: that three-quarters of the houses constructed were kutcha: that loans would be needed: and that progress would be hampered if the price of tea fell or if additional burdens were placed upon the Industry;

(b) that the then Labour Secretary, Shri Menon, said that assuming that conditions did not change, a programme should be based on the 8% figure; and

(c) that the Chairman, Shri Kalipoda Mukherjee, agreed that kutcha houses should be built until there was money to build houses which were pucca.

There is a wealth of difference between the expression of a hope to build 8% of kutcha houses in the conditions obtaining in 1950, and the statutory obligations to build 8% of pucca houses now, and it is the respectful opinion of my Committee that circumstances have changed so greatly since 1950 that if State Governments are not prepared to exercise with understanding their powers of relaxation there is no alternative but to appeal for a modification of the provisions of the Rules.

6. Government will ask, In what way have circumstances changed?

First, the State Governments of Assam and West Bengal have imposed local taxes upon the Tea Industry's production which are costing the Industry in North-East India no less than five crores a year. Even if a pucca house costs as little as 2,500/00, these taxes imposed since the 1950 discussions represent some 20,000 new houses.

Secondly, in 1950 there was no talk of bonus for tea garden labour. Since then, on account of 1953 and subsequent years labour bonuses have been paid out by the Indian Tea Association alone amounting to twenty crores of rupees, representing a further 80,000 houses.

Thirdly, there has been, since 1950, an increase of wages in every tea district in Northern India, the increase in the adult male wage being as follows:-

Darjeeling	+ 79%
Terai	+ 66%
Dooars	+ 69%
Assam Valley	+ 117%
Cachar	+ 76%

It has been estimated that the total cost of these increases has been of the order of 25 crores of rupees, representing one lakh of houses at a standard rate of Rs. 2,500/00 each.

Fourthly, the Plantations Labour Act, in addition to its general welfare provisions in respect of medical and similar amenities, requires the granting of leave with pay: the annual increase in costs as a result of paid holidays amounts to over 5% in the wage bill. (The cost to date is nine crores, or 36,000 houses.)

Fifthly, the Provident Fund has been introduced, which has increased the wage bill by 6¼% and which has involved a great deal of additional expenditure upon administration. (The cost to date is eight crores, or 32,000 houses).

The cost of all services and supplies has increased formidably since 1950: railway and steamer freights, duties on oil and petrol, the price of types and of vehicles - all have been raised - and it is uncontestable that conditions have changed completely since the debate of 1950. For this reason, the targets mentioned in 1950 are no longer appropriate. - even if they were appropriate ten years ago - and it would seem that State Governments have the alternative of realistically reducing the "target" by amendment of the Rules - (no amendment of the Act is necessary) - or of creating housing in relation to present conditions and to the

activities of an estate as a whole. To condemn shareholders to receive no dividends until the housing programme is complete is almost as unrealistic as to expect managers to neglect every form of repair and maintenance on account of an otherwise unapproachable housing target.

My Committee would have considered that relaxation would have been preferable to revision, but if State officials allege that so long as there is any money it must be spent on housing to the exclusion of all else a reduction in the target would seem to be the only solution.

7. In addition to a reduction in the targets, the Committee would like once more to press that cent per cent depreciation should be given in respect of pucca houses, in the year in which the houses are built.

It has been argued against the Industry that since there exists a statutory obligation to rebuild labourers' houses to a better specification, the Industry cannot expect any assistance in complying with this obligation. It is my Committee's respectful opinion that this argument is totally falacious. If Government regards the provision of new homes for tea garden workers - (all such workers already have rent-free company homes of one sort or another) - as of sufficient importance to require legislation, it is reasonable to suppose that Government will be ready to do what it can to assist in the attainment of the objective of its legislation.

What the Industry asks, therefore, is that full development rebate should be given for every house built to approved standards in accordance with a company's approved building programme. This would enable a company to charge the full cost of a house to the year in which it was built, instead of seeking annual depreciation allowances over a period of years. As a result, the problem of financing the cost of the buildings would become less difficult, and progress would be correspondingly quicker. Government would lose some immediate revenue, but there would be no loss over the years, and Government would be helping to accelerate the attainment of its own objectives.

An arrangement of this sort - (where a company can take advantage of it) - seems infinitely superior from Government's point of view to the granting of loans or subsidies, to the wholesale issue of exemptions and to the politically difficult task of reducing standards.

8. The original discussions in 1950 on the subject envisaged loans: the Government of India Secretary expressed himself as "glad to hear that (the Industry) agreed to interest bearing loans": and the Plantation Enquiry Commission (1956) recommended that loans be given (Chapter XVI, para 16) for the purposes of Housing.

Labouring under the belief - in our view, the most unreasonable belief - that where there is a statutory obligation to undertake a certain task no public assistance even of an administrative nature should be available to those upon whom the burden has been imposed - the State Governments hesitated for a long time to include Tea companies within the ambit of those for whom help in labour housing would be available.

A suggestion was made by the Plantation Enquiry Commission that managements might be assisted by the imposition of rent upon tea garden workers. If this could be done without labour unrest, without administrative inconvenience, and without

a. corresponding increase in labour wages, some advantage might be secured, but Government will recognise the extreme improbability of such a state of affairs: and it is my Committee's view that the suggestion is not appropriate to workers who have always enjoyed rent free quarters.

9. A very valuable concession which is granted to other industries has been the right to participate in the Subsidised Industrial Housing Scheme. This scheme envisages, as Government is aware, a loan of 50% and a subsidy of 25% for each house built to an approved standard.

Partly on the plea that the Tea Industry is an agricultural pursuit - albeit subjected to so many laws and taxes of an industrial character - and partly on the plea that the Tea Industry is "obliged to build houses and therefore is not entitled to any assistance", there has been an apparent reluctance to grant participation in this Scheme to the Tea Industry; and it is a further suggestion of the Consultative Committee that the Central Government should state categorically that tea companies are eligible for loans and subsidies under this Scheme in respect of every house which is built to the specifications laid down by the various State Governments in respect of plantation houses.

10. An unpleasant aspect of the Housing question is the manner in which attempts are being made by certain parties to insist upon "improved specifications", which naturally cost more money. These attempts appear to my Committee to be illegal, since the 8% must have reference to the specifications as they existed when it was decreed, and since more costly specifications, introduced subsequent to the confirmation of the Rules, should in all fairness be accompanied by a corresponding reduction in the "target".

11. Summary.

1. The 8% figure has no scientific basis, and was related to a 1950 target of kutchha houses even then not attained.
2. When the 8% figure was adopted against the Industry's advice, it was accepted by Government representatives that its attainment would depend upon a continuance of existing conditions, upon the building of kutchha houses if funds were inadequate for pucca houses: and upon the granting of loans where needed.
3. None of these conditions has been fulfilled, and there are indications that State Governments expect Tea Companies to build to the target, to the exclusion of other activities, and despite the relaxations permitted in the Act's Rules.
4. Members of my Committee, including the Indian Tea Association, which has already built or re-built 47% of the houses required, can stand the pace no longer, and ask the Central Government to secure.
 - (1) a reduction of the no longer realistic figure of 8%, and to suggest to State Governments a more generous utilisation of the exemption provisions of the Act and Rules;
 - (2) to treat the building of pucca houses as qualifying for cent per cent development rebate; and
 - (3) to grant loans and subsidies for the construction of houses to Plantation Rule specifications under the Subsidised Housing Scheme.

INDUSTRIAL COMMITTEE ON PLANTATIONS
(TENTH SESSION)

Item 13: Wage fixation in minor plantations.

MEMORANDUM

It was decided by the Industrial Committee on Plantations, at its meeting held at New Delhi in April, 1960, that three separate Wage Boards should be set up for tea, coffee and rubber plantations. The question of wage fixation in minor plantations like cinchona and cardamom was also raised at an informal meeting and it was suggested that this work could be entrusted to the tea or the coffee Wage Board.

2. The employment in cinchona and cardamom plantations is as follows:-

State	Employment	
	Cinchona	Cardamom
West Bengal	3,599	-
Madras	2,200	2,102
Mysore	-	5,594
Kerala	-	14,000
Total:-	<u>5,799</u>	<u>21,696</u>

The question of attaching these plantations to the tea or the coffee Wage Boards has been considered in consultation with the State Governments. The Government of West Bengal has suggested that Cinchona plantations might be attached to the Tea Wage Board. The Government of Madras has, however, suggested that these plantations might be attached to the Coffee Wage Board. As regards, the Cardamom plantations, the Governments of Madras, Mysore and Kerala agree that these may be attached to the Coffee Wage Board.

3. According to the conclusions reached by the Industrial Committee, the Wage Boards for tea, coffee and rubber plantations will have two representatives each of the employers and workers, besides two independent members and the Chairman who will be common for all the three Wage Boards. If, as suggested, these Boards are required to deal with other Minor plantations also, the question of giving representation on the Wage Boards to the employers and workers connected with such plantations (cinchona and cardamom) will arise. The employers' representatives on the Tea and Coffee Boards may not be representatives of the employers of Cinchona and Cardamom. It is also apprehended that addition of other plantations to the Tea and Coffee Wage Boards may delay the work of these Wage Boards.

4. Considering these difficulties, it may be more advantageous if the work of wage fixation in minor plantations is left to be dealt with by the concerned State Governments. The Industrial Committee is requested to consider the matter and give its views.

A. I. T. U. ()
L.R.N. 1997 dated 26.6.61...
File No. No. LG-10(54)/61

180

Immediate

Government of India
Ministry of Labour & Employment

From Shri R.C. Saksena,
Under Secretary to the Govt. of India.

To The State Governments, Employers' and
Workers' Organisations concerned.

Dated New Delhi, the 23rd June, 1961.

Subject:- Tenth Session of the Industrial Committee on
Plantations - New Delhi - 4th July, 1961.

Sir,

In continuation of this Ministry's letter dated the
15th June, 1961, I am directed to say that the following item
has also been included in the agenda of the tenth session of
the Industrial Committee on Plantations to be held at New Delhi
on the 4th July, 1961:-

Item 14: Wage Board for Tea Plantation Industry -
Presence of advisers.

A memorandum on the subject is enclosed.

Yours faithfully,

R.C. Saksena

(R.C. Saksena)
Under Secretary,

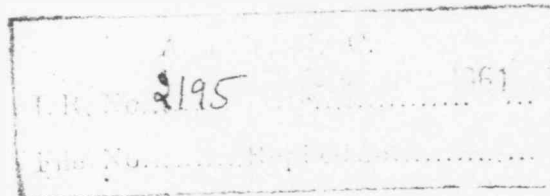
See to Com. M. P. S.
ms.

WEST BENGAL COMMITTEE
ALL INDIA TRADE UNION CONGRESS

249, BEPIN BEHARI GANGULI STREET,
CALCUTTA - 12

President : Dr. RANEN SEN, M. L. A.
General Secretary : MONORANJAN ROY.

Date 3rd. July, 1961



To

The Minister for Labour & Employment,
Government of India,
New Delhi.

Re :- 10th Session of Industrial
Committee on Plantations .

Sir,

Now that the 10th Session of the Industrial Committee on Plantations has been postponed, I would suggest the following agenda to be included for the consideration of the Committee at its next session.

1. Abolition of "Hatbahar" system which is still being practiced by the employers.

The 8th Session of the Committee held at its Shillong Session held in 1958 discussed the problem of discharge of all working members of a family, whose heads are dismissed. This system of discharge of workers on grounds of dismissal of the heads of their families has been disapproved by both the Central as well as the State Governments, but we regret to say that the practice is still being continued particularly in West Bengal.

Recently there were some such cases in Darjeeling and the workers were greatly agitated, so much so that Darjeeling District Chia Kaman Mazdoor Union had to issue a strike notice. On the intervention of the W. B. Committee of the A.I.T.U.C. and the State Government, the notice was withdrawn on specific understanding that the issue would again be raised in the next Industrial Committee meeting. The employers agreed to the proposal at a conciliation meeting called by the Labour Directorate at Darjeeling on the 27th & 28th June last.

I, therefore, hope that the issue will be taken up by the Plantation Committee in its ensuing Session.

2. That the question of an interim relief for Tea Plantation workers pending the final recommendation by the Wage Board for Tea Plantation be taken up by the next Session of the Industrial Committee on Plantation. As the Tea workers have been agitating for some time for an interim relief, and as it will take long time for the

WEST BENGAL COMMITTEE ALL INDIA TRADE UNION CONGRESS

249, BEPIN BEHARI GANGULI STREET,
CALCUTTA - 12

President : Dr. RANEN SEN, M. L. A.
General Secretary : MONORANJAN ROY.

(2)

Date.....196

relief in the terms of reference for the Tea Plantation Wage Board. The reasons for the demand of an interim relief are obvious. The price level has risen since the last increment in 1959 in West Bengal without any rise in D.A; the employment position per family has since deteriorated. It is to be noted that the Minimum Wages were calculated on the family earning basis and due to reduction in the number of employed persons per family, the total income per family has gone down.

Under the circumstances I hope the issue will be taken up by the Industrial Committee and give its recommendation to the Wage Board.

Thanking you,

Yours faithfully,

Monoranjan Roy
(MONORANJAN ROY)
General Secretary.

COPY TO:-

- ✓ 1. Secretary,
AITUC,
4, Ashok Road,
New Delhi.
2. Secretary,
Darjeeling District Chia Kaman Mazdoor Union,
Darjeeling.
3. Secretary,
Zilla Chabagan Workers' Union,
P.O. Hal, Jalpaiguri.
4. Minister for Labour,
Government of West Bengal,
Secretariat Buildings,
Calcutta.
5. Labour Commissioner,
Government of West Bengal,
New Secretariat Buildings,
1, Hastings Street,
Calcutta.

A. I. T. U. C.
I.R. No. 2538 Date 31 JUL 1961
File No. Registration No: EC-10(54)/60

Government of India
Ministry of Labour & Employment

Immediate.

From

Shri B. R. Khanna,
Under Secretary to the Government of India.

To

1. The State Governments, Employers' and Workers' Organisations concerned.
2. Employers' and Workers' delegates/advisers.

Dated NewDelhi, the 29th July, 1961.

Subject:- Tenth Session of the Industrial Committee on Plantations -
New Delhi - 21st and 22nd August, 1961.

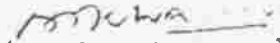
Sir,

In continuation of this Ministry's letter dated the 11th July, 1961, I am directed to say that the following item has been included in the agenda of the 10th Session of the Industrial Committee on Plantations which will be meeting at New Delhi on the 21st and, if necessary also the 22nd August, 1961 :-

Item 15: Abolition of Hatbahar system.

A Memorandum on the subject is enclosed.

Yours faithfully,


(B.R. Khanna)
Under Secretary.

INDUSTRIAL COMMITTEE ON PLANTATIONS

A. I. T. U. (10th Session - New Delhi - 21st & 22nd August '61)

I.R. No. ... 21 JUL 1961

File No.

Item 15 :- Abolition of Hatbahar system.

M E M O R A N D U M

(prepared by the A.I.T.U.C.)

The 8th Session of the Committee at its Shillong Session held in 1958 discussed the problem of discharge of all working members of a family, whose heads are dismissed. This system of discharge of workers on grounds of dismissal of the heads of their families has been disapproved by both the Central as well as the State Governments, but we regret to say that the practice is still being continued particularly in West Bengal.

Recently there were some such cases in Darjeeling and the workers were greatly agitated, so much so that Darjeeling District Chia Kaman Mazdoor Union had to issue a strike notice. On the intervention of the West Bengal Committee of the All-India Trade Union Congress and the State Government, the notice was withdrawn on specific understanding that the issue would again be raised in the next Industrial Committee meeting. The employers agreed to the proposal at a conciliation

P.T.O.

- 2 -

meeting called by the Labour Directorate at Darjeeling on the 27th and 28th June last.

It is, therefore, hope that the issue will be taken up by the Plantation Committee.

No.LC-10(54)/60
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

A. I. T. U. C.
I. R. 2622 Date 14 AUG 1961

.....

From

Shri B.R. Khanna,
Under Secretary to the Government of India.

To

The General Secretary,
West Bengal Committee of the
All India Trade Union Congress,
249, Bepin Behari Ganguli Street,
Calcutta-12.

Dated New Delhi, the 2/8/61

Subject:- Tenth Session of the Industrial Committee on
Plantations - New Delhi - 21st and 22nd August, 1961.

.....

Sir,

I am directed to refer to your letter dated the 3rd July 1961 suggesting two items for inclusion in the agenda of the 10th session of the Industrial Committee on Plantations.

One of these items viz. "Abolition of Hatbahar system" has been placed on the agenda vide this Ministry's letter dated the 29th July, 1961. As regards the other item viz. "Question of interim relief for tea plantation workers pending the final recommendation by the Wage Board for Tea Plantation", the matter is likely to be considered by the Board at its next meeting. As such it does not seem necessary to place the subject before the meeting of the Plantations Committee.

Yours faithfully,

Sd/-
(B.R. Khanna)
Under Secretary

d.a.nil
sps 31.7.61

✓ Copy to the General, Secretary, All India Trade Union Congress, 4, Ashok Road, New Delhi.

T.C. Gupta
(T.C. Gupta)
Section Officer

File
Me.
4/8/61

WEST BENGAL COMMITTEE
All India Union Congress
219, Bowbazar St. Calcutta-12

19.6.61

Dear Com Sadan,

1930
21.6.61
June 1961

The questionnaire issued by Tea Plantation Wage Board has not yet been received by any of our Unions. I sent a message to the Secy of the Board for a few copies. They have sent out 3 copies & told me that sufficient copies have been sent to A.I.T.U.C. office. I think you should write to the Secretary of the Board for more copies.



to be sent to our Unions
 If you get more cards
 with
 please send one to
 Darjeeling Union and one
 to our Jalpaiguri Union,
 the address of which
 are in your office
 with free stamps
 Yours truly
 Monoranjan Roy

WEST BENGAL COMMITTEE
 All India Trade Union Congress
 219, Bowbazar St. Calcutta-12

POST OFFICE
 1961
 20 JUNE
 4:45 PM
 CALCUTTA



Com. Sadhan Mukherjee
 All India Trade Union Congress
 4, Ashok Road
 New Delhi

Coimbatore.

25 June 1944.

A. I. T. U. C.
I. R. No. 2042 I. C. 28.6.44
File No. Reported

Dear Com. K. G.,

Com. P. Veidhagui, Secretary
Plantation Labour Association, Coonoor,
will go to attend Industrial Committee
on Plantations as Adviser. I have
discussed the matter with SAD and
he agreed that fare could be paid
to Com. Gini by A.I.T.U.C. as Union
cannot bear that amount. He will
take the money from you when he
comes to Delhi. I have sent all
the agenda papers to him.

With greetings

Paesaki.

1. Com. Gini to the
Labour Ministry
2. Com. Parke to Mr. Parke
fare. Ms.
18/6

अन्तर्देशीय पत्र
INLAND LETTER

BY AIR MAIL
w/ MADRAS



Com. K. G. Swastika

AITC Secretary

4 Ashok Road

NEW DELHI

पहला मोड़ First fold

दूसरा मोड़ Second fold

तीसरा मोड़ Third fold

भेजने वाले का नाम और पता :- Sender's name and address :-

.....
.....
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इस पत्र के अन्दर कुछ न रखिये NO ENCLOSURES ALLOWED

पत्रों काट कर खोलिये To open cut here

A. I. T. U. C.

I. R. No. 2054 Date 29.6.61

File No. Replied on STATE

TELEGRAM

EXPRESS

180

LC 10(54)/60 MEETING FOURTH JULY INDUSTRIAL
COMMITTEE PLANTATIONS POSTPONED (.) REVISED DATE WILL
FOLLOW (.)

LABOUR

Not to be telegraphed:

M. K. Shrivastava
(Mahindra Kishore)
Section Officer.

No. LC-10(54)/60
Government of India
Ministry of Labour & Employment

Dated New Delhi, the 28th June, 1961.

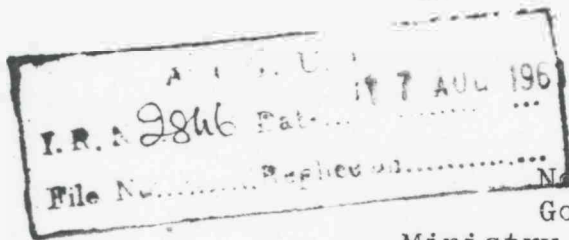
Copy forwarded by post, in confirmation to :-

M. K. Shrivastava
(Mahindra Kishore)
Section Officer.

Copy also forwarded to :-

A. I. T. U. C.

M. K. Shrivastava
(Mahindra Kishore)
Section Officer.



Immediate

No. LC. 10(54)/61
Government of India
Ministry of Labour & Employment

From

Shri B. R. Khanna,
Under Secretary to the Government of India.

To

1. The State Govts., Employers' & Workers' Organisations concerned.
2. Employers' and Workers' delegates/advisers.

Dated New Delhi, the 16th August, 1961.

Subject:-Tenth Session of the Industrial Committee on Plantations.

Sir,

In continuation of this Ministry's letter dated the 29th July, 1961, I am directed to say that the following item has also been included in the agenda of the 10th Session of the Industrial Committee on Plantations:-

Item 16: Disposal of a sum of Rs. 17,194.03 NP deposited with the Controller of Emigrant Labour for disbursement as bonus to repatriated workers.

A Memorandum on the subject is enclosed.

2. As already intimated vide this Ministry's telegram dated the 8th August, 1961, the meeting of the Plantations Committee scheduled to be held on the 21st and 22nd August, 1961, has been postponed.

Yours faithfully,

B. R. Khanna
(B. R. Khanna)
Under Secretary.

a.refd.
t-14.8.

July 31, 1961.

Dear Com: Parvathi,

The Industrial Committee meeting on
Plantation is on 21st and 22nd August '61
at New Delhi.

Will you attend the meeting or send
Com. Vridhagiri.

In case Com. Vridhagiri is to attend
please inform him.

When are you reaching here ?

With Greetings,

Yours fraternally,

K.G.

(K.G. SRIWASTAVA)
Secretary.

Com. Parvathi Krishnan,
M.P. ,
Coimbatore.

No.180/SM/61
August 8, 1961

Com. Manoranjan Roy
Com. Vridhagiri

Dear Comrades,

We have been informed by the Ministry of Labour and Employment that the meeting of the Industrial Committee on Plantation which was fixed on August 21, has been postponed to September 14.

Please arrange your programme accordingly.

With greetings,

Yours fraternally,

U.S.
Sri
K.G. Sriwastava/
Secretary

Com. Manoranjan Roy, Calcutta

Com. Vridhagiri, Eonoor

9 A.L.C. 11
L.R. 1220 Date: 9 AUG 1961
Replied on:

STATE TELEGRAM

LC 10(54)60 MEETING TWENTYFIRST AUGUST
INDUSTRIAL COMMITTEE PLANTATIONS POSTPONED TO
FOURTEENTH FIFTEENTH SEPTEMBER (.)

LABOUR

Not to be telegraphed :

T.C. Gupta
(T. C. GUPTA)
SECTION OFFICER.

NO. LC-10(54)/60
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

Dated New Delhi, the 8th August, 1961.

Copy by post in confirmation to :-

T.C. Gupta
(T. C. GUPTA)
SECTION OFFICER.

Copy also forwarded to :-

16. The General Secretary,
All-India Trade Union Congress,
4, Ashok Road, New Delhi.

T.C. Gupta
(T. C. GUPTA)
SECTION OFFICER.

E. U. C.
I.R. 3013 Date 21 AUG 1961
File Replied on.....

150

Immediate.

No.LC-10(54)/61
Government of India
Ministry of Labour & Employment

From

Shri B. R. Khanna,
Under Secretary to the Government of India.

To

1. The State Governments, Employers' and Workers' Organisations concerned.
2. Employers' and Workers' delegates/advisers.

Dated New Delhi, the 25th August, 1961.

Subject:- Tenth Session of the Industrial Committee on Plantations.

Sir,

In continuation of this Ministry's letter dated the 16th August, 1961, I am directed to say that the following two new items have been included in the agenda of the 10th Session of the Industrial Committee on Plantations :-

- Item No.17:- Factories situated in Plantations - Bringing under the coverage of the Plantations Labour Act, 1951; and
- Item No.18:- Registration of Plantations - Amendment of the Plantations Labour Act, 1951.

P.T.O.

*As per
Copy*

- 2 -

The necessary memoranda are enclosed.

Yours faithfully,

B. R. Khanna
(B. R. Khanna)
Under Secretary.

d *

3430

IMMEDIATE

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

...

No. RD.193(8)/61. Dated New Delhi, the 30 SEP 1961 September, 1961.

From

Dr. B.R. Seth,
Deputy Secretary to the Government of India.

To

SUBJECT:- Conclusions of the 10th Session of the
Industrial Committee on Plantations
(New Delhi, 21st September, 1961)

Sir,

I am directed to forward herewith a copy of the
Statement of main conclusions reached at the 10th Session
of the Industrial Committee on Plantations held at New Delhi
on the 21st September, 1961.

Yours faithfully,

B.R. Seth
(B.R. Seth)
Deputy Secretary

Copy with a copy of the enclosure forwarded to :-

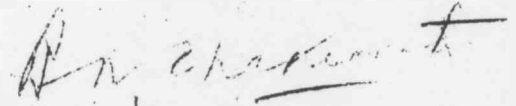
1. Shri S.N.Mubayi, Central Provident Fund Commissioner, New Delhi.
2. Shri P.C. Rai, Controller, Emigrant Labour, Shillong.
3. Shri O.Venkatachalam, Deputy Chief Labour Commissioner, New Delhi.
4. The Ministry of Commerce & Industry, New Delhi.
5. The Ministry of Works, Housing & Supply, New Delhi.
6. The Planning Commission (Labour & Employment Div.), New Delhi.
7. * Dr. S.T. Merani, International Labour Adviser, Consulate-General of India, Geneva.
8. Directorate General of Resettlement and Employment, New Delhi.
9. The Director, Labour Bureau, Simla.

*By Dip-
lomatic
Bag

*Asa for Com. H. Ry
2. 12- conclusions are correct.
18. 5/12*

10. Director, I.L.O. India Branch, Mandi House,
New Delhi.

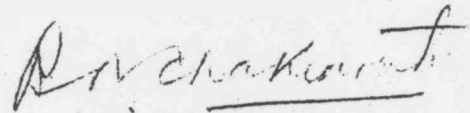
11. Information Officer (Shri U.C. Tewari); New Delhi.



(B.N. Chakravorti)
for Deputy Secretary

Copy with a copy of the enclosure forwarded
to :

- | | | |
|--------------------|---------------------------|----------|
| 1. PS to LM | 5. PA to JS(G) | 9.AEA |
| 2. PS to DLM | 6. PA to JS(E) | 10.ALEA. |
| 3. PS to DLM(E). | 7. PA to LEA | |
| 4. PS to Secretary | -8.All Deputy Secretaries | |



(B.N. Chakravorti)
for Deputy Secretary

INDUSTRIAL COMMITTEE ON PLANTATIONS
(10th Session, New Delhi, 21st September, 1961)

* * * *

MAIN CONCLUSIONS

Item 1: Action taken on the main conclusions/
recommendations of the last session of the
Industrial Committee on Plantations

The statement on action taken on the conclusions of the previous session was not discussed in detail. However, a workers' representative complained of breaches of the Code of Discipline in some plantations in West Bengal. He was advised to place such cases before the State implementation body.

Item 2: Housing for plantation workers

It was emphasised on behalf of the employers that while they were eager to fulfil their statutory obligations and were making all efforts in this direction, it would not be practical to apply any rigid formula for completing a fixed percentage of houses every year. The employers also needed assistance by way of loans, subsidies and development rebates.

The workers' representatives emphasised that the housing programme should be completed expeditiously whatever the nature of assistance that the Government might decide to give to the employers. If any development rebate was to be allowed, it should not be debited to the revenue account for the calculation of profits for the purpose of payment of bonus.

The Chairman observed that profits for bonus and income tax purposes might very well differ.

It was agreed that the Ministry of Labour and Employment would set up, in consultation with the Ministries of Works, Housing and Supply and Commerce and Industry, a Working Group to go into the whole question of finance and devise ways and means to ensure the speediest possible completion

Item 3: Payment of Provident Fund dues to tea garden workers on the lines of the Assam Tea Plantations Provident Fund Scheme

The workers' representatives from West Bengal as well as the representatives of the Indian Tea Association and Indian Tea Planters' Association suggested that the Assam scheme might be made applicable to the West Bengal plantations also. The Chairman informed the Committee that steps were being taken to ensure that provident fund payments were made more expeditiously. The steps under consideration included (i) opening of local offices (ii) granting of exemptions and (iii) adoption of such features of the Assam scheme as might be found practicable.

Item 4: Fixation of wages on the basis of eight hours' work per day or forty-eight hours per week

This was not considered by the Committee since it was already covered by the terms of reference of the Wage Board.

Item 5: Fixation of a ratio of employment of workers on plantations on the basis of acreage under tea and discontinuance of the system of engagement of 'Bigha' (temporary) labour

It was agreed that State Governments would collect all necessary information regarding employment of temporary persons from outside. If necessary, some aspects of the question might be studied also by the Director, Labour Bureau, along with the proposed survey of absenteeism.

The question of fixation of a ratio of employment of workers on the basis of acreage under tea could be raised before the Wage Board.

Item 6: Absenteeism

It was agreed that a proper study of the problem should be carried out by the Director, Labour Bureau in consultation with the interests concerned. The Organisations would send in their suggestions to the Director, Labour Bureau in this regard.

Item 7: Difficulties in the enforcement of the Plantations Labour Act, 1951

(i) It was agreed that the definition of the term 'employer' should be amended so as to cover also any person who might be in actual charge of management in India.

(ii) It was agreed that the question of registration of plantations might be considered in consultation with the Tea, Coffee and Rubber Boards.

(iii) The Chairman informed the Committee that the question of appointing Welfare Officers would be discussed by the Standing Labour Committee, and parties could send their views to the Government for incorporation in the paper to be prepared for the Committee's consideration.

Item 8: Abolition of contract system

The employers' representatives stressed that it was necessary to employ contract labour during the peak season after resident labour had been fully employed. While agreeing that it might, at times, be necessary to recruit additional labour from outside for a temporary period, the workers' representatives stressed that such labour should be employed and paid directly by the employer and enjoy all the rights and amenities available to labour directly employed by management.

The Chairman informed the Committee that the views expressed above would be placed before the Indian Labour Conference which would discuss the entire question of contract labour at its forthcoming session.

Item 9: Payment for sick leave

As this was a question of enforcement of a provision of the law it was for the State Government to look into the matter.

Item 10: Education of workers' children

As the matter was essentially one for the State

Governments to settle, it was decided that the views expressed in the meeting should be communicated to the State Governments concerned.

Item 11: Weighment of crop at the work site

The Committee was informed that there was already a tripartite agreement on the subject in Kerala. Any breach of the agreement should be referred to the Tripartite Committee there.

Item 12: Leave with wages of temporary workers

It was explained that granting of leave under the Plantations Labour Act was not contingent upon 240 days' continuous attendance. If this was denied to any worker the matter could be taken up with the State Governments concerned.

Item 13: Wage fixation in minor plantations

It was agreed that the question of setting up Wage Boards for minor plantations like Cardamom and Cinchona should be left to the State Governments.

Item 14: Wage Board for Tea Plantation Industry -
Presence of advisers

It was agreed that the question whether advisers should be allowed to be present during the meetings of a Wage Board might be left to be decided by the Board itself. So far as the Government was concerned there would be no direction or objection in this regard in view of the above.

Item 15: Abolition of 'Hatbahar' system

The Committee reiterated its earlier decision taken at the 8th Session that the dismissal of the head of a family should not result in the discharge of other members of the family. If there were any complaints in this regard, these would be disposed of by the State Governments concerned.

Item 16: Disposal of a sum of Rs.17,194.03 deposited with the Controller of Emigrant Labour for disbursement as bonus to repatriated workers

It was agreed that efforts should be made to disburse

the money lying with the Controller of Emigrant Labour to the proper persons. Any amount left undisbursed, should be made over to the Welfare Fund constituted by the Government of Assam.

Item 17: Factories situated in Plantations - Bringing under the coverage of the Plantations Labour Act, 1951

It was agreed that factories on plantations should continue to be covered by the Factories Act. However, the practice of extending to the employees of such factories and their families all amenities and benefits available to the workers on plantations should be continued.

Item 18: Registration of Plantations - Amendment of the Plantations Labour Act, 1951

This has already been covered under item 7.

Other matters:

The Chairman informed the Committee that employers from the South had brought to his notice that some unions were agitating in respect of matters covered by the Wage Boards.

After some discussion the Committee reiterated its earlier decision that no agitation or dispute should be raised in regard to matters which were covered by the terms of reference of the Wage Boards.

180

Oct. 3, 1961

Dear Com. Monoranjan Roy,

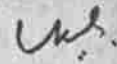
I hope you have by now received the official version of the "Conclusions of the Industrial Committee on Plantations" circulated by the Labour Ministry vide No.RD.193(8)/61 dated 30th September 1961.

We find that at the end, on "Other Matters", it has been put down that "the Committee reiterated its earlier decision that no agitation or dispute should be raised in regard to matters which were covered by the terms of reference of the Wage Boards." We had written to you three days back about the query made by our Kerala STUC on this question, since the State Government has claimed that the Industrial Committee has agreed not to raise disputes on matters covered by the Wage Board.

Please also let us know if other decisions have been properly reported and this particular decision was arrived at in what context.

Wuth greetings,

Yours fraternally,



(K. G. SRIWASTAVA)

Com. Monoranjan Roy,
General Secretary,
W. Bengal STUC.

agitation on interim increase and the Kerala Labour Commissioner may be informed accordingly, as also the Wage Board with copies to all members of the Board.

Hope this will explain the position.

Yours comradely,

Monoranjan Roy
(MONORANJAN ROY)

COPY TO:- The Secretary,
Kerala State Trade Union Council,
Post Box No: 112,
Trivandrum - 1.
K E R A L A.

WEST BENGAL COMMITTEE
ALL INDIA TRADE UNION CONGRESS

249, BEPIN BEHARI GANGULI STREET,
CALCUTTA - 12

President : Dr. RANEN SEN, M. L. A.
General Secretary : MONORANJAN ROY.

Ref.....

Date..... 6th October,..... 1961 .

29 OCT 1961

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi.

Re : - 10th Session of the Plantation Committee.

Dear Comrade,

Please refer to your letter dt. 30th September 1961.

A discussion was initiated by Sri Nanda during the 10th Session of the Industrial Committee on Plantation regarding the strike notice in Sourth. The matter however was not on the agenda. As I had no knowledge about the situation in the Sourth and no one from South on our side was present, it was not possible for me to say anything in the matter. Sri Ramanujah on behalf of INTUC although accused the employers for precipitating the matter, Sri Nanda disapproved any movement on wages when the issue was lying before the Board. During the 9th Session it was told not to agitate for wage increase pending the Board's recommendation. Here below I am giving the relevant except of the minutes of the 10th Session.

" After some discussion the Committee reiterated its earlier decision that no agitation or dispute should be raised in regard to matters which were covered by the terms of reference of the Wage Board".

As a matter of fact in the last session Sri Nanda declared that no movement should be launched on wages pending the Board's recommendation.

Now it is upto the Kerala Union to decide their course of action. If the INT sticks to their decision of strike, then I think we also may stick to our decision. But I donot know whether we should alone launch the movement. But we may ask for interim increment and write again to the Board for its immediate consideration. For that any agitation is not prohibited. I think we may move in that direction. As a matter of fact I proposed an agenda for the 10th Session asking the committee to recommend ~~the~~ to the Board to take up the issue, but the Lab. Sett. replied that as it was already taken up by the Board there was no need of such agenda to be taken up by the Board. So there is scope for

agitation-----

120
October 14, 1961

Dear Com.Monoranjan Roy,

Thanks for your letter of 6th inst.

2. Representatives from Kerala plantation unions met Shri Nanda at Bangalore and he has agreed that negotiations be opened for wage increase in that State in spite of the decision of the Industrial Committee on Plantations, in view of the legal right for revision of wages as per agreement there.

3. As regards Tamilnad plantation workers who did not get any wage increase from 1956 and are still getting only Rs.1.11.6 per day, we submitted a memorandum to Union Labour Minister for asking the Wage Board to give interim relief. This is very necessary in their case. The Madras Labour Minister wanted a separate settlement outside the Wage Board but our union resisted it. But they should not be penalized for waiting for another three years for any wage increase specially when their rates are low. Now Kerala will have separate agreement for which negotiations are going on. Coorg and others got some increase recently. Only Tamilnad plantation workers will suffer - waiting since 1956.

The strike has been postponed for the time being but we have to stress on this. Please write to Shri Nanda as member of the Industrial Committee with reference to the particular decision to pay special attention to this problem.

I have requested Com.Parvathi to meet Mr.Dave at Madras on 25th inst., and press for this.

What about having a common agitation for interim relief? Think it over and suggest.

With greetings,

Yours fraternally,

M.S.

(K.G. Sriwastava)

Com.Monoranjan Roy,
W.Bengal STUC,
Calcutta

Copy to: Com.Parvathi Krishnan

Copy to: Tamilnad Plantation Workers Union,
Valparai, Madras State

The Plantation Labour Association (1659)

(AFFILIATED TO A. I. T. U. C., & W. F. T. U.,)

PRESIDENT:
PARVATHI KRISHNAN.
GEN. SECRETARY:
P. VRIDDHAGIRI.

No. 3670	19 10 1961
Ref:	
Date:	

COONNOOR, R. S.
(NILGIRIS.)
13.10.61

My Dear Com. K.G.S.

I have handed over the letter to Com. Parvathi and she said that she would try to go to Madras on 25th

On 11-10-61 LC of Madras held a Conference on Bonus & wages etc. Bonus issue was settled - no doubt adha. There was also a bipartiate agreement between the Planters & the Unions (except the INTUC) that negotiations on wages would be started on the basis of the Kerala agreement to be arrived at after 2/11. Though the Kerala Comrades (sic) have let us down, Kerala position has strengthened our hands. I wish that you pursue the matter further. As per the agreement the strike notice is withdrawn.

I got a letter from the AITUC office dated 9/10 stating that they were under the impression that the Ministry would inform me about the

Change in the date of the meeting - Industrial
Committee. but it has not happened.

You know the position in the
Plantations as whole - each estate making
their own way. Please put it to S.A.D. &
see that something is done in the
matter and a common memorandum
to wage board (Tea)

I am sure that Parvati would
have talked to you regarding the
position obtaining in Nilgiris. I wish that
A.I.N.C. & S.A.D. take it seriously and do
something at a early date.

yours faithfully

D. Brindley

October 18, 1961

Dear Com.Giri,

Thanks for your letter of 13th inst.

I have sent you a letter earlier.

I am sorry for the misunderstanding on the part of this office in not informing you about the Industrial Committee meeting.

It is good you are tagged to some extent with agreement in Kerala. ~~It~~ We are pursuing at this end.

With greetings,

Yours fraternally,

K.G.

(K.G.Sriwastava)

A.
No. 1493
No.....

24 NOV 1961

No. PHI-Dy.1390/61
Government of India
Ministry of Labour & Employment
.....

General Secy.
A.T.U.C.
U. Ashok Kumar

Dated New Delhi, the

From

Shri Balwant Singh,
Under Secretary to the Government of India.

To

The Employers' & Workers Organisations (who attended the
10th Session of the Industrial Committee on Plantations.)

* Ist
saced.

Subject:- Appointment of Welfare Officers in plantations.

Dear Sir,

I am directed to refer to the conclusion reached in respect of item 7(iii) in the 10th Session of the Industrial Committee on Plantations (copy of the statement of conclusions forwarded with this Ministry's letter No. ED.193(8)/61 dated the 30th September, 1961) and to request that the views of your Organisation regarding appointment of Welfare Officers in plantations and the duties which should desirably be assigned to them may kindly be forwarded to this Ministry by the 10th December, 1961, at the latest.

Yours faithfully,

(Balwant Singh)
Under Secretary.

3. The General Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

180

Documt. No. LC-10(54)/60
Government of India
Ministry of Labour and Employment

26 Dec
1960

From Shri R.C. Saksena,
Under Secretary to the Government of India.
To The State Governments, Employers' and
Workers' Organisations concerned

Dated New Delhi, the 26th Dec,

Subject:- Tenth Session of the Industrial Committee on 1960.
Plantations - Agenda for the -

Sir,

I am directed to say that the question of convening the next (tenth) session of the Industrial Committee on Plantations is under consideration. It is requested that if the State Government/your Organisation have any items to suggest for the consideration of the Committee, the same may kindly be intimated to this Ministry along with three copies of brief memoranda thereon, latest by the 25th January 1961.

M. Roy & Parvathi

Yours faithfully,

R. C. Saksena
(R. C. Saksena)
Under Secretary

INDUSTRIAL COMMITTEE ON PLANTATIONS
(Tenth Session - New Delhi - July, 1961)

ITEM NO .-14: WAGE BOARD FOR TEA PLANTATION-INDUSTRY -
PRESENCE OF ADVISERS.

...

PART -I MEMORANDUM
(Submitted by the Indian Tea Association)

At the meetings of the Ninth Session of the Industrial Committee on Plantations, both that held in Delhi on 27th April 1960 and that held in Calcutta on 9th November 1960, it was agreed that members of the Wage Board could bring Advisers at their own expense to assist them, whom they could consult during meetings. In the opinion of the Employers' representatives this provision was all the more necessary when it was decided at the November meeting to reduce the number of representatives from Employers and Employees to two each.

At the first meeting of the Wage Board, however, held on 23rd/24th January 1961 the Chairman of the Wage Board raised objections to the presence of Advisers and his objections were upheld by the Labour Ministry in the Deputy Secretary's letter No. WB-3(2)/60III dated 25th January 1961 and confirmed, despite protests by all the Employers' Associations, in his letter WB-3(1)/61/1 dated 17th May 1961. The Advisers have since not been allowed to attend meetings of the Board but only to sit in a nearby room where representatives could on occasion go out and consult them.

It is submitted that the normal practice when Advisers are permitted at meetings of any Conference or Board is for them to be seated beside the representative concerned, and although they may not take part in the discussions without the Chairman's permission, they are able to listen to what is said and to advise their representative as and when he requires. The function of Advisers is nullified if they are not permitted to listen to what is said at meetings of the Board. It is not to be expected that Government's permission is required for Advisers merely to attend elsewhere outside the meetings.

It is therefore requested that the subject be referred back to the Industrial Committee and that the Chairman of the Board be requested to accept the decision reached at the Ninth Session of the Industrial Committee and permit Advisers to attend the meetings with their representatives.

P.T.O.

PART - II

Factual supplement added by the
Ministry of Labour & Employment.

The question of advisers did not come up for discussion before the Industrial Committee on Plantations, at its meetings held on the 27th April and the 9th November, 1960. Only the question of alternate members was discussed at the meeting held on the 9th November, 1960, and it was agreed that during the temporary absence of any employers' or workers' representatives appointed to the Wage Board, an alternate member would be permitted to attend in his place. This has been embodied in the conclusions of the meeting circulated to the parties.

2. Advisers were not allowed to be present at meetings in the case of the Textile, Sugar and Cement Wage Boards. Requests to this effect were received from the employers' side, and these were considered in consultation with the Chairman of the three Wage Boards. They were not in favour of the proposal on the ground that presence of advisers would destroy the intimate and confidential character of proceedings and also hamper transaction of business. These considerations normally apply to any Wage Board.

3. A Wage Board can work effectively if it is a small compact body. If the employers' representatives are allowed to bring advisers inside the meeting room, similar facilities will have to be provided to the workers' representatives. The presence of so many persons may make the Board an unwieldy body, and this will not be in the interest of the Board's work.

4. No snap decisions are taken by the Wage Boards, and sufficient time is generally allowed to the parties before decisions on important issues are finalised. There will hardly be any occasion for on-the-spot consultation with advisers. If necessary, such consultation can take place outside the meeting room.

5. The members representing workers on the Wage Board are opposed to the proposal.

Industrial Committee on Plantations

(10 th Session)

Item 16: Disposal of a sum of Rs.17,194.03 deposited with the Controller of Emigrant Labour for disbursement as bonus to repatriated workers.

Memorandum

The Delhi Agreement on Bonus signed on 8.1.1956, provided for payment of bonus to tea garden workers in Assam, West Bengal and Tripura for the years 1953, 1954, 1955 and 1956. In this connection, the question of payment of bonus to workers repatriated from Assam tea gardens arose, and it was proposed to entrust the work of disbursement of bonus to the Controller of Emigrant Labour. He had relevant particulars of repatriated workers and intended to disburse bonus to them through the civil authorities in the recruiting Districts. Some employers voluntarily deposited a sum of Rs.17,194.03 with the Controller for this purpose.

2. The Indian Tea Association did not agree to the payment of bonus to repatriated workers mainly on the following grounds:-

- (i) that the terms of the Delhi Agreement referred only to workers, and that the agreement contained no provision regarding payment of bonus to ex-workers;
- and (ii) that the question of indentification of repatriated workers would be complex and that the dangers of abuse and the possibility of the money getting into wrong hands would be many.

The matter was, thereupon, referred to the Bonus Sub-Committee of the Industrial Committee on Plantations for bringing about a settlement. This was discussed at some meetings of the Sub-Committee, but no settlement could be reached between the parties.

3. The Delhi Agreement makes no distinction between resident workers and workers who have left the gardens. In equity, repatriated workers should, in the absence of specific exclusion, be as much entitled to bonus as other workers. This seems to have been specifically recognised in the North-East India Tea Plantations Bonus Agreement of 1961. As regards disbursement,

the Controller of Emigrant Labour feels confident that there would be no danger of payments being made to wrong persons under the plan suggested by him.

4. The Controller of Emigrant Labour has kept the amount of Rs.17,194.03 deposited with him by employers in his Suspense Account since 1957. Audit authorities are objecting to the amount being so kept and the Controller has asked for instructions as to the disposal of the amount.

5. The amount in question has been voluntarily deposited with the Controller of Emigrant Labour by some employers for disbursement as bonus to their repatriated workers. It is suggested that an effort might be made to trace the workers in whose names the amount has been deposited and to make payment to them. If any of the entitled persons cannot be traced, the amounts payable to them may be refunded to the employers concerned. The Committee is requested to consider this suggestion.

Industrial Committee on Plantations
(10th Session)

Item No.17:- Factories situated in Plantations - Bringing under the coverage of the Plantations Labour Act, 1951.

MEMORANDUM

(Prepared by the Government of Kerala)

The definition of the term "Plantation in the Plantations Labour Act, 1951 before its amendment in 1960 was wide enough to cover all the place in plantations where the processing of the crops of the plantation is carried on. Hence the workers employed in the factories situated in the plantations were treated as workers that come under the coverage of the Plantation Labour Act. But according to the amendment of the term "plantation" brought about by the promulgation of the Plantations Labour (Amendment) Act, 1960 the factories covered by the Factories Act, 1948 are excluded from the scope of the Plantations Labour Act. This amendment has given rise to a lot of complaints from the labour side. The term 'workers' as defined in the Act includes any persons employed in plantation for hire etc., and hence it is not known how a worker engaged in the factory situated on the plantations concerned with the processing of its raw materials could be considered as outsider not entitled to the protective provisions of the Act. Obviously, one cannot conceive of a plantation without a factory which is indispensable appurtenant for manufacturing purposes. A plantation cannot be complete without a factory to turn out raw materials into finished products. Taking a realistic and objective view of the matter it is difficult to understand a factory which is an essential, vital and inescapable part of a plantation could be considered something outside the scope of the Plantations Labour Act.

It may be stated here that the benefits ensured by the Plantations Labour Act are for more than those contemplated in the Factories Act and they relate mainly to housing facilities, medical facilities etc. Those amenities are incidental to the employment in plantations from which the workers in the factories cannot be excluded with any shadow of justification. It may be noted that these privileges are enjoyed by the factory workers also from time immemorial in consideration of the peculiar nature of the industry and the geographical position of the plantations. As the factories now stand excluded from the coverage of the Plantations Labour Act, the workers employed therein are now thrown entirely at the mercy of the employers without any statutory protection whatever in regard to the benefits mentioned above which their counterparts in other spheres of plantations will be entitled to in the ordinary course of things.

It is, therefore, suggested that either the factories in plantations may be brought under the coverage of the Plantation Labour Act or the possibility of promulgating a separate legislation ensuring the above privileges to the workers employed in factories situated on plantations may be explored.

Part II

Factual Supplement added by the Ministry of Labour & Employment.

In Section 2(f) of the Plantations Labour Act, 1951

before it was amended in 1960, the term 'plantation' was defined to mean any land used or intended to be used for growing tea, coffee, rubber or cinchona etc. admeasuring 25 acres and more and whereon 30 or more persons were employed or had been employed on any day of the preceding 12 months. The old definition was thus restricted to land where tea, coffee, etc. were grown, and did not cover other places, such as offices, hospitals, schools, etc., where persons were employed in work connected with the plantations in one form or another. As the intention has been to make the benefits under the Act available to all workers except those employed in factories which come within the purview of the Factories Act, 1948, Section 2(f) of the Act was amended by the Plantations Labour (Amendment) Act, 1960, to read as under :-

- (f) "plantation" means any plantation to which this Act whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools, and any other premises used for any purpose connected with such plantation, but does not include any factory on the premises to which the provisions of the Factories Act, 1948, apply.

Before the Act was amended, this amendment along with certain others was discussed at the 8th session of the Industrial Committee on Plantations (Shillong - 21st January, 1958) and was agreed to by the Committee.

2. The Factories Act provides for the safety, health and welfare of workers and contains many provisions which are not found in the Plantations Labour Act. It is, therefore, necessary to continue the application of the Factories Act to tea estate factories. It is for the Industrial Committee to consider whether any specific welfare measures which are available to plantation workers, but not to factory workers, could be extended to the latter, particularly because of the difficulty of workers to secure facilities such as housing and medical relief in far-away places - which would not be felt by urban factory workers.

Industrial Committee on Plantations
(10th Session)

Item No. 18 :- Registration of Plantations - Amendment of
the Plantations Labour Act, 1951.

M E M O R A N D U M

(Prepared by the Government of Kerala)

At present there is no provision in the Plantation Labour Act requiring the employers to register their plantations. This causes great practical difficulties to the Chief Inspector of Plantations as well as to the Inspectors of Plantations in locating the plantations that come within the purview of the Plantations Labour Act. Such difficulties could be obviated by suitably amending the Plantations Labour Act providing for the registration of plantations. If employers are legally required to register their plantations evasion of the Plantations Labour Act could be easily detected. So also it would facilitate routine as well as complaint inspections of the plantations by the Plantation Inspectorate.

It is, therefore, suggested that the Plantations Labour Act may be suitably amended by incorporating provision for the registration of plantations.

Part II

Factual Supplement added by the Ministry of
Labour and Employment

Amendment of the Plantations Labour Act to provide for compulsory registration of plantations is also one of the suggestions made by the Government of Assam in their note on "Difficulties in the enforcement of the Plantations Labour Act, 1951" to be discussed as Item 7 of the agenda.

29 June 1951

EXPRESS

VRIDDHAGIRI

PLANTATION LABOUR ASSOCIATION

COONOOR (Nilgiris, Madras State)

INDUSTRIAL COMMITTEE MEETING FOURTH JULY POSTPONED

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PRAY LEGISLATIVE MEASURE FOR ABOLISHING DISMISSAL AND EVICTION ENTIRE FAMILY MEMBERS ON DISMISSAL HEAD OF FAMILY IN TEAGARDENS STOP YOUR ATTENTION DRAWN TO EIGHT PLANTATION SESSION STOP INCLUDE THIS ISSUE IN TENTH SESSIONS AGENDA STOP LETTER FOLLOWS.

SECRETARY DARJEELING DISTRICT HIKAMAN

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