

The background of the slide is a lush green tea plantation. In the foreground, several tea bushes are visible with their characteristic serrated leaves and buds. The background is a soft-focus field of tea plants under a bright, hazy sky. A prominent yellow arc is positioned horizontally across the middle of the image, framing the chapter title.

CHAPTER V

Compliance to Minimum Wages Act, 1948



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5.1 Implementation of Minimum Wages Act, 1948 in Tea Plantations of Assam

Minimum Wages Act, 1948 (MW Act) provides for fixing the minimum wage that must be paid to skilled and unskilled labourers by the appropriate government. Payment of wages below the minimum wage rate amounts to forced labour. Employment in any plantation/estate which is maintained for the purpose of growing cinchona, rubber, tea, or coffee is listed under Part I of the schedule of the MW Act⁶⁸.

5.2 Prevailing wage structure for tea workers

In Assam, the tea plantation workers receive payment part in cash and partly in kind. The cash component of wages for tea workers of Assam was fixed through an agreement entered into between the planters' associations and the workers' unions till 2017. In July 2018, GoA had notified an enhancement in cash component of wage by an interim amount of minimum of ₹ 30 *per day* with effect from 01 March 2018 and resultantly, the cash component was increased to ₹ 167 (from ₹ 137) and to ₹ 145 (from ₹ 115) in Brahmaputra and Barak Valley respectively. GoA made further enhancements in June 2021 and August 2022 in the cash component, by an interim amount of ₹ 38 and ₹ 27 *per day* with effect from 22 February 2021 and 01 August 2022 respectively. Accordingly, the cash component of wages increased to ₹ 232 and ₹ 210 respectively for workers of Brahmaputra and Barak Valley. The periodicity of payment of wages was weekly/fortnightly. The cash component of wages since 2015 are shown in **Table 5.1**.

Table 5.1: Cash component of wages for tea workers during various years

From	Wage setting event	Brahmaputra valley wage rate <i>per day</i> (₹)	Barak valley wage rate <i>per day</i> (₹)
01 January 2015	Bipartite agreement	115	95
01 January 2016	Bipartite agreement	126	105
01 January 2017	Bipartite agreement	137	115
01 March 2018	Interim increase by GoA (₹ 30)	167	145
22 February 2021	Interim increase by GoA (₹ 38)	205	183
01 August 2022	Interim increase by GoA (₹ 27)	232	210

5.3 Government's initiative in Wage regulation

Government of Assam did not fix the minimum rates of wages for tea workers as per Minimum Wages Act, 1948.

As per Section 3 of the MW Act, the appropriate Government shall fix the minimum rates of wages payable to employees employed in an employment specified in Part I or

⁶⁸ The Parliament of India had passed an act 'The Code on Wages, 2019' to amend and consolidate the laws relating to wages and bonus and matters connected therewith or incidental thereto. The Code provides that the appropriate Government may make rules for carrying out the provisions of this Code. The Wage Code Rule, 2021 of Government of Assam is yet to be notified.

Part II of the Schedule. During 2015-16 to 2019-20, Government of Assam (GoA) had revised the minimum wages for scheduled employments in November 2015 and thereafter notified seven times the Variable Dearness Allowance (VDA)⁶⁹ for them. The tea plantation employment was however, kept out of the purview of such notification. As such, the wages and VDA as notified from time to time for implementation in scheduled employments are not applicable in case of tea plantation labourers. As a result, during 2015-2020, the amount of wage rates for tea workers were far below the amount of wage rates applicable for workers of schedule employments. A comparative study between the wages applicable for tea workers *vis-à-vis* the wages applicable for workers of schedule employments in State has been discussed in **Paragraph 5.7**.

On this being pointed out, the Department stated (March 2021) that from the initial stage, the labour unions of the tea workers were in the practice of negotiation with the management associations for fixing the rates of wages. The Department further added that any settlement of rates of wages through bipartite agreement has legal validity as per the Industrial Disputes Act, 1947. However, the nature of disputes necessitating fixing of wages under the ID Act were not available on records. As such, in the absence of documented details about the disputes and their settlement, it cannot be said that the wages for tea workers was a matter of dispute which needed to be settled through bipartite agreements under the Industrial Disputes Act. This indicated that the State Government had left the matter of tea workers' wages in the hands of the planters and workers associations, instead of bringing it under the ambit of the MW Act.

The bipartite agreement for fixing the amount of wages for workers of tea plantations in Assam was executed between the CCPA⁷⁰ and *Assam Chah Majdoor Sangh* (ACMS), and between CCPA and *Barak valley Chah Sramik Union* (BCSU) in Brahmaputra and Barak valley respectively. In the recent past, GoA had notified the minimum rates of wages in 2010⁷¹ and 2015⁷². However, the rates notified in 2015 could not be implemented as its implementation was stayed by the Hon'ble Gauhati High Court subsequent upon raising the issues of such steep hike in wages by Planters Association. The details of wages notified are illustrated in **Chart 5.1**.

⁶⁹ Variable Dearness Allowance is an allowance that safeguards wages against inflation. It is revised on six monthly basis depending upon the Consumer Price Index.

⁷⁰ Consultative Committee of Planters Association - The apex body of tea producer associations in India.

⁷¹ Prior to December 2010, Government of Assam had notified the minimum wages for tea workers twice in 1959 and 2003. The facts about its implantation and details like basis and system for determination of amount of wages so notified were not available.

⁷² ₹ 177.19 *per day* (Cash wage: ₹ 143.50 and Wage in kind: ₹ 33.69).

Chart 5.1: Wages fixed for Brahmaputra and Barak Valley in 2010 and 2015

Wages fixed (per day)	
Brahmaputra Valley	Barak Valley
2010	
₹ 66.50	₹ 55.25
2015	
₹ 143.50	₹ 143.50

Thus, because of Government not making the MW Act, 1948 applicable to tea workers, their wage increases are being decided in an *ad-hoc* manner.

5.4 Wages among tea workers of Barak and Brahmaputra Valley

There has been disparity of wages among tea workers of Barak and Brahmaputra Valley.

As per the prevailing practice, the tea workers of Barak Valley get less wages than those of Brahmaputra Valley. On being pointed out, the Labour Department could not provide any justification for payment of lower wages to the workers of Barak Valley and stated (March 2021) that the wages as agreed between the workers and planters associations were simply ratified by notifying the same. It was seen in audit that the interim enhancements of wages notified by Government of Assam also prescribed different wages from time to time for tea workers of Brahmaputra valley and Barak Valley.

GoA's involvement in ensuring the minimum wages for a long period of 62 years⁷³ has been minimal which led to wages being decided in an *ad hoc* manner- first through bipartite agreements and then by *suo motu* announcement of enhancements by the Government which were also only interim in nature. Moreover, the Government had never intervened to address the issue of disparity in wage rates in Brahmaputra Valley and Barak valley, where Barak Valley had for a long period of time been receiving at least 10 *per cent* lower wage rates, and the recent government notifications are also continuing the same practice without stating any reasons for the difference in wage rates.

5.5 Payment of wages in kind

Payment of wages in kind did not have authorisation of payment and lacked system of calculation of cost of items.

As per section 2(h) of the Minimum Wages Act, 1948, wages are defined as “all remuneration, payable to a person employed in respect of his employment or of work

⁷³ From the year 1948 in which the Minimum Wages Act came into existence to the year December 2010 in which the agreed wages for workers of the of tea plantations was last notified.

done in such employment and includes house rent allowance⁷⁴. Section 11 of the MW Act, 1948 further provides that the minimum wages payable under this Act shall be paid in cash. Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government by notification in the Official Gazette, authorising the payment of minimum wages either wholly or partly in kind, the cash value of wages in kind shall be estimated in the prescribed manner. The computation of wages in kind shall be made in accordance with such directions as may be issued by the concerned authority.

In Assam, traditionally, the wages to workers of tea plantations are paid partly in cash and partly in kind. However, the authorisation granted by the Government for payment of wages partly in kind was not available on record. The Labour Department was also not aware about the year of commencement of payment of wages in kind and the purpose for the same. In this connection, the Department had furnished copies of agreements (1962 and 1967) entered into between the planters and labour associations which were executed to make an alternative arrangement to meet the crisis of firewood and ration at that time. Thus, the actual date of commencement of such practices could not be confirmed.

Regarding issue of notification authorising the payment of minimum wages partly in kind, the Department had furnished copies of notifications issued regarding fixation of wages from time to time⁷⁵. The notifications though discussed about in-kind benefits but it did not discuss about the authorisation for payment of wages in kind and prescribe the list of qualified items for the same. Further, the notification did also not prescribe the system for calculating the cost of the items prescribed as wages in kind. This indicated that the payment of wages in kind was in practice without observing the codal formalities. Further, the items which were notified benefits in kind as contained in the notifications was changing year after year which is discussed in succeeding paragraph.

5.6 Statutory/Mandatory items under in-kind benefits

Government of Assam included items of Statutory benefits for the purpose of calculation of minimum wages for tea workers.

The items of benefits and facilities provided to the workers of tea plantations in Assam are summarised in four parts as below:

- i. Wages in cash**
- ii. Non-statutory benefits:** includes food grains at concessional rate, dry tea, firewood concession.

⁷⁴ It does not include the value of: (a) any house-accommodation, supply of light, water, medical attendance, or (b) any other amenity or any service excluded by general or special order of the appropriate Government; (c) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of social insurance; (d) any travelling allowance or the value of any travelling concession; (e) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; (f) any gratuity payable on discharge.

⁷⁵ January 1959, June 1979, February 2003, December 2010, July 2015, February 2021.

- iii. **Statutory benefits under the Assam Tea Plantation Rules, 1956 and agreements:** Medical facilities, housing facilities, welfare facilities, educational facilities, wages for leave and festival holidays.
- iv. **Statutory benefits under provisions of The Assam Tea Plantation Provident Fund Scheme Act, 1955, Assam Gratuity Act, 1992 and the Payment of Bonus Act, 1965.**

The details about the items of benefits and cost thereof and wages as notified on three occasions by the State Government are shown in **Table 5.2**.

Table 5.2: Items of benefits and cost thereto

Date of Notification	01 December 2010	29 July 2015	23 February 2021
Items of benefits	Cost of benefits/day (₹)	Cost of benefits/day (₹)	Cost of benefits/day (₹)
Non Statutory benefits			
(i) Food grains at concessional rate	14.20	14.20	14.20
(ii) Dry tea	--	2.16	3.66
(iii) Firewood concession	--	5.74	5.74
Statutory benefits			
(i) Medical Facilities	---	---	16.75
(ii) Housing facilities	---	---	15.22
(iii) Welfare facilities	---	---	5.6
(iv) Bonus	---	---	---
(iv) Ex-gratia	---	---	25.03
(v) Provident Fund	---	---	---
(vii) Gratuity	---	---	---
(viii) Educational facilities	---	---	2.85
(ix) Wages for leave	---	7.73	14.95
(x) Festival holidays	---	3.86	---
Total wages in kind	14.20	33.69	104.00
Wages in cash	66.50 (Brahmaputra valley)	143.50	217 (Brahmaputra valley)
	55.25 (Barak valley)		195 (Barak valley)
Total wages (cash and kind)	---	177.19	321 (Brahmaputra valley)
			299 (Barak valley)

Audit observed from the above table that the payment of wages in cash or kind was not in compliance with the provisions of MW Act, 1948 as highlighted below:

(i) As per section 2 (i) of PL Act, 'wages' has the meaning as defined under Section 2 (h) of Minimum Wages Act. Further, as per Section 2 (h) of MW Act, the 'wage' does not specifically include value of any house-accommodation, medical facilities, supply of electricity, any contribution paid by the employer to any Pension Fund or Provident Fund, TA, Gratuity, etc.

- *As such, the cost of statutory benefits included in the notifications dated 29 July 2015 and 23 February 2021 for the purpose of calculating total amount of wages was not in order.*
- *In 25 per cent of the test-checked TEs⁷⁶, the gardens were not actually providing firewood or compensation thereagainst to workers. As such, inclusion of cost of*

⁷⁶ Amluckie TE, Amranagar TE, Bhubrighat TE, Dewan TE, Jalanagar TE, Kalinagar TE, Kurkorie TE, Longai TE, Sephanjuri TE, and Sukanjuri TE.

firewood for the purpose of calculation of wages for tea workers in those tea estates was not in order.

- The notified wages were applicable for permanent as well as temporary workers and the cash value of food grain concession (₹ 14.20) as shown in the notification was for three consumption units⁷⁷. Since temporary workers were entitled for one consumption unit of ration only, inclusion of ₹ 14.20 as food grains at concessional rate, in the wages paid to temporary workers was not in order. In addition, inclusion of firewood compensation charges in the wages for temporary workers was also not in order as they are not entitled for the same.

In view of the position explained above, wages should include only non-statutory benefits in kind, viz., food grains, dry tea and firewood concession and the cost thereto together with the wages in cash. Thus, the notification of the government on inclusion of certain statutory items under in-kind benefits for calculation of minimum wage did not appear to comply with the provisions of the Act.

Recommendation 13: Government should review inclusion of statutory items under wages and review the actual implementation of benefits in kind.

5.7 Comparison of Wages for scheduled employment and tea workers

There has been a gap between wages for scheduled employment and tea workers of Brahmaputra valley ranging from 25 to 42 per cent.

A comparison was carried out between the wages applicable for tea workers during 2015-16 to 2019-20 and that applicable for workers under scheduled employments during the period. For this purpose, the total wage (cash plus wage in kind) for tea workers was determined taking the actual cash wage during the corresponding period and the cost of three fringe benefits viz., food grains, dry tea and firewood concession (as discussed above). On comparison, it was observed that the wages to tea workers of Brahmaputra Valley were 25 to 42 per cent less than the wages applicable for scheduled employment. The details are shown in **Table 5.3**.

Table 5.3: Difference in wages applicable for tea workers of Brahmaputra Valley and the wages applicable for workers of scheduled employments

(Amount in ₹)

Period	Wages for scheduled employment (Wage plus VDA)	Wages applicable for tea workers			Difference	Percentage of difference in wages for tea workers vis-à-vis scheduled employment
		Cash wage	Cash value of in-kind benefits [#]	Total		
03.11.15 to 31.12.15	240	115	23.60	138.60	101.40	42
01.01.16 to 30.04.16	240	126	23.60	149.60	90.40	38
01.05.16 to 31.10.16	241.92	126	23.60	149.60	92.32	38
01.11.16 to 31.12.16	244.56	126	23.60	149.60	94.96	39
01.01.17 to 31.11.17	244.56	137	23.60	160.60	83.96	34

⁷⁷ The worker was entitled to get 3.26 kg ration per person per week. The calculation of cost of ration (₹ 14.20) was done based on cost of ration for three units (3X 3.26 kg=9.78 kg ration) for a household.

Period	Wages for scheduled employment (Wage plus VDA)	Wages applicable for tea workers			Difference	Percentage of difference in wages for tea workers vis-à-vis scheduled employment
		Cash wage	Cash value of in-kind benefits [#]	Total		
01.12.17 to 28.02.18	252.81	137	23.60	160.60	92.21	36
01.03.18 to 31.05.18	252.81	167	23.60	190.60	62.21	25
01.06.18 to 30.11.18	254.91	167	23.60	190.60	64.31	25
01.12.18 to 31.05.19	265.06	167	23.60	190.60	74.46	28
01.06.19 to 30.11.19	272.05	167	23.60	190.60	81.45	30
01.12.19 to 31.03.20	282.38	167	23.60	190.60	91.78	33

[#] Includes the following: (i) Food grains at concessional rate, (ii) Dry tea (iii) Firewood concession

While applicable wages for tea workers of Barak valley are less than the wages of workers of Brahmaputra Valley, the gaps between the wages of tea workers of Barak valley and that of scheduled employment was even more, ranging between 33 and 51 per cent.

5.8 Comparison of Wage Rate in Tea Producing States

Wages paid to tea workers of Assam (Brahmaputra and Barak valley) are least as compared to wages paid to tea workers of Tamil Nadu, Karnataka, Kerala and West Bengal.

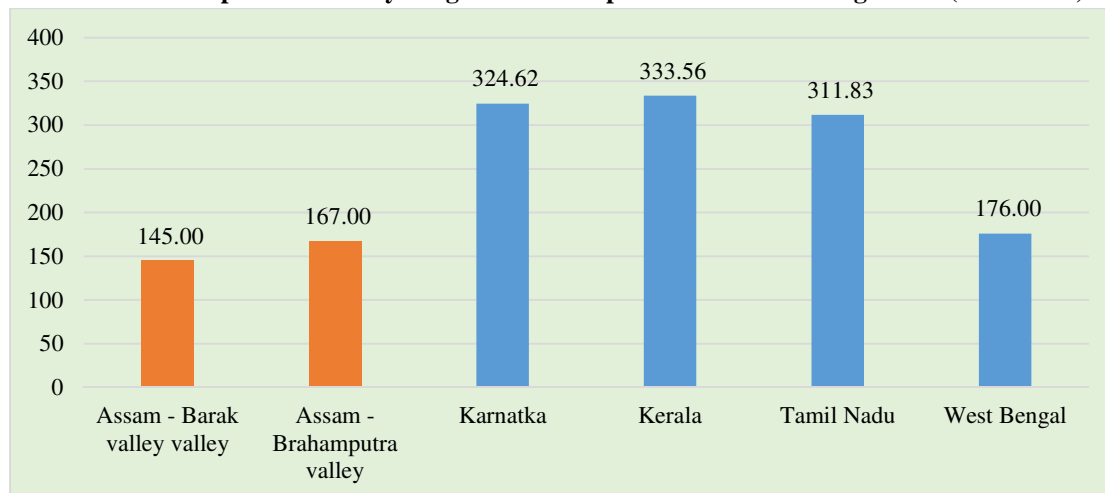
A comparison of wages for tea workers in other tea producing states of Tamil Nadu, Kerala, Karnataka and West Bengal with Assam shows (**Chart 5.2**) that as per the latest comparable data for the wage rates as of 2019, tea workers in Assam were being paid the least wages among all these tea producing states. Comparison of wage rates in tea producing states is given in **Table 5.4**.

Table 5.4: Comparison of Wage Rates in important Tea Producing States

Name of State/Year	2015	2016	2017	2018	2019 (From April to June 2019)
Assam Brahmaputra valley	115	126	137	167	167
Barak valley	95	105	115	145	145
Tamil Nadu	218.75 to 230.03	230.03 to 241.31	NA	NA	311.83
Karnataka	228.35 to 247.97	247.97	247.97 to 263.29	NA	324.62
Kerala	229.01 to 304.44	304.86 to 310.04	NA	NA	333.56
West Bengal	112.50 to 122.50	122.50 to 132.50	NA	176 (From October)	176 (From October)

Source: Tea Statistics 2019 issued by Tea Board of India.

Chart 5.2: Comparison of daily Wage Rates in important Tea Producing States (As of 2019)



Thus, it can be seen from **Chart 5.2** that the tea workers of Assam were getting the lowest wages compared to the workers of other tea producing States of the country.

Recommendation 14: *The Labour department needs to ensure that all the provisions of the Assam Minimum Wages Rules, 1952 and Assam Plantation Labour Rules, 1956 are implemented in an efficient manner across all the tea estates of the State, so that the tea plantation workers are not deprived of their just wages and there is no disparity both across the regions in Assam (Brahmaputra Valley/Barak Valley) and across the nature of employment (Tea Estate workers/Other than Tea Estate workers).*

5.9 Variable Dearness Allowance for tea workers

There is no safeguard of wages against inflation for tea workers.

The Labour Ministers' Conference held in 1988 had recommended the necessity of an allowance that safeguards wages against inflation, which was called the Variable Dearness Allowance (VDA). VDA became effective from 1991. It is revised twice in a year, on 01 April and 01 October. Though Government of Assam had announced VDA during 2015-16 to 2019-20 for scheduled employments, the provision for safeguarding wages against inflation was not in existence for tea plantation workers in Assam.

5.10 Gaps in payment of prevailing wage rates and other facilities

5.10.1 Short payment of wages

Audit of 40 tea estates of four Assistant Labour Commissioner (ALC) Zones showed that 11 tea estates (27 per cent) {two tea estates (Sukanjuri and Amluckie) under Nagaon Zone and nine tea estates of Cachar Zone} were paying less cash wage to workers than the amount of wages prescribed⁷⁸. The details of tea estates along with the period during which short payment was made are shown in **Table 5.5**.

⁷⁸ Out of 10 tea estates of Cachar Zone, one tea estate (Poloi) did not furnish records for audit.

Table 5.5: Tea estates which paid less wages

Period	Applicable rate of wages (₹)	Wages actually paid (₹)	Names of tea estate
		ALC Cachar	
04/2015 to 12/2015	95	71-72	Amranagar, Jalal Nagar, Sephenjuri, Kalinagar
01/2016 to 12/2016	105	75-95	Amranagar, Jalal Nagar, Kalinagar
01/2017 to 02/2018	115	95-100	Amranagar, Jalal Nagar,
03/2018 to 02/2021	145	115-140	Amranagar, Bhubrighat, Dewan, Doloo, Jalal
02/2021 onwards	183	130-171	Nagar Longai, Sephinjuri Kalinagar
		ALC, Nagaon	
04/2015 to 12/2015	115	84-94	Sukanjuri, Amluckie
01/2016 to 08/2021	126 - 205	94-167	Sukanjuri, Amluckie

Source: Data collected from tea estates test-checked.

The short payment of wages also has multiple consequential effects such as short contribution to provident fund and short payment of bonus.

5.10.2 Provision of Ration

As per the prevailing system of rationing in the tea estates, the workers receive rice and *aata* at concessional rate of 52/47 *paise per kilogram*. The permanent workers received ration for their dependents also whereas ration entitlement for temporary workers was for self alone. The ration was distributed on a weekly or fortnightly basis. As per the Assam Branch of Indian Tea Association (ABITA)'s handbook on terms and conditions of service for all categories of employees in the member tea estates of the Indian Tea association, the prescribed scale for entitlement of ration per week to workers and their dependents is shown in Table 5.6.

Table 5.6: Entitlement of rations to workers (per week)

Particulars	Rice (Kg)	Wheat (Kg)	Total (Kg)
Adult workers	1.63	1.63	3.26
Adult dependents	1.22	1.22	2.44
Dependent children	0.61	0.61	1.22

As per GoA's order (December 2010), the workers of tea estates get food-grains at the prescribed scale, the cash equivalent of which comes to ₹ 14.20⁷⁹. Where the tea garden managements have not extended the benefits of food-grains at the scale prescribed, the amount of ₹ 14.20 *per day* will be given wages in lieu of ration.

In course of audit, it was seen that in three tea estates, *viz.*, Budha, Sukanjuri and Jalanagar of the 40 test-checked tea estates, TE management was not complying with the Government orders⁸⁰.

As regard the quality of ration, 514 of 590 workers surveyed in the TEs stated that the quality of ration provided was edible while 23 beneficiaries were not satisfied with the quality of ration. They stated that the ration supplied sometimes was rotten and damp. Another 53 beneficiaries from four TEs⁸¹ stated that they were not receiving ration.

⁷⁹ The value of ration was calculated for three consumption units.

⁸⁰ Budha tea estate: had paid to its workers ₹ 4 *per day* only in lieu of ration against the prescribed amount of ₹ 14.20. Sukanjuri tea estate of Nagaon district was neither distributing ration nor was paying cash in lieu of ration. Jajal Nagar TE of Sihar zone had provided ration during 2015 to till the date of audit at the rate of ₹ 13 *per kilogram* (Half price of the market value).

⁸¹ Amluckie, Sukanjuri (Nagaon), Longai (Cachar), and Budha (Dibrugarh).

5.11 Inspection of Tea gardens

Inspectors of Assistant Labour Commissioner could not conduct required inspection of TEs.

As per Rule-3 of the Assam Plantations Labour Rule, 1956, an Inspector shall, for the purpose of giving effect to the provisions of Act, have power to inspect, examine the premises of the tea estates and to satisfy himself at each inspection that the provisions of the Act and the rules regarding the health and welfare of workers employed in the plantation are observed.

Accordingly, the office of the Assistant Labour Commissioner of four Zones were to conduct inspection of the tea estates of their jurisdiction to ensure the effective implementation of the provisions of the Act. It was, however, observed that there was shortfall in inspection targets prescribed for the ALC to the tune of 65 per cent to 94 per cent in respect of headquarter districts of four Zones. The details in shortfall of inspection are shown in **Table 5.7**.

Table 5.7: Shortfall of Inspection

District	Number of Tea Estates	Inspection target for 2015-16 to 2019-20	Average number of inspections carried out in a year	Shortfall	Percentage of shortfall
Cachar	55	110	35 ⁸²	75	68
Dibrugarh	172	354	21	333	94
Nagaon			Data not made available		
Sonitpur	34	68	22 ⁸³	46	65

On being pointed out, the Assistant Labour Commissioner concerned attributed the short inspection of gardens to reasons like non-availability of vehicles for inspection, shortage of manpower, involvement of their offices in multiple tasks related to labour, non-allotment of fund for travelling allowances, huge number of TEs.

The impact of huge shortfall in inspections, however, can be seen from the preceding paragraphs which show the extent of non-compliance by the test-checked tea estates with the stipulations on facilities to be provided under PLA.

5.12 Assam Tea Employees Labour Welfare Board

Board did not undertake any welfare activities as per mandates of ATPEWF Act, 1959. Expenses of Board mainly relate to administrative expenses (85 per cent) during 2015-2020.

The Assam Tea Employees Labour Welfare Board (Board) has been established under the Assam Tea Plantations Employees Welfare Fund (ATPEWF) Act, 1959 and administers funds consisting of all fines realised from the employers in the course of management of the plantations, all unpaid accumulations, all grants from the State Government or Central Government or the Tea Board constituted, any voluntary donations, any sum borrowed, and share of contribution from tea employees,

⁸² For four years only. Data for 2015-16 was not available.

⁸³ For four years only. Data for 2017-18 was not available.

employers and the State Government. The Minister, Labour and Welfare Department, is the Chairman of the Board and the Welfare Commissioner shall be the principal executive officer of the Board. The Board may employ a Welfare Commissioner with the previous approval of the State Government. As per the ATPEWF Act, the money in the fund may be utilised by the Board to defray expenditure on organising various welfare activities. Welfare Board also runs and maintains community centres for plantation labourers (18), pre-primary centres (8), boys hostel (14), girls hostel (4), training centres (2), tea Garden patients' rest house (2), guest house (1) and library (1).

During 2015-16 to 2019-20, there were only two main sources of funds for the Board- (i) contribution⁸⁴ from tea employees, employers & the State Government usable for welfare activities, and, (ii) Grants-in-Aid (GIA) from Government of Assam.

The GIAs from Government of Assam were mainly for salary support and administrative expenses of the Board. During 2015-16 to 2019-20, the Board had received a total amount of ₹ 39.37 crore and had incurred expenditure of ₹ 30.11 crore. Of this, ₹ 25.52 crore was utilised for salary and ₹ 3.63 crore for implementation of schemes of TTWD and only ₹ 0.96 crore was utilised for the actual activities of the Board which included payment of stipend to trainees of community centres, minor repair works for building, electricity charges, travelling allowances, house rent, maintenance of vehicles, etc.

Thus, during 2015-16 to 2019-20, the Board did not undertake any welfare activities for tea workers except executing the tasks of running of hostels, rest/guest houses, community centres, and disbursement of funds to the beneficiaries under various schemes of TTWD. Barring these minor functions, the Board was virtually inoperative during 2015-16 to 2019-20.

5.13 Departments' views

In course of the exit meeting held on 15 February 2022, the Secretary, Labour and Welfare Department stated that the audit findings had rightly highlighted the facts. He further stated that illiteracy and lack of awareness among the tea garden community were some of the prime reasons behind their backwardness. As regards implementation of the Minimum Wages Act, he stated that when the government came out with initiatives to increase the wages of tea workers, the same got challenged in the court of law and therefore, the wages could not be increased as desired by Government of Assam.

The Deputy Labour Commissioner, Labour and Welfare Department, Assam intimated that rules framed under The Occupational Safety, Health and Working Conditions Code, 2020 and The Code On Wages, 2019 are under process and when these laws will

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	Rate of yearly contribution (Up to 2017)	From January 2018
Employee	₹ 2	₹ 5
Employers	₹ 4	₹ 10
Government	₹ 8	₹ 10

come into force in the State, the issues related to the pay of plantation workers and thus working conditions would be solved to a great extent.

The fact, however, remained that the workers were deprived of wages in line with the scheduled employment together with adequate facilities as envisaged in the Assam Plantation Labour Rules, 1956.

The Secretary, Tea Tribes Welfare Department, while accepting the audit observations, stated that there is a communication gap between the Government and tea gardens due to lack of planning in the Department. At the ground level dedicated functionaries for monitoring and execution of departmental schemes are inadequate. The Director of Tea Tribes Welfare Department also accepted the audit observation and stated that the lack of adequate field staff and dedicated SDWOs for the Tea Tribes Welfare Department in the field was an issue resulting in shortcomings in implementation of schemes. He stated that the Tea Tribes Welfare Department has only 30 Lower Division Assistants in the 46 offices of SDWOs and the officers from the district administrations are posted to officiate as SDWOs. As a result, the implementation of schemes gets hampered as the officers officiating as SDWOs are burdened with their normal duties under the District Administration.

Audit also was of the opinion that the Tea Tribes Welfare department had inadequate human resources at the field level and it needs to be strengthened for execution of schemes efficiently in a planned manner. However, such constraints were not new for the Department, rather these shortcomings persisted since the inception of the TTWD (1984) and should have been addressed long back. Had the shortcomings been addressed in time, the Department could have implemented the welfare schemes efficiently yielding the outcome as desired therefrom.

5.14 Audit summation

The tea workers in Assam have faced poor social and economic conditions. Low income and abysmal levels of education among the community are the most important factors which are acting as a barrier against their overall development.

In the absence of basic socio-economic data of tea-tribes' population, the Tea Tribes Welfare Department (TTWD) implemented the schemes in a haphazard manner. The initiatives/schemes undertaken by the State Government through TTWD did not have any significant impact on the well-being of the tea garden workers. Very few respondents (Tea workers) knew about existence of Tea Tribes Welfare Department, its activities/schemes, and its role in their welfare. Lack of awareness on the part of the workers is indicative of the failure of the Department in reaching out to its ultimate beneficiary base. Internal control and monitoring of implementation of schemes was found absent, along with an adequate system of assessment of impact of implementation of schemes.

The wages the workers received in the TEs were meagre. The employment in tea plantations was not a part of scheduled employments notified by Government of Assam, as a result of which tea garden labourers did not get the benefit of minimum wage

standard and Variable Dearness Allowance notified by government from time to time. Shortcomings were also observed in facilities such as hospitals, schools, canteen, crèche, recreation club and housing accommodation as compared with the specification notified by the State Government. Further, during beneficiary survey, tea garden labourers stated that they struggled to maintain livelihoods for their families with their low income and other needs remained unfulfilled and desired that their wages should be raised. These indicated that implementation of the provisions of Assam Minimum Wages Rules, 1952 and Assam Plantations Labour Rules, 1956 by the Labour and Welfare Department in the tea garden areas could not achieve the objectives laid down therein to that extent.



(KUMAR ABHAY)
Accountant General (Audit), Assam

Guwahati
The 16 July 2024

Countersigned



(GIRISH CHANDRA MURMU)
Comptroller and Auditor General of India

New Delhi
The 24 July 2024

