

**Child Labour
in the Tea Plantations of Assam**

**Kallol Deka
Rajdeep Singha**



**North Eastern Social Research Centre
Guwahati
2024**

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Author:

Kallol Deka, Research Associate,
North Eastern Social Research Centre, Guwahati.

Email: kalloldeka8640@gmail.com

Rajdeep Singha, Ph.D, Associate Professor, Omeo Kumar Das
Institute of Social Change and Development, Guwahati.

Email: rajdeep.singha@gmail.com

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Publisher



North Eastern Social Research Centre
Jagriti 2nd Floor, Arunodoi Path, GMCH Road
Christian Basti, Guwahati 781005, Assam
Email: nesrcghy@gmail.com
Website: www.nesrc.org

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Geographical Area: Assam, India

Language: English

Pages : viii + 59

Price: Paperback: Rs. 100, US\$ 5, Euro 5

ISBN: 978-81-960850-6-3

Printed at: Bhabani Offset & Imaging Systems Private Ltd.
7 Lachit Lane, Rajgarh Road, Guwahati 781007

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Acknowledgements

This book would not have been possible without the invaluable contributions, guidance and support of many individuals and organizations.

First and foremost, we are thankful to Dr. Walter Fernandes, Director of the North Eastern Social Research Centre, for his unwavering trust and mentorship. His faith in this project and his continuous support has been a cornerstone of this endeavor.

We would also like to express our heartfelt appreciation to the participants of the workshop titled "Child Labour in the Tea Plantations of Assam: Past, Present, and Future," held on the 23rd and 24th of January 2024 in Guwahati. This book would not have been possible without the participation of Sangeeta Tete, Anjali Barla, Barnabas Kindo, Budhadev Tanti, Bibas Bhumij, Susana Hurumsuku, Khusbu Rana, Paulina Ekka, Sonia Tanti, Hari Das, Nitish Gogoi, Premshila Singh, Dr Syed S Kazi, Juri Baruah, and Atish Ekka. Their insights and experiences have greatly enriched the content and depth of this book.

We would also like to thank Dr Dolly Kikon, Dr Xonzoi Borbara, Nipasa, Dejna, Timothy, Hunti, Peki, Dixita, Meenal, Nirob, Rita, Ashpriya, Mary, and Mrinmoy for all their support and feedback throughout our association with NESRC. Thanks to Noihrit Gogoi for proofreading the manuscript and ensuring its clarity.

Finally, we are deeply grateful to Eva, Ute and Isabelle for their valuable insights and comments which helped us steer the

project in the right direction. We want to show our utmost gratitude to Dreikönigsaktion der Katholischen Jungschar (DKA Austria), for their generous funding, which made this research and publication possible.

Thank you all for your contributions and support.

Introduction

“Children belong in schools, not workplaces. Child labour deprives children of their right to go to school and reinforces inter-generational cycles of poverty” - UNICEF.

Child labour continues to be a persistent problem globally. It is more pronounced in low and middle-income countries like India. The prevalence of child labour in the tea gardens in the North East Indian state of Assam has been historically documented. Even after 200 years in the Assam Tea Industry, child labour persists in plantations in various forms. The plantations have also become a source of child labour elsewhere. Children from tea garden areas working as domestic helpers and babysitters in affluent and middle-class households in Assam, Nagaland, and Arunachal Pradesh are a common sight. This existence of child labour is because of enabling socio-economic factors like poverty, lack of access to education and health, and weak governance structures. These structures remain in these geographically, socially, and politically isolated enclaves. These factors expose them to vulnerability and exploitation, where the situation can be so desperate that parents sometimes feel it to be the best option for their children to settle outside of the plantations somehow, no matter under what circumstances and conditions.

This report attempts to highlight various rights and entitlements of children under different international and Indian provisions through which their condition can be improved. It also

tries to understand the prevalence of child labour, its enabling factors, risks, vulnerabilities and the degree of exploitation that children are exposed to within the plantations. These factors have been studied comprehensively using available secondary data from various sources.

A workshop was organised by North Eastern Social Research Centre (NESRC) titled *Child Labour in the Tea Plantations of Assam: Past, Present, and Future* on the 23rd and 24th of January 2024 in Guwahati. It was attended by social activists, student leaders, civil society organizations and other non-governmental organisations, academicians working on and dealing with issues in tea plantations across Assam. The participants belonged to organisations like PAJHRA (Promotion and Advancement of Justice, Harmony and Rights of Adivasis), AAWAA (All Adivasi Women Association of Assam), ATTSA (All Assam Tea Tribes Student Association), AASAA (All Adivasi Students Association of Assam), NBS (Nawa Bihan Samaj) Lakhimpur, MASK (Mahila Shakti Kendra) Balipara etc. The workshop aimed to provide further insights on the issue of child labour in the tea plantations based on their field experiences.

The report, using secondary sources and insights from the workshop, attempts to deal holistically with the issue of child labour in the tea plantations of Assam. Child labour has to be seen as a multi-layered issue influenced by different intricately and inextricably linked factors. Thus, it becomes pertinent to use a broad approach to understand the issue and devise tangible solutions to ensure a better future for the affected children. This report attempts to capture the nuances and inter-linkages which not only push children into child labour but also increase their vulnerability of falling into child labour in the future.

Chapter 1

Child Rights and Some Definitions

What are the Rights of a Child?

According to the *United Nations Child Rights Convention*(UNCRC), 1989, the fundamental humanrights of children include civil, economic, social, cultural, and political rights, which enable them to achieve their full potential. These rights can be grouped into four classes:

1. ***Right to Survival:*** This includes the right to life and the highest attainable standard of health and nutrition, an adequate standard of living, and a right to a name and a nationality.
2. ***Right to Protection:*** This includes freedom from all forms of exploitation, abuse, inhuman and degrading treatment, neglect, and special protection in situations of emergency and armed conflict.
3. ***Right to Development:*** This includes the right to education, support for early childhood development and care, social security and leisure, recreation, and cultural activities.
4. ***Right to Participation:*** This includes respect for the views and opinions of children, ensuring their freedom of expression, access to appropriate information, and freedom of thought, conscience and religion.

The National Policy for Children, 2013 lays out the rights of children in India and covers all children within the territory and

jurisdiction of the State. It identified four key priority areas drawing from the UNCRC – survival, health and nutrition, education and development, protection and participation as the undeniable rights of every child. It also created a National Commission for the Protection of Child Rights and State Commissions for the Protection of Child Rights.

Who is a Child?

According to the UNCRC, 1989, childhood is separate from adulthood and lasts until 18 years of age; it is a special, protected time in which children must be allowed to grow, learn, play, develop and flourish with dignity.

The National Policy for Children, 2013, guides India's policy response towards the welfare of children and declares any person under 18 years as a child. Thus, we can consider anyone under 18 years to be a child.

What is Child Labour?

The International Labour Organisation (ILO) defines child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and cognitive development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and/or interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work.

In simpler terms, child labour is considered to comprise work that children are too young to do and/or work that, by its nature or circumstances, is likely to harm children's health, safety or morals. All work places children at risk (International Labour Conference (69th / : 1983/ : Geneva, Switzerland), 1985). This work may or may not entail income, which can also be demanded or provided instead of repayment of family debt.

Why do Children Work?

It is a well-established fact that child labour exists because their survival and that of their families depend on it. It is also due to inadequate educational systems where schooling and education are not seen as investments for a better future. A lack of role models in the family and among close associations leads to further normalisation of child labour in socio-cultural attitudes.

According to the ILO, poverty is the single most significant force driving children to workplaces, as income from a child's work is felt to be crucial for his/her survival or for that of the family. Child labour correlates with broader demographic, economic and development trends. For example, in Sub-Saharan Africa, where more children are in child labour than in the rest of the world combined, more than 40 per cent of the population lives in extreme poverty with a very high incidence of inequality (ILO, 2021).

While poverty is the most vital factor, it is not the only one. Child labour occurs when many factors are combined; isolating one from the other is difficult. Informalisation of the economy is one such contributing factor. It leads to lower and irregular incomes, unsafe working conditions, extreme job precarity and exclusion from social security schemes, which results in a lack of social protection. These conditions can spur families without a safety net to turn to child labour during times of financial distress (ILO, 2021).

Education exclusion, population growth, conflicts, displacement, statelessness, health emergencies like the Covid19 pandemic, and climate-related natural disasters are some other factors that can act as a stimulus for an increase in the number of children in child labour in a given geographical region (ILO, 2021).

Chapter 2

Legal Provisions on Children

Child labour is a social, cultural, and economic issue which requires socio-economic policy interventions and poverty alleviation measures. While long-term solutions lie in such policies and interventions that are nuanced and targeted towards ameliorating the factors which induce child labour, laws are also an instrument through which the state attempts to safeguard the rights of children. Conventions and goals under international agencies like ILO and UN set the agenda for its member states to follow; the member states ratify the conventions and develop laws relevant to their political and social settings. In India, citizens enjoy two sets of legal rights; one derives directly from the constitution and the other through legislation passed by the legislature. While the former is considered constitutional and mostly inalienable, as in the case of fundamental rights, the latter rights can be granted and curtailed by following the procedure established by law.

International Conventions on Child Labour

ILO Conventions on Child Labour

The ILO has two major conventions related to child labour. The first is the ILO Convention No 138 on Minimum Age, which states that the minimum age for admission into any employment or work that negatively impacts young persons' health, safety and morals shall not be under 18 years. National laws or other competent authorities must determine work under the

abovementioned categories.

The second major convention, which is the only one of ILO that all its members have ratified, is the ILO Convention No. 182 on the Worst Forms of Child Labour. It deals with the elimination of child labour in forms like slavery, prostitution, hazardous work, etc., urgently without losing the long-term goal of eliminating all kinds of child labour. Hazardous work, which is often used as a proxy for the worst forms of child labour, is defined by the ILO as work that "exposes children to physical, psychological or sexual abuse;work with dangerous machinery, equipment and tools or carrying heavy loads; exposure to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to health; work for long hours, night work, and unreasonable confinement to the premises of the employer."

United Nations Sustainable Development Goals and Child Labour

Under the United Nations Sustainable Development Goal No. 8, Decent Work and Economic Growth, elimination of child labour is mentioned in goal number 8.7. It sets 2025 as the target year to end child labour in all its forms. The goal is stated as "the immediate and effective measures to eradicate forced labour.... elimination of the worst forms of child labour....and by 2025 end child labour in all its forms."

The goal sets an ambitious target considering the current rate of prevalence of child labour. The pace of eradicating child labour has to be at least 18 times the current rate to achieve this goal.

Constitutional and Legal Provisions in India

Constitutional Protection for Children in India

In Part III of the Indian Constitution, which deals with Fundamental Rights, Article 21A confers the right to free and compulsory education for all children aged 6 to 14. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, was enacted to enforce the Fundamental Rights under Article 21A. In

consonance with this Right, the *Child Labour (Prohibition and Regulation) Act 1986* has been amended to prohibit all work for children below 14 years of age to ensure they can avail their fundamental right to education.

Article 24 (Part III) prohibits the employment of children in factories, etc. It states that no child below fourteen shall be employed to work in any factory, mine, or other hazardous employment.

In Part IV, i.e., Directive Principles of State Policy, Article 39 states that the State shall, in particular, direct its policy towards securing the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age or strength.

Similarly, Article 45 directs that 'the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years'. Article 51(k) of Part IVA, Fundamental Duties, prescribes that parents or guardians should provide opportunities for education to their child/ward between the ages of 6 and 14.

Legislative Provisions

Different laws provide for different types of prohibitions and regulations on the employment of children and adolescents. The Mines Act of 1952 completely prohibits the employment of anyone below 18 years of age in mines. The Factories Act of 1948 prohibits people below 14 years of age while allowing for light work under regulation between 15 and 18 years.

The Child Labour (Prohibition and Regulation) Act of 1986 prohibits the employment of children under 14. It also prohibits the employment of children below 18 years in all hazardous occupations and processes. However, tea plantation work was not included under the prohibited works and processes for adolescents aged 14 to 18. This leaves the children in tea plantations vulnerable to child labour.

Plantation Labour Act, 1951

The tea plantations of Assam fall under the jurisdiction of the *Plantation Labour Act* (PLA), 1951, consequent to which the Assam Plantation Labour Rules, 1956 were formulated. The Act contains various provisions for the welfare of plantation labourers and their children. Some significant provisions that ensure the rights of women and children in the plantations are listed below.

Important Provisions of Plantation Labour Act, 1951 and Assam Plantation Labour Rules, 1956 Pertaining to Welfare of Labourers and their Children.

Child and Adolescent Labour: The PLA had initially provided for the employment of a child or an adolescent of 14 years and above for no more than 40 hours in a week. An amendment in 2010 has deleted the word child from the Act. A fitness certificate from a doctor is required for children between 14 and 18 years old to work in plantations. This has to be renewed every year. Thus, adolescents between 14 and 18 years can be legally employed in various processes in the tea plantations.

Educational Facilities: A primary school has to be maintained if the total number of children of workers between the age group of 6 to 12 years exceeds 25. An open playground with all accessories should be provided for the children. There should be one teacher for every forty children. No fee for attending the school shall be charged to the workers' children. If a public (state-run) school is present within a radius of one mile, and the employer does not provide educational facilities, a cess or a tax must be paid to the workers towards the education of their wards.

Crèches: In plantations with more than 50 women workers, suitable crèche facilities must be maintained for children below two. There should be one such crèche on every 25 hectares. A separate crèche should be maintained for children between 2 and 6 years for each garden and out-garden. The crèches should be clean and hygienic and under the charge of a woman trained in

caring for children and infants. The mother of a child below two years of age whose child is accommodated in the crèche should be allowed to visit the crèche to feed it during her daily work.

Medical Facilities: Easily accessible medical facilities for workers and their families must be made available by the employer as the state government prescribes. There shall be two types of hospitals on plantations: Garden Hospitals and Group Hospitals.

Garden Hospitals: employers employing more than 500 workers must provide a garden hospital on their plantation. For plantations with less than 500 workers, the employers may provide for a garden hospital or have a lien with a neighbouring hospital within a distance of five kilometres with at least 15 beds for every 1,000 workers. Garden hospitals need simple inpatient and outpatient wards dealing with infectious cases, midwifery, and simple pre-natal and post-natal care of infants and children. Each garden hospital should have at least a full-time qualified medical practitioner, assisted by one trained nurse, a trained midwife, a qualified pharmacist, and a trained health assistant.

Group Hospitals: If a single garden finds it unfeasible to make provision for a garden hospital and such a garden fall within the vicinity of other such gardens, a centrally located group hospital may be established with shared costs. Setting up a group hospital requires prior approval of the State Government. Every group hospital should have a minimum of 100 beds and at least three beds per 700 workers.

Housing Facilities: The employer has to provide and maintain necessary housing for every worker on the plantation so that they are as close to the workplace as possible. The accommodation shall be provided on dry, well-drained land with a good drinking water supply within a reasonable distance. Adequate lighting arrangements in and around the house, approach roads, paths, sewers and drains are also to be provided for by the employer.

Maternity Benefits: Every woman who is employed for 150 days in 12 months immediately before the expected day of

delivery shall be entitled to obtain from her employer a maternity allowance for a period of four weeks immediately preceding the expected day of her delivery and for eight weeks immediately following the day of her delivery. No employer shall knowingly employ a woman on a plantation during the above mentioned period. In case of miscarriage, a woman shall be entitled to two weeks' leave with pay from the day of her miscarriage. During her pregnancy, a woman shall not be employed in any work that will interfere with her pregnancy, the normal growth of the foetus, and her health.

Chapter 3

Historical Context of Tea and Exploitation in Assam

The British discovered tea growing naturally in the Brahmaputra Valley in 1823 when Robert Bruce found the Singpho community brewing their traditional phalap tea. Eventually, this tea was recognised as authentic, which paved the way for the establishment of tea plantations in the eastern part of the Brahmaputra valley.

The plantation system constitutes a unique and exploitative form of production. It is a capitalist type of agricultural organisation in which a considerable number of unfree or bonded labourers are employed under a central authority, which controls all aspects of their life in the production of a crop (Genovese, 1967)

Tea plantations are labour intensive; this created a massive demand for labour in this sparsely populated region. The British initially brought labour from China but it was not economically viable. They also tried hiring locals, but the locals were reluctant to become wage seekers on their own land which was acquired for the plantations. Moreover, the British realised that the local labour had higher bargaining power and were less subservient. Thus, locals were branded as lazy natives who were unwilling and unable to work.

This paved the way for the import of labour in large numbers from other parts of India, mainly from the tribal belts of eastern and central India. These tribes from the Chotanagpur Plateau and surrounding regions were members of different tribes like the

Mundas, Oraons, Santhals, etc. They were already dispossessed of their land by the *Permanent Settlement Act of 1793*, which brought Western notions of individual land ownership into the community-based land systems. The introduction of a cash economy, which required payment of taxes, increased the vulnerability of the tribes.

This enabled the plantations to recruit labour from these areas through unscrupulous means, such as misrepresenting facts and through threats. Guha notes that “Men, women and children were enticed, even kidnapped, and traded like cattle; absconders were hunted down like runaway slaves” (Guha, 1977). *The Workman’s Breach of Contract Act* was enacted in 1859. It made any worker entering into a contract with the planters, knowingly or in ignorance, liable to harsh punishments for any breach, rendering them captive in the plantations (Bhowmik et al., 1996). It was noted that “a coolie who had once been to prison would much rather go back to it than stay in a tea garden.” (Guha, 1977).

The labour requirement was huge. The death rate was high due to the inhuman transportation and living conditions of the workers. Hence, recruitment was done based on family. A tribal from central India who migrated with his family to a far-flung place with little connectivity with the outside world was less likely to run away. Also, recruiting families meant the availability of more labour as both the spouses and even their children could work in the plantations for what was known as *chokrahajira* (the child’s daily wage). Thus, the husband, wife, and children were all considered part of the workforce and engaged in different plantation activities (Bhowmik, 1992). Between 1870 and 1900, around 750,000 men, women and children were brought to Assam. In 1877, the workforce was made up of one-third children. By 1930, it was as high as one-half of the total workforce (Chakravarty, 2014).

Post-independence saw the enactment of the *Plantation Labour Act of 1951*, which provided some safeguards and guarantees to the tea garden workers. However, labour relations

have continued to be strained between the management and the workers. This is due to the legacy of historical disadvantages tea garden labour faces, which can be broadly classified into five categories (Saha, D et al., 2019). First, tribal migrants were recruited for very low wages (Bhowmik, 2011). Second, the migrants and their families were kept captives, with watchmen keeping a strict vigil in the labour lines, preventing any outsider from entering the plantation premises (ibid). Third, most of the plantations are located in isolated areas, with few alternative employment options. Fourth, tea garden workers, mostly Adivasis, are not considered Scheduled Tribes (STs) in Assam, while members of their tribes in their places of origin and other regions are included in this category (Gohain, 2007). Lastly, the labourers living for generations in their dwellings on the plantations do not have any land rights (Saha, D et al., 2019). These legacy issues continue to constrain labour relations within the plantations.

Tea in the Global Market

Tea is the second most consumed beverage in the world after water (Bolton, 2018). From 2010 to 2020, the global tea market has increased by around 3 per cent per year (FAO, 2022). International tea trade was valued at \$49 billion in 2021 and is forecast to reach \$93.2 billion by 2031 with a CAGR of 6.7 per cent from 2022 to 2031. Recent trends show a more robust growth in green tea production than in black tea, and the FAO predicts a significant increase in production by 2030, especially in China and India. Green tea currently represents 17.2 per cent of the market share, which is increasing faster than black tea, with a share of 59 per cent of the market. East Asia, especially China, is the leading producer of green tea, but India and Sri Lanka are also diversifying their production to include more green tea. This change in production patterns, in part, is driven by an increase in health consciousness among consumers, especially after the COVID-19 pandemic, with tea, especially green organic tea, being seen as a health and

wellness product (Allied Market Research, 2023).

Part of the growth in demand is also due to the increase in the populations of China and India, the largest tea producers in the world. While 6.5 million tonnes of tea was produced worldwide, China was responsible for 47 per cent of the total production, and India accounted for 20 per cent. China and India are also the largest consumers of tea; China accounted for 2.7 million tonnes, while India accounted for 1.1 million tonnes in 2021, consuming three-fifths of all tea produced (Ali & Duggal, 2023).

Only about 28 to 31 percent of total tea production is traded in the international market. Kenya and Sri Lanka form major tea exporters ahead of India due to their low domestic demand (Tea Board of India, 2022). However, India is the second largest exporter of tea to Europe after Kenya. The biggest proportion of tea from India exported to Europe comes from Assam (Johnson & Siedler, 2023).

In contrast, the Indian Tea Association (ITA) claims that the industry is in crisis as prices have increased at a CAGR of 4 percent over the last decade while input costs of coal and gas have risen at a rate of 9-15 percent (*The Assam Tribune*, 28 December 2023). In the highly complex global value chains of tea, maximum value addition in the international market occurs outside the country of production (Johnson & Siedler, 2023). The workers receive the smallest share of the end price. The ITA further claims that in the backdrop of a stagnant domestic market and a shrinking export market, any increase in the wages of labourers will make the business non-viable, resulting in the closure of tea plantations (*The Assam Tribune*, 28 December 2023), thus justifying the pitiable condition of the plantation labourers and also providing a tacit warning to the government against future wage hikes in the industry.

However, as we will see later in the document, things are more complex than the ITA claims. Global value chains and value transfer to the tea labourers can be achieved in a more equitable and transparent value chain with better regulatory mechanisms.

Chapter 4

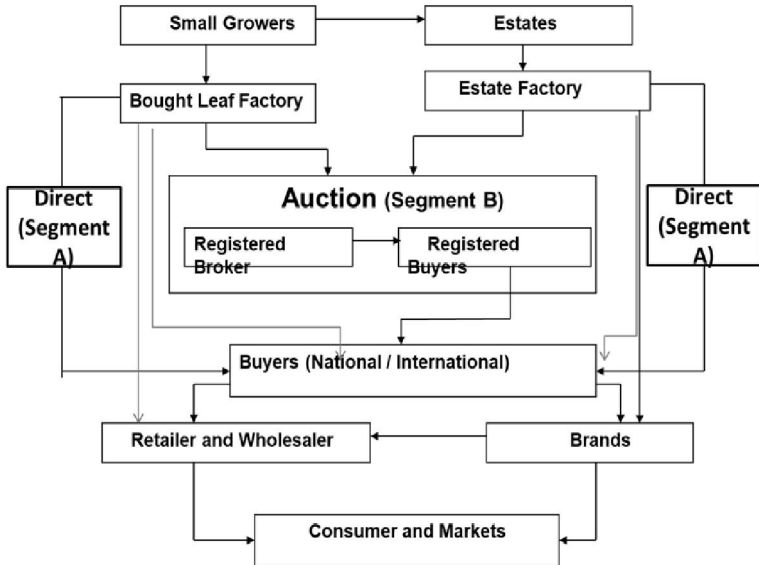
The Value Chain Conundrum

The global tea value chain is opaque at the lower end and lacks traceability and transparency. The value addition and profit margins are also highly skewed towards the supermarkets and tea brands selling tea. Consumers' packaged blends and tea bag prices have risen consistently in the past decade, both in India and Europe. The most significant part of value addition happens in the countries that import tea. Therefore, the highest share of profits does not accrue to the tea-producing countries but is made abroad. Supermarkets take a significant amount of the end price of a packet of tea consumers buy. This leaves a minimal amount of money to be paid to the tea plantation workers (Oxfam, 2019). Hence, producers are trying to realise a better price by producing speciality tea and blending and packaging tea at the source, which is then sold directly to European buyers (Johnson & Siedler, 2023).

Tea is sold in two segments - directly or through auction. Direct selling comes under Segment A, and tea sold through auction comes under Segment B. 70 percent of world production is sold through auction, and the rest is traded directly. A study conducted by Rosa Luxemburg Stiftung in 2019 found that for Segment A (direct selling), only 30 percent of the selling price stayed in India, with 22 per cent going to the plantation company and around 1.4 per cent to 2.8 percent going to the plantation workers. For Segment B (auction), only 14 per cent of the retail price stays in India, with 10 percent going to plantation owners and only 2 percent to

thepluckers (Johnson & Siedler, 2023).

Global supply chains are getting increasingly complicated, with many levels and players involved. Retailers claim they have difficulty



in finding out where their tea is sourced from apart from the larger geographical location (Johnson & Siedler, 2023). This, in turn, makes it difficult for them to ensure ethical sourcing of their raw materials. The opaque and complicated supply-value chain perpetuates and enables exploitation at the source locations.

Thus, it becomes pertinent to ensure adequate value addition and value transfer at the source locations to ensure that children living in tea plantations can enjoy their fundamental rights as provided by the United Nations Convention on the Rights of the Child. This can be ensured only when the value-supply chain is transparent with proper data on source location, value addition at each level, working conditions, etc. This is where certification agencies, civil society organisations, researchers and other stakeholders have to play an active role in creating and disseminating accurate information to ensure compliance.

Assam Tea: An Overview

Assam contributes more than 52 per cent of the total tea produced in India and is the largest tea-producing region in the world. It is the main export item from the State. In 2014, Assam tea worth INR 17 billion was sold internationally (Industries and Commerce Department, Government of Assam). Eighty-one per cent of Assam tea is consumed domestically. The rest is exported to high-income countries like Germany, the UK, the Netherlands, etc.

The year 2023 marks 200 years of Assam tea, named after the region where it is grown. Its unique, robust, aromatic flavour carries a substantial brand value. However, its production process has historically involved human rights violations and poor working conditions. Such problems persist in the supply chain's highly opaque lower end. This raises sustainability and labour rights concerns at the source locations. The concerns relate to violating various statutory and non-statutory rights and obligations, both domestic and international.

The Plantation Labour Act of 1951, the primary legislation governing working conditions in tea plantations in India, requires the tea plantation management to make provision for education, crèche facilities, maternity leave, and housing for the labourers and their children. However, studies have found that such provisions are not maintained, and violations include non-payment of minimum wage, non-compliance to occupational safety and health, working conditions, poverty wages, and lack of access to education and health care (Oxfam, 2019).

Tea plantations, in their relationship with the outside world, are governed by the market principles of demand and supply, but their internal structure is governed by coercion. Even when agricultural wages in the vicinity are higher, and there is a labour shortage, wages remain static and low (Bhowmik, 1980). In such a scenario, the tea garden workers form one of the most precarious workforces in the world, bordering on bonded labour, with workers

utterly dependent on their employers even for their most basic needs (Oxfam, 2019). Children of tea garden workers are seldom provided the necessary education and opportunities to escape this cycle of poverty. Thus, they often find themselves as child labourers doing odd jobs for employers.

The tea Industry is India's largest employer in the formal private sector. Assam has over 800 registered tea plantations, with around one million tea garden workers working as permanent and casual workers. The total area under such plantations is 232,399 hectares, while that under small tea growers is 114,801 hectares, according to the Directorate of Economics and Statistics, Government of Assam. Forty-six per cent of Assam tea is currently being produced by small tea growers, who do not come under the purview of the Plantation Labour Act 1951. This can lead to increased informalisation of the tea industry, eroding the little benefits tea garden workers enjoy. It has also been observed that child labour is most pronounced in informal micro and small enterprises operating at the lower tiers of the supply chain (ILO, 2021).

Chapter 5

Status of Child Labour

Child labour negatively affects children's cognitive and physical faculties. They tend to become low-skilled adult workers in low-productivity employment, constraining the prospects for decent work in youth and adulthood and their overall life potential. This results in a considerable portion of the workforce being stuck in a low-level equilibrium trap, resulting in a downward push on the country's total productivity.

Global Context

According to the ILO Child Labour Global Estimates 2020 Report, there are 160 million children in child labour, out of whom 79 million, almost 50 per cent, are in hazardous employment. That amounts to one in every ten children in the world. Three out of every five victims of child labour reside in low and lower-middle-income countries. In the rural areas, the prevalence of child labour is around three times higher than in urban areas, with the agricultural sector accounting for the largest share. One-third of all children in child labour are excluded from school. Twenty-eight per cent of 5 to 11-year-olds and 35 per cent of 12 to 14-year-olds in child labour are out of school. Others who attend school find it difficult to balance the two and are likelier to drop out.

Child Labour in India

One in every ten victims of child labour in the world is from

India. According to the Census 2011, 10.1 million (3.9 per cent of the total child population) are victims of child labour and work either as ‘main workers’ or as ‘marginal workers’. Child labour decreased by 2.6 million in 2001. It is also pertinent to note that 42.7 million children in India are out of school (ILO, 2017).

Child labour is closely related to out-of-school children, as children who are not engaged in school are engaged in some work. Not attending school, they become a part of the labour pool. According to the 2nd National Labour Commission Report, 2002, all out-of-school children must be treated as child labourers or as those who have the potential to become child labourers... thus all work done by children, irrespective of where it is done, must be considered child labour.

While child labour is more prevalent among boys than girls, girls share the higher burden of undertaking domestic and care work, which might not be recorded in such statistics. According to UNICEF, girls are twice as likely to be out of school and take on domestic chores like cleaning, cooking and caring for family members, including other children. Thus, it becomes essential to keep the definition of child labour broad to cover children working within family units within the strategy to eliminate child labour.

India has ratified ILO Convention No 138 and 182 and passed various legislative measures to end child labour. India currently ranks 118 out of 186 countries in the Child Development Index released by Save the Children, as mentioned in the Global Childhood Report 2021. This is due to the lackadaisical implementation of government schemes, an inefficient bureaucratic structure, low awareness, high levels of poverty, low expenditure on education, and a predominantly informal economy. Lack of social security increases the vulnerability of children to fall into the trap of child labour.

Child Labour in Assam

According to the 2011 Census, there were 99,512 numbers or 3.2 per cent of the total child population of Assam, in child

labour, down from 351,416 in 2001. According to National Crime Records Bureau data on child labour in 2021, Assam recorded the second-highest number of cases (78 cases) in India. It also accounted for the second-highest number of victims (110 victims) (Table 6.1). These are only recorded cases. The reality is higher than this.

Table 1: State/UT-wise Number of Cases Registered under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, from 2019 to 2021

Sl. No.	State/UT	2019	2020	2021
1	Arunachal Pradesh	0	1	0
2	Assam	68	40	78
3	Meghalaya	2	0	0
4	Tripura	0	1	0
5	Rest of India	704	434	535
Total	Total	772	476	613

Sources: Rajya Sabha Session - 259 unstarred question No 2640. Answered on, 23rd March 2023. Data Figures are in Numbers; Crime in India, National Crime Records Bureau.

Child labour cases registered in Assam have continued to be high among the states and union territories of India. While the figure was 68 in 2019, it dropped to 40 in 2020 and went up to 78 in 2021. The almost twofold increase in reported cases can be partly attributed to families' financial distress during COVID-19 and its aftermath.

According to the Labour Commission of Assam, 389 child labourers were rescued in 2022 by NGOs and other agencies. In 2023, until June, 413 child labourers were rescued. The Railway Police Force rescued around 483 children coming to and going from Assam in 2022 (The Sentinel, 2023). These are the number of cases reported or detected by the authorities. The actual number of children in child labour in Assam can be assumed to be much

higher due to the nature of child labour practised and the conditions under which child labour exists. Since, in most cases, children work out of desperation, often with the consent and even encouragement of the family, such cases mostly go unreported or undetected.

There exists a direct link between poverty and child labour. According to the World Bank, 32 per cent or one-third of the population of Assam lives in poverty (World Bank, 2017). The National Institute for Transforming India (NITI Aayog), the leading think tank of the Government of India, releases the National Multidimensional Poverty Index, according to which the proportion of people experiencing multidimensional poverty in Assam has reduced from 32.65 per cent in 2015-16 to 19.35 per cent in 2019-2021. However, it continues to be higher than the national average of 24.85 per cent in 2015-2016 and 14.96 per cent in 2019-2021. The State needs to catch up with the rest of the country in various developmental and economic parameters.

Chapter 6

Child Labour in the Tea Plantations of Assam

Tea is a significant industry in Assam. It is highly labour-intensive. The plantations are primarily concentrated in remote locations in the Eastern or Upper Assam region. They are cut off from their surrounding human habitations, and plantation workers usually live isolated lives under the strict surveillance of plantation managers and owners. They are paid below minimum wage, which Oxfam has called poverty wages in their 2019 report on The Human Cost of Assam Tea. Such wages, among other issues, enable child labour to persist in various forms.

Non-adult permanent workers accounted for 3.10 per cent of total permanent workers in 2004. However, many are casual workers, and the extent is much higher. Adolescents are engaged in similar work as adults. They also partake in hazardous work like the spraying of pesticides. Children are supposed to be given 'lighter' work, but this is not followed in practice; of the total child labour employed in the tea industry (under provisions of the (PLA, 1951), almost 82 per cent were employed in the tea gardens of Assam in 1997 (Mishra et al., 2012).

Tea plantations also need to fare better in providing educational facilities to the children. Dropout rates are high. Children leave or never enter school because they must provide care, work at home, or earn extra income to sustain their families. A high dropout rate is indicative of a higher prevalence of child labour in the plantations. According to the PLA, adolescents between the ages of 14 and

18 can be employed upon receipt of a fitness certificate from an authorised doctor. However, many workers need to learn what a fitness certificate is. Moreover, their need to work is so desperate that their parents even alter the date of birth of their children to make them eligible for work. Children below 14 are not seen in visible employment, but they can work at the nursery and in the manager's bungalows (Saha, D et al., 2019).

Child labour in the plantations is also seasonal. During the peak plucking season, when maximum labour is required, children from the plantations and surrounding villages are plucking. This period also coincides with their school examination schedule. This inflow of child labour is followed by an outflow during the harvest season in the neighbouring villages, where children from the tea plantations find employment in the fields for daily wages¹.

Children are also forced to migrate to the immediate vicinity for work. Young boys aged 14 and above even migrate outside Assam, searching for work through established networks. Some have yet to come back or are heard from again². Girls find employment as domestic workers and babysitters in affluent and middle-class households in Assam, Nagaland and Arunachal Pradesh. The "demand" for girls from the tea plantations is so high that they are even kidnapped and trafficked. Households exploiting them find them to be docile and agreeable, as the children know that they have no other choice. One participant in the workshop working with an NGO in the Assam-Arunachal border on women and child rights shared how some people would approach them with queries about finding an Adivasi girl to look after their children and do domestic chores³.

Child labour in the tea plantations exists in various forms and degrees. From working in the fields as a way of helping their parents

¹ Shared by Atish Ekka, Independent Researcher, reflections from Doomni Tea Estate.

² Shared by Paulina Ekka, AAWA, who is working in West Assam.

³ Shared by Khusbu Rana, MASK, who works at the Balipara-Bhalukpong Assam-Arunachal Border.

meet their daily targets to being actively encouraged through established conditions and structures. These conditions and structures have historically limited their capabilities, which reduce their choices in life and infringe on their right to freedom, trapping them in their inter-generational cycles of multidimensional poverty⁴.

The following section will detail the factors responsible for perpetuating multidimensional poverty, which begets child labour and other social evils in the tea plantations of Assam. It is important to remember that the factors form a complex web of interconnections that cannot be separated from one another. Children in child labour and children at the risk of becoming child labour are victims of all these factors put together.

Factors Responsible

Child labour persists due to many factors like the incidence of poverty, literacy, access to health care, social exclusion, gender, and type of economy. These factors are usually overlapping and interrelated, with one factor leading to another, creating a vicious cycle. Most of these enabling factors are found to be widely prevalent in the tea plantations of Assam, sometimes to extreme magnitudes.

Wages

Assam tea is mainly grown in two regions of Assam: the Brahmaputra Valley and the Barak Valley. Wages differ slightly in the regions. The current wage in the Brahmaputra Valley is INR 250 (\$ 3), and in Barak Valley, it is INR 228 (\$2.74). The current Minimum Wage, as notified by the Chief Labour Commissioner (C), Government of India, is INR 480 (Order, 26/09/2023). Negotiations for wages for tea garden workers in Assam occur between the management and trade unions at a bi-partite level. The agreement is then sent to the State Government for examination and notification under the Minimum Wages Act (Tea Board of

⁴ Amartya Sen's Capability Approach – More capability, choices, freedom, and utility.

India, 2022). However, the recent wage hike came after a cabinet direction from the Government of Assam.

The Governor of Assam issued a notification to increase the wages of tea plantation workers and provide a breakdown of the

23 FEB 2021

GOVERNMENT OF ASSAM
LABOUR WELFARE DEPARTMENT:: LABOUR(RC) BRANCH
JANATA BHAWAN :: DISPUR

ORDERS BY THE GOVERNOR
NOTIFICATION
Dated Dispur, the 23rd February, 2021

NO.GLR(RC)178/2014/PN/406 : The Governor of Assam is pleased to enhance the daily rate of wages of the plantation workers in Assam by an interim amount @ Rs. 50/- per day with effect from 22nd February, 2021 till finalization of the revised minimum wages, as per advice of the Minimum Wages Advisory Board for plantation workers or till the finalization of the minimum wages as per the Code on Wages, 2019.

The benefits to be provided in kind and other compensatory benefits will continue as was already being provided to the workers. The cash value of benefits in kind and other compensatory benefits submitted by Consultative Committee of Planters' Association (CCPA) is as follows :-

Cash component of wages paid in kind per day:

	(In Rs)
(i) Ration	= 14.20 (32.5 kg per month or 1.083 kg per day)
(ii) Medical facilities	= 16.76
(iii) Housing facilities	= 15.22
(iv) Firewood	= 5.74
(x) Welfare Facilities	= 5.60
(vi) Education facilities	= 2.85
(vii) Tea	= 3.66

Rate of Compensatory benefits per day:

(i) Ex-gratia	= 25.03
(ii) Leave with wages & festival holidays	= 14.95
	104.00

Thus, the composite wage for the workers are as below:-

- Brahmaputra Valley @ Rs.217 (Cash) + 104 (Kind + compensatory benefits) = Rs. 321/-
- Barak Valley @ Rs. 195 (Cash) + 104 (Kind + compensatory benefits) = Rs. 299/-

In addition to the enhanced interim cash wages @ Rs. 217/- (Rs. 167/- per day + Rs. 50/- for Brahmaputra Valley) and @ Rs.195/- (Rs. 145/- per day + Rs. 50/- Barak Valley) the plantation workers to be entitled to Variable Dearness Allowance (VDA) @ 100% with the rise and the fall of Index point in the All India Consumer Price Index for Industrial Workers (Base 2001 = 100) calculated with reference to the daily wages of the workers as on date of effect to be paid thereafter on Six monthly review basis.

Sd/- Dr. J.B. Ekka, IAS
Principal Secretary to the Govt. of Assam
Labour Welfare Department, Dispur

cash and in-kind wages.

Periodical pay revisions have mostly followed government directions, reluctantly agreed to by plantation owners. This increase in daily wage is not unconditional. It is accompanied by an increase in the daily quota of leaves to be plucked, keeping the real wages unchanged. However, it increases the work burden of the labourers who have to toil for longer hours to meet their daily quota⁵.

The wage calculation for tea garden workers has two components - cash and in-kind - as provided in the Plantation Labour Act. India's Minimum Wages Act 1948 stipulates that in-kind benefits should not be considered for minimum wage calculations; however, Assam has provided for an exception for the tea industry (Oxfam, 2019).

⁵ Shared by Sangeeta Tete, NBS Lakhimpur, during the workshop organized by NESRC.

In-kind provisions include ration, medical facilities, housing, firewood, welfare, education and tea. Most workers do not need to learn about such deductions and are not provided with pay slips. The details could be more specific even where it is provided (Saha, D et al., 2019). There exists a high degree of information asymmetry between the management and the workers. This reduces the bargaining power of the workers. Their limited purchasing power, in turn, makes them dependent upon the plantation owners for their basic needs.

According to a study conducted by Oxfam in 2021, the living wage required for tea garden workers to lead a dignified life is INR 884 (\$ 10.6) per day (Oxfam, 2021). This figure was proposed when the daily wage was INR 167(\$ 2) (cash and in-kind was calculated to be 321) in the Brahmaputra valley and is most likely to have risen with inflation.

Such low cash wages have perpetuated poverty in the tea gardens. According to the study conducted by Oxfam in 2019, half of the households that were surveyed used to receive government-issued ration cards below the poverty line (BPL). This enables the workers to receive free and/or highly subsidised rations from government-designated public distribution system (PDS) shops. The ration provided by the tea gardens, for which wage is calculated in the in-kind provision, needs to be revised.

According to the same report, housing and toilets are in poor condition or non-existent; provision for the same is also calculated in in-kind wages. Similarly, most gardens need more trained health personnel, with only one pharmacist and two nurses in most clinics. Most estates did not have a doctor and relied on infrequent visits from private practitioners. Patients with slightly severe conditions are referred to government hospitals. In-kind wages are deducted for providing medical facilities from the wages.

In contrast, tea plantations in the Southern states of Kerala and Tamil Nadu, offer wages ranging from INR 350-500. This is because the in-kind benefits are not counted in the wages, and the State's role in providing welfare is vital. Although these wages are

not ideal, they are closer to living wages.

A study conducted by TISS in 2019 found that 38 percent of households had a negative income-expenditure gap, meaning their consumption expenditure was higher than their income. Even among the 62 percent of households with a positive income-expenditure gap, it was found that, on an average, there were 2.27 earning members, while for the former, there were 1.16 earners. With households with one earning member, 84 per cent had a negative income gap. Thus, to avoid debt and ensure sustenance, more than one member has to work (Saha, D et al., 2019). In this context, income from child labour helps families stay afloat, with their income contributing as much as 20-25 per cent of total family income (D. Goswami, 2010).

Thus, ensuring living wages will go a long way in ensuring the well-being of the children of tea garden workers, lead to a better realisation of their potential, and ensure a decent and dignified life for future generations. It will enable the stakeholders to ensure that children in tea gardens enjoy their inalienable right to protection, development and participation.

Health and Nutrition

Health and nutrition play an essential role in the overall development of a child. Access to a nutritious, balanced diet is essential for children's cognitive and physical development. Malnutrition in children is measured by child stunting (height for age), child wasting (weight for height) and child underweight (weight for age). Wasting indicates recent and severe weight loss due to low food and nutrition intake and/or disease. Stunting indicates chronic or recurrent malnutrition, preventing children from reaching their physical and cognitive potential. Underweight may be caused due to stunting and/or wasting. The combination of these factors increases the vulnerability of children to disease and death.

According to the National Family Health Survey-5 (NFHS-5), conducted by the Government of India and released in 2021, malnutrition among children below five is very high in Assam. 35.3

per cent of children are stunted, 21.7 per cent are wasted, and 32.8 per cent are underweight. While child stunting has reduced from 36.4 per cent, child wasting and child underweight have increased respectively from 17 per cent and 29.8 per cent since the previous round of the NFHS-4 survey.

The prevalence of childhood anaemia in Assam is 68 per cent (NFHS-5). According to the World Health Organisation (WHO), around 40 per cent of children in the world below five are anaemic. The prevalence of anaemia is indicative of both poor nutrition and poor health. It is problematic and can also impact other global public health concerns. It also impacts school performance in children and reduces work productivity in adults, which can have further social and economic impacts on the individual and their families.

According to Save the Children, Poverty is the number one cause of malnutrition in developing countries. Chronic malnutrition is becoming concentrated in countries with the fewest resources. Nine out of 10 stunted children live in low and lower-middle-income countries. Poor maternal health is another important contributing factor. Families in poverty lack access to fresh fruits and vegetables and cannot afford a diversified diet.

The disposable income of tea garden workers is meager as they are paid poverty wages. This low level of purchasing power puts severe budgetary constraints. As much as 51 per cent of the monthly per capita consumption expenditure (MPCE) of tea garden workers goes towards buying staple food items like rice, wheat, vegetables and meat, according to the study conducted by TISS in 2019. The same study also measured the household level per capita per day calorie intake and found that more than 56 per cent of the households consumed 2,169 Kcal or below (TISS, 2019). The average calorie intake for rural areas in Assam is 2,170, while the national average is 2,233 Kcal. The prescribed calorie intake for individuals living in rural areas, according to the Indian Council for Medical Research (ICMR), is 2,400 Kcal. The Government of Assam had notified that schools in tea plantations should serve

eggs twice a week through the mid-day meal scheme, but it has yet to be implemented⁶. Thus, well-intended policies also fail to reach the target groups.

Maternal mortality is also high among tea plantation workers due to a lack of proper nutrition and a lack of basic health facilities in the vicinity. High maternal mortality means that children lose their mothers at an early age. Alcoholism is also a massive problem among the adult male population. This renders the children vulnerable to exploitation, and they end up finding their way into wage work in the plantations for their sustenance and that of their siblings as well⁷.

It has been seen that when malnutrition exists in the labour force, it creates an enabling situation for the supply of child labour to earn additional income and offset the nutritional deficit in the household. This creates a cycle where poverty wages result in malnutrition, which induces child labour, resulting in higher school dropout rates, which in turn results in low adult productivity, trapping them in low-paying jobs, and the cycle repeats itself. Malnutrition also infringes on the rights of children to their survival, which includes the highest attainable standard of health and nutrition.

Literacy, Education and Child Labour

There is a strong correlation between parents' literacy levels, access to education, enrollment rates, and child labour. 1 in 3 children in child labour are out of school. The ones who attend school find it difficult to strike a balance between the two (ILO, 2021). In a study conducted in the tea estates of the Dibrugarh district of Assam, it was found that 70 percent of children in child labour had an illiterate father, and more than 80 percent had an illiterate mother (D. Goswami, 2010). In another study conducted in the tea estates of Nagaon district, it was found that 58 percent of the heads of

⁶ Shared by Sangeeta Tete, NBS Lakhimpur, during the workshop organized by NESRC.

⁷ Shared by Paulina Ekka, AAWA Kokrajhar, during the workshop organized by NESRC.

families of children in child labour were illiterate, and 38 percent had elementary or primary education (Kawa, 2023). Only 67 percent of tea plantation workers with children between 5 and 14 send their children to school (Johnson & Siedler, 2023).

There occurs a higher incidence of dependence on the income of children with illiterate parents due to a lack of hope in the future and a sense of hopelessness. Children are not seen as mouths to feed but as pairs of hands to work and earn (Legal et al. NESRC, 2002). A pessimistic attitude towards their future and the value of education prevails. This is because they have not seen much value in the overall return to education. A child studying till the 5th grade and someone studying till the 10th grade will earn the same amount as wages when they work in the tea plantations⁸. Thus, they accept life in tea gardens as their destiny at a very young age. Even the ambitions of the ones who show hope for a better future are limited to landing a permanent job in the plantations.

Another factor is the non-availability of schools beyond the primary level inside the tea plantations. Tea plantations are large areas situated away from townships and villages. High and higher secondary schools are located at a considerable distance from the tea plantations. Most high schools are as far as 5km away, if not more (Oxfam, 2019). The lack of proper connectivity and non-availability of transportation facilities reduce the children's ability to acquire further education (NESRC, 2017). The extra costs of uniforms, books, travel, and other expenses also prove to be a deterrent for parents to spend money on their limited income since they do not see any prospects of better life conditions through education. These conditions form the physical barriers to education for children living in tea plantations.

There exist several structural barriers as well. Even where schools are present, the quality of education imparted could be better. One participant (Adivasi activist) in the workshop on child labour in tea plantations of Assam organised by NESRC lamented,

⁸ Shared by Dr. Rajdeep Singha, Associate Professor, OKDISCD, during the workshop organized by NESRC.

“They are supporting education, but are they ensuring quality education?” Regular attendance of both the teachers and students was found to be lacking. Other critical educational parameters like student-teacher ratio, qualification of teachers, and sufficient seats for children for admission also fare poorly in tea plantation schools. Parents usually leave for work early (before 7 A.M.) and return in the evening, leaving the children at home without supervision. This also contributes to absenteeism among students as there is hardly anybody to ensure that they go to school⁹.

Another significant barrier to learning and education is the medium of instruction in schools. While most tea plantation workers are Adivasis, they belong to distinct tribes like Santhal, Oraon, Munda, Bhil, etc., and speak their distinct languages. Sadri, locally known as *Baganiabhaxa* in Assam, is used as lingua franca by the Adivasis in the State. However, the medium of instruction in the schools is mainly in Assamese. Even where Sadri was adopted, the teachers were mostly Assamese and had no hold over the language. This adversely impacts the learning process, ultimately leading to higher dropout rates¹⁰.

Thus, children are more likely to take up non-adult jobs in tea gardens. The prevailing sentiment is that in the absence of educational and livelihood alternatives, their children should gain training in their ‘ancestral’ occupation to secure their future. This means more income for already impoverished families. It also ensures the availability of cheap labour for the management. Access to proper education and occupational diversity would mean that the management will lose cheap, family-trained labourers who do not know life beyond the plantations (NESRC, 2017).

The government introduced the midday meal scheme to encourage parents to send their children to school and address

⁹ Shared by Bibas Bhumij, AATTSA Dibrugarh, during the workshop organized by NESRC.

¹⁰ Shared by Buddhadev Tanti, AATTSA Nagaon, during the workshop organized by NESRC.

malnutrition. The food provided in the schools in tea plantations could be of better quality and higher quantity. The availability of crèche facilities is also poor, and they are often situated too far from work sites, making it difficult for the women in tea plantations to use them. This requires the girl child to drop out of school to care for her siblings. A combination of these factors leaves children with little or no option but to follow their parents to work in the plantations. It denies them their fundamental right to development, which includes education, social security, leisure, recreation and cultural activities. It also infringes on their right to participation, including the space and respect for the child's views, their freedom of expression, etc.

Labour and Gender

The organisation of labour in the tea plantations is pyramidal. The management occupies the top rung and acts as a pivot. Permanent and temporary labour accounts for 90 percent of the total workforce and occupies the bottom of the pyramid. Permanent workers include salaried and daily wage earners; however, temporary workers are always hired on daily wages, mostly during the peak season.

Men primarily work in the factories and draw monthly wages. Factory jobs are most sought after as they are permanent. Women have the lowest-paid jobs of plucking tea leaves, for which they receive a daily wage. The daily wage is linked to the weight of tea leaves plucked, requiring them to work long hours and cover large areas to meet their targets. Their work involves long hours in the open, under the sun and rain. There is no scope for career progression for workers. They work in the same process and in the same rank for 15-20 years, earning the same level of wages. The workers are often told that the company is running at a loss, so their salary cannot be increased.

Workers are punished via wage cuts or suspensions if they are late for work. If they fall sick and the sickness is severe, then such workers' names are struck off from the roster, and they are replaced.

Thus, even sick workers have no other option but to report to work for fear of being fired. Being replaced as a permanent worker means a loss of livelihood and shelter as they can be evicted from their living quarters (Saha, D et al., 2019). The *Badli* (exchange) system is another way of compensating for absence from work where children report to work in lieu of their mother, who might be unable to go to work due to sickness or other factors¹¹.

The study conducted by Oxfam in 2019 reported that half of the women interviewed suffered from dehydration or fever because of the burden of work. Women also, on an average, earn only 80 percent of what men earn. Since women have to work for long hours outside of the home, the burden of care work falls on the eldest child, more frequently the eldest girl child. They have to take care of their siblings, learn to prepare meals, and do other household chores in the absence of their parents. That leads to higher school dropout rates among girls. This is due to the absence of adequate crèche facilities; even where it is present, the conditions are poor, so parents prefer to leave their children into the care of their eldest child.

Instances of children going to school carrying their infant siblings are also common¹². For example, “Priya is a 15-year-old girl who is the eldest of five siblings.... her responsibility is to look after her younger siblings and other household chores. She has never been to school” (Kawa, 2023). Punam is a 14-year-old girl who has three siblings. Her mother passed away four years ago, and her father is an alcoholic. She works as a temporary worker in the Messa T.E. and earns INR 1,000 to sustain her family (Kawa, 2023). Like Priya and Punam, thousands of others must leave school to contribute to care work or earn a livelihood to sustain their families. It leaves them open to exploitation, which leads to the erosion of their right to protection.

¹¹ This was shared by Atish Ekka, an Independent Researcher, during the workshop organised by NESRC on the issue.

¹² Shared by Barnabas Kindo, Pajhra, during the workshop organised by NESRC.

Gender Representation and Trade Unions

Trade Unions are an efficient tool for collective bargaining. However, trade unions active in the tea plantations of Assam often take the side of the management. A trade union fee is deducted from the wages of the labourers every week, which goes to the trade union as a membership fee, but the unions rarely take up the issues concerning them.

The election process to the central trade union leadership is complex and opaque. Various power structures come into play, and influential local politicians and political parties are involved. The unions are male-dominated, although the central workforce consists mostly of women. Thus, their voices and concerns never reach the top.

Land Rights and Alternate Livelihoods

Adivasi families in the tea plantations have been working in the same plantations for generations. They live in the same quarters where their past generations lived. However, they do not enjoy any land rights as the quarters in the labour lines are private property of the tea plantations. Without land rights, they do not possess the requisite collateral to acquire credit from formal financial institutions.

Another barrier to accessing formal credit channels, government schemes, and scholarships is the lack of proper government documents such as birth certificates, voter IDs, etc. Instances of mismatch of names and other details of the applicants are common. This is due to low literacy among the Adivasis and a lackadaisical attitude of the government enumerators who need to become more familiar with Adivasi names¹³. This reduces their access to government benefits and schemes to which they are entitled and ultimately leads to the denial of their rights as equal citizens of India. Coupled with poverty wages, debt, low educational qualifications, and lack of ownership of other tangible property, even the youth who might show enterprise find it challenging to

¹³ Shared by Bibas Bhumij, AATTSA Dibrugarh, during the workshop organised by NESRC.

set up their ventures even when willing to take risks. This exclusion from formal financial institutions poses a substantial barrier to the diversification of occupation for the youth in tea plantations. One young participant in the workshop conducted by NESRC shared her frustration, “*the management wants us to stay in the same condition. We will remain in the same place generation after generation.*”

Another facet of denying land rights is the captive nature of work in the plantations. Each family dependent on income from tea plantation works and residing in the company quarters must ensure that at least one of its children finds work in the plantation to retain the quarters¹⁴. Thus, to maximise the chances of finding work in the plantations, children should be encouraged to learn how to work there early.

Social Dynamics and Governance

The prevalence of the caste system stratifies Indian society. In a hierarchical structure, this system categorises certain groups of people as superior and others as inferior. This structure is reinforced by purity and pollution whereby certain groups are designated as pure while others are considered impure and hence are untouchables. The Brahmins occupy the topmost position, followed by the Kshatriya, Vaishyas, and Shudras. Tribals are considered to fall outside the caste system. People from certain castes and tribes were historically treated as inferior by their birth in a particular caste. They were denied access to education and were segregated from society, and denied entry into various occupations. To eliminate caste-based discrimination and to ensure socio-economic mobility, the Indian polity adopted a policy of affirmative action. Such groups were constitutionally provided with reservations in educational institutions, including higher education and employment in public offices. Such reservations were based on their proportion to the total population.

¹⁴ Shared by Hari Das, AASAA Jorhat, during the workshop conducted by NESRC.

These groups were divided into Scheduled Castes (SC) and Scheduled Tribes (ST). They are entitled to, at present, 15 percent and 7.5 percent reservation, respectively, in educational institutions and government employment, among other benefits like scholarships. Another section of the population loosely clubbed under the Other Backwards Classes category enjoys a 27 percent reservation. This group includes around 40-50 percent of the total population.

The tea garden workers who belong to tribes like Oraons, Mundas, Santhals, Bhils, Gonds, etc., are listed in the OBC category in the State of Assam. Members of the same groups in their states of origin and other states enjoy the ST status. This denial of ST status is due to the identity politics of indigeneity. It is argued that the tea plantation workers are not indigenous to Assam and, hence, do not qualify. This denial of affirmative action benefits in terms of education and employment perpetuates their current condition by denying them socio-economic mobility, ensuring the supply of cheap labour for plantations (Bhowmik, 2015).

However, pressure is being put on the government to include them in the ST list. It is also pertinent to note that the tea plantation workers and extended members of the tribes who have taken up settled agriculture in the vicinity of tea plantations form a considerable vote bank. The government recently announced a 3 percent reservation within the 27 percent reservation for OBCs for people belonging to Adivasi communities. Inclusion in the ST list will ensure significant educational and employment benefits for the workers and their children. This can lead to better socio-economic mobility within the communities, improving health and educational markers and overall condition. It can help reinforce the fundamental rights of children in the tea gardens.

Impact of Covid-19

COVID-19 and the subsequent lockdowns brought economic activity to a halt. Almost 90 percent of Indians that includes a similar proportion in Assam depend on the informal economy for

their livelihood. Lockdowns disrupted such precarious livelihoods, leading to job losses and loss of pay, income, and business. This increased the supply of workers vulnerable to exploitation.

Along with financial hardships, lockdowns also led to the closure of schools. In the absence of adequate social protection, the number of children exposed to child labour may have increased (Idris, 2020). According to the ILO, 9 million more children were at risk of being pushed into child labour by the end of 2022 as a result of the pandemic, and the number could rise to 46 million if immediate action is not taken (ILO, 2020). A study by Save the Children found that the number of children in child labour in India had increased from 3.9 percent to 5 percent after the pandemic (Save the Children, 2022).

The lockdown in India also led to the closure of the tea gardens. According to Tea Board of India estimates, this led to losses of over INR 1,218 crores. The tea garden workers were the hardest hit due to the closure of plantations, as many workers did not receive their daily wages and rations. While the temporary workers were not called to work, resulting in a loss of income, the permanent workers were also not paid regularly. There were instances where they were paid for only three days, even after working six days after the relaxation of lockdown norms. This resulted in the erosion of the little savings and resources they had accumulated.

Along with the financial hardships of tea garden workers, the closure of schools also resulted in the loss of access to mid-day meals for the school-going children of tea garden workers. This loss of nutrition added to the nutritional pressure on the household. To offset the loss of income and nutrition by extrapolation, we can assume that an added worker, in effect, came into play, requiring children not hitherto in the labour market to enter into it.

The repercussions of the economic impact of COVID-19 are still being ascertained, but previous historical experiences of similar health and economic emergencies act as a precursor. The

Ebola pandemic in West Africa from 2014 to 2016, the global HIV/AIDS epidemic in the 1980s and 1990s, as well as the global financial crisis of 2007-08 resulted in a rise in child labour in the affected regions (Idris, 2020).

Therefore, it is essential to learn from the past and ensure that the gaps that the pandemic has opened are dealt with holistically to ensure that more children do not become victims of child labour. To ensure this, proactive and substantial action is required by all the stakeholders involved to ensure that the vulnerabilities which put children at risk of becoming child labourers are checked. It becomes essential to ensure that all the children who had to leave school during the pandemic find their way back in. Remedial classes and extra support must be provided to ensure that they remain in the classroom.

Chapter 7

The Road Forward

The tea industry in Assam claims to be going through a crisis with stagnation in domestic demand and stiff competition in the global market from Kenya, Sri Lanka and China. The rise of small tea growers (STGs), with their weak quality control measures and low bargaining power, has pushed the prices of tea leaves downward. The industry claims that with rising production costs and a shrinking profit margin, frequent wage hikes would result in the industry going under as it will not be able to offer a competitive price for Assam tea in the global market.

However, such arguments cannot justify tea garden workers' poor living and working conditions. The payment of poverty wages, inadequate in-kind benefits, lack of educational facilities, and avenues for better livelihood have resulted in the creation of inter-generational cycles of poverty. That, in its turn, has enabled child labour to prevail in the plantations. To break away from this vicious cycle, especially in the backdrop of COVID-19, it is crucial to address the root causes. Child labour is a result of the interplay of different dynamic factors. To ensure a better future for the children in tea gardens who are child labourers or are at risk of becoming child labourers in the future, it is essential to undertake a multi-pronged intervention.

These interventions also have to be pragmatic, keeping in mind the circumstances under which child labour prevails. Sometimes, well-intentioned policies can also have adverse impacts

on the target group. For example, the Child Labour Deterrence Act was enacted in the US. A study by UNICEF found that an estimated 50,000 children lost their jobs in the garment factories. While this reduced child labour in one industry, which was well connected with the global value chain, it pushed the affected children into less visible but more hazardous sectors like stone-crushing, street hustling, prostitution, etc. Blanket boycotts without addressing the underlying factors can harm rather than help the children involved (Ameri, 2018). Thus, one needs to be very careful while suggesting measures to improve the condition of children in child labour. The approach and the actions have to be on multiple fronts, as child labour arises from a complex interplay of different factors. Thus, addressing one factor in isolation is not enough. For example, solving the problem of poverty without ensuring adequate educational infrastructure will eventually lead to children finding their way back into the labour market.

Living Wages in the Global Value Chain

Poverty is the single most vital driving factor in pushing children towards child labour. Ensuring a living wage for tea plantation workers can offset household socio-economic vulnerabilities that lead to child labour. It can free families from reliance on children's earnings and send them to school instead. The living wage for tea plantation workers of Assam, as suggested by Oxfam in 2019, is INR 884, which was 81 percent higher than what workers used to receive as daily wage in 2019 and 72 percent higher than current wage rates.

A living wage is possible by ensuring transparency, compliance and equity in the global value chain. The value chain is opaque at the lower end and lacks traceability and transparency. The value addition and profit margins are also highly skewed towards the supermarkets and tea brands selling tea. Consumers' packaged blends and tea bag prices have risen consistently in the past decade, both in India and Europe. The most significant value addition happens in the countries that import tea; therefore, the most

significant proportion of profits do not accrue to the tea-producing countries but are made abroad. Supermarkets take a significant amount of the end price of a pack of tea consumers buy. This leaves a tiny amount of money to be paid to the tea plantation workers (Oxfam, 2019).

According to a study conducted by BASIC in 2019, closing the gap between the current wage and living wage for tea workers in Assam can be supported in two ways. One way is for supermarkets to increase the end consumer price of tea while committing to pass on this increase to workers rather than increasing their margins. Another way can be by maintaining current prices but redistributing some of the value accrued to retailers and tea brands from the end consumer price to the workers. Thus, a more equitable value sharing along the value chain can achieve the goal of a living wage (Oxfam, 2019).

The additional money required to earn a living wage is relatively small. For instance, from the end consumer price of tea in Germany, workers currently receive 1.3 percent and would need to receive 3.4 percent for a living wage. In real price terms, workers on tea estates in Assam currently receive just \$0.04 per 100g of bagged black tea sold to consumers and would require only \$0.10 to enable a living wage (Oxfam, 2019).

Representation of Women in Trade Unions and Management

Men dominate entirely the trade unions and the management of tea plantations. Hence, concerns of women and children are under-represented or misrepresented. Ensuring the representation of women in responsible positions in trade unions and the management might make them more responsive to issues related to women and children.

Ensuring a transparent election system with adequate checks and balances might ensure that the trade unions fulfil their primary function of representing the concerns of labour rather than working as an extended arm of the management.

Stronger Certification Regimes

Many tea companies that declare their commitment to human rights rely on voluntary standards and certification such as Rainforest Alliance and Fairtrade International. However, such certifications have yet to be able to change the status quo that prevails within the plantations.

A more stringent compliance regime with thorough and surprise inspections must be adopted. They should promote workers' human rights, fair employment conditions, decent housing, healthcare, sanitation, and education and ensure that only tea plantations that can prove that they have complied with all their requirements consistently in practice receive certification.

Universal Child Benefits

A universal child benefit also offers an alternative solution. It is defined as cash (or tax) transfers provided regularly to all families with children, and these benefits are a simple and proven means of cushioning children and their families from poverty and improving access to education and health care. They can also incentivise birth registration, making children visible to state institutions and contributing to integrated social and child protection systems. Regular cash transfers improve school attendance and discourage child labour by providing income security, which offsets out-of-pocket school expenditure (ILO, 2020).

Proper implementation of PLA

The PLA provides various welfare measures for tea garden workers. If implemented properly, it can address a lot of underlying factors that are contributing to child labour. Good educational infrastructure, health facilities, crèches, proper housing with reliable electricity supply, clean and sanitary toilets, etc., can go a long way in ensuring a better standard of living for children.

Ensuring proper implementation of PLA will require a multi-stakeholder intervention, including tea brands, supermarkets, international organisations, the Government of India and Assam,

certification agencies, tea garden workers with proper representation of women, etc.

Education

According to the ILO, education is the most compelling alternative to full-time work and is a powerful tool for removing children from work (Peter Matz, 2003). The quality of education provided is also essential as it has been seen that low-quality education increases dropout rates and pushes children into paid work (UNICEF, 2019).

Breakfast and mid-day meals, free uniforms, books, and other stationery can offset out-of-pocket expenditure, incentivising sending children to school. Middle and high schools should be situated in the vicinity of the plantations. PLA requires schools to be within 1.5 km of the plantations, but usually, one can only find primary schools within that distance. Free school bus facilities should be made available if schools are provided at a considerable distance. The nature of education should incorporate skill training and vocational courses that are aligned with the needs of the economy so that children can realise their economic potential.

In order to stem dropout rates and improve learning in schools in the tea plantations, learning through the mother tongue should be emphasised during the initial stages. Native speakers of Sadri qualified to become teachers should be appointed in the schools¹. This can provide employment and mobility to the youth from the community as well as ensure better education for the students.

Much depends on financing for education. The international benchmark for public expenditure on education is 4-6 percent of GDP. India spends around 3 percent of its total budget on education. In comparison, OECD countries spend 10.6 percent of total government expenditure on education.

Thus, education is one of the most valuable tools in the fight

¹ As suggested by various participants during the workshop. Currently, primarily native Assamese speakers teach in tea plantation schools, which have Sadri as a medium of instruction.

against child labour. This holds, especially for the children of tea plantation workers who have suffered from intergenerational cycles of poverty and deprivation.

Child Specific Recommendations

The ILO has identified a set of broad policy imperatives which are necessary for ending child labour. The general factors underpinning child labour are similar across geographies and industries. These factors are relevant to child labour in tea plantations as well. They are briefly discussed below.

- Extending adequate social protection for children and their families to mitigate economic factors that influence child labour.
- Ensuring free and good-quality schooling at least up to a minimum age for entering employment can provide a viable alternative to child labour, allowing them a better future.
- Ensuring the registration of every child's birth to accord them a legal identity ensures visibility at official and policy levels.
- Promoting decent work that delivers a fair income for young people (of legal working age) and adults with a focus on workers in the informal economy.
- Promoting adequate rural livelihoods and resilience through income diversification.
- Addressing gender norms and discrimination that increase child labour risks, particularly for girls, related to domestic work and unpaid household chores.

Conclusion

Enforcing the industry-specific and generic recommendations can help mitigate the practice of child labour in the tea plantations. Eliminating child labour in its broadest manifestations from the tea gardens will require industry-wide, intergovernmental and international collaboration. The sustainability and effectiveness of such interventions will depend mainly on integrating industry action with existing efforts by governments, social partners, trade unions and civil society. Tea plantation workers need to become active stakeholders, and their welfare and children's needs to become central to any conversation on tea.

Ensuring that children in tea plantations and elsewhere do not fall prey to child labour will require coordinated and concerted efforts on all fronts. Solving the issue of poverty while not simultaneously working on improving access to and quality of education will make little difference. Similarly, improving educational infrastructure without ensuring decent work and a living wage for the plantation workers will also not break the status quo.

Ensuring decent work, payment of a living wage and ensuring adequate educational avenues can ensure a break from the past cycles of intergenerational poverty. Without such a break, the global community will fail to reach its commitments as declared under the Sustainable Development Goals in Agenda 2030, including - No Poverty (Goal 1), Zero Hunger (Goal 2), Good Health and well-being (Goal 3), Quality Education (Goal 4), Gender Equality

(Goal 5), Clean Water and Sanitation (Goal 6), Decent Work and Economic Growth (Goal 8), Reduced Inequalities (Goal 10) and Responsible Consumption and Production (Goal 12).

The world is set to miss its target of eliminating child labour by 2025, as stated in SDG Goal 8.7. Urgent action is required to eliminate child labour in all its forms in the foreseeable future.

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