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Human Rights & Women Tea Workers: A Study in North Bengal

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ABSTRACT

North Bengal tea workers significantly contribute to the regional economy. But female tea workers suffer from critical human rights problems. Their social and economic status, the impact of labour legislation on them, and gender-based discrimination are examined in this paper. It cites many problems, such as low wages, hazardous working conditions, absence of maternity benefits, gender violence, financial exploitation, and trafficking. Although there are protective legislations like the Plantation Labour Act of 1951 and the Minimum Wages Act of 1948, their weak enforcement leaves the women vulnerable to exploitation. The paper explains how such legislations should safeguard the workers and suggests policy reforms that can enhance their welfare. Emergency reforms are necessary, with strict enforcement of the labour legislations, to provide equal rights to women in North Bengal's tea industry, safe working conditions, and fair remuneration.

Keywords: *Tea workers, human rights, labour rights, gender discrimination, financial exploitation, North Bengal, tea industry, legal issues, workplace safety, social justice.*

I. INTRODUCTION

After China, India stands as a leading producer and exporter of tea worldwide. Tea ranks as the second most consumed liquid globally, surpassed only by water, making it an exceptionally profitable industry. The tea sector provides employment to roughly 2 million individuals across the globe. In the 2014-2015 fiscal period, India secured the fourth position among tea-exporting nations, with exports valued at USD 619.96 million. In India's tea industry, Assam and West Bengal emerge as the dominant producers, accounting for an impressive 70% of the country's overall tea output. These regions also host a substantial number of tea plantation workers, whose livelihoods depend entirely on this industry.² The cultivation of tea plants is possible in both tropical and subtropical regions, but they typically require environments with high humidity and substantial rainfall. During the growing period, these plants need between 150 cm and 250

¹ Author is a LL.M Student at CMR University School of Legal Studies, Bangalore, India.

² Global Network for the Right to Food and Nutrition, 'A Life Without Dignity – The Price of Your Cup of Tea' (June 2016) https://www.righttofoodandnutrition.org/wp-content/uploads/2016/09/Watch_2016_Article_9_en_g_.The-Price-of-Your-Cup-of-Tea.pdf accessed 10.01. 2025.

cm of precipitation.³ India's extensive tea industry is often attributed to the British. Tea was initially discovered in India and saw widespread cultivation and consumption from the early 1800s until 1947⁴, when India gained independence from Great Britain. Around 1774, Warren Hastings sent a selection of Chinese tea seeds to George Bogle, the British envoy in Bhutan, encouraging him to experiment with cultivating them in the region. This endeavour, however, did not appear to yield any notable outcomes. Subsequently, in 1776, the distinguished English botanist Sir Joseph Banks was solicited to compile a set of observations. In his recommendations, Banks advocated for the initiation of tea cultivation in India.⁵ In the year 1780, Robert Kyd started cultivating tea in India with seeds from China. Years passed by and later in 1826, Robert Bruce discovered wild tea plants growing in the Brahmaputra Valley. The first commercial shipment of Assam tea to England was despatched in May 1838.⁶ Contrary to expectations, the native flora thrived, while the Chinese tea seedlings barely endured Assam's intense heat. This resulted in a consensus to utilize seedlings from the indigenous Assam tea bush for subsequent plantations. The initial shipment of twelve chests containing tea manufactured from local Assam leaves reached London in 1838, where they were auctioned. This milestone led to the creation of the Bengal Tea Association in Calcutta and the Assam Company in London, marking the tea industry's first joint-stock venture. As this venture proved successful, numerous other companies emerged to participate in tea cultivation. Notable among these new enterprises were George Williamson and the Jorehaut Tea Company.⁷ Following the triumph of the tea industry in Assam's Brahmaputra valley, investigations were conducted to determine the practicality of cultivating tea throughout the Himalayan foothills and other Indian regions. By 1863, tea plantations had taken root in several regions, with 78 estates flourishing across Kumaon, Dehra Dun, Garhwal, the Kangra Valley, and Kulu.⁸ The 1850s marked the inception of commercial tea plantations in Darjeeling. Within two decades, the industry flourished, with 113 gardens covering 18,888 acres and producing 3.9 million pounds of tea by 1874. This growth followed the East India Company's acquisition of the Darjeeling district in 1835 and initial trials conducted in the 1840. To tackle various challenges facing the industry, including workforce issues, security concerns, communication obstacles, market expansion, and tea packaging, the Indian Tea Trade Association was established 1881. Later in 1895 came the

³, 'What are the Climatic Requirements for Growing Tea' (2025) Food and Agriculture Organization <https://www.fao.org/tea-climate> accessed 10.01 2025.

⁴ Wikipedia, 'History of Tea in India' (February 2025) https://en.wikipedia.org/wiki/History_of_tea_in_India accessed 10.01.2025.

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Ibid

United Planters Association of Southern India (UPASI). Indian tea exports increased positively, from 183.4 tons in 1853 to 6,700 tons by 1870 and rose further to 35,274 tons by 1885. As one of the global leaders in tea production, India boasts over 13,000 expansive tea plantations across its verdant terrain. This flourishing sector is supported by a workforce exceeding 2 million individuals, each contributing their labor and commitment to every tea cup we savor. These employees, many hailing from rural and underprivileged backgrounds, are crucial in maintaining this age-old practice that not only satisfies thirst but also bridges cultures globally. Their perseverance and dedication form the core of India's tea narrative.⁹ The tea industry occupies a considerable part of West Bengal's industrial landscape. The region's primary tea-producing areas include the districts of Jalpaiguri and Darjeeling. This sector employs approximately 218,848 full-time workers in the area.

The roles of women in the tea gardens are marked by a history of hardship that began during colonial times, a period when exploitation was the norm and women's suffering was largely ignored. Over the years, even with the end of colonial rule, their struggles have not diminished but have, in many ways, worsened. Every day, they endure relentless physical labour, alongside the constant fear of sexual harassment, the risk of being forced into exploitative trades, and the reality of domestic violence in their own homes. For these women, survival means more than physical endurance. It's about the continuous fight for their dignity, safety, and fundamental rights in an environment that often seems indifferent to their suffering. The tea fields are a silent witness to these struggles, holding stories of resilience and strength against all odds. In the 21st century, North Bengal experienced economic difficulties as a result of the shutdown of tea estates. This economic downturn triggered various social issues, with violence against women emerging as a significant concern. Gender-based violence, which disproportionately affects women, is a global issue that manifests in diverse ways across different cultures. It encompasses a wide array of abuses, spanning from sexual assault during conflicts to the mistreatment of female prisoners. In the 21st century, gender-based violence is changing due to globalization and new technologies. Similar changes are happening in the tea estates of West Bengal, where these forces are reshaping social dynamics and challenges related to gender issues.¹⁰ The amenities offered to female workers significantly enhance their quality of life compared to gardens facing facility shortages. These garden-provided services shape the lives and livelihoods of women workers. Female employees are involved in both garden production and

⁹ Ibid

¹⁰ Sayantani Roy, 'Women Labour in the Tea Gardens of West Bengal: Changing Orientation and Emerging Challenges' (2017) 5(4) *International Journal of Engineering Development and Research* 862-868 <https://rjwave.org/ijedr/papers/IJEDR1704140.pdf> accessed 11.01. 2025.

domestic responsibilities, including water collection and gathering firewood from nearby forests. Consequently, tea garden management should focus on addressing women's needs workers. An effective female workforce can boost production levels. Thus, evaluating life and livelihood conditions should be a top concern. Enhancing living standards can benefit women workers and strengthen their connection to the garden work environment.¹¹

II. EXPLORING THE ROLE AND SOCIO-ECONOMIC IMPACT OF WOMEN IN NORTH BENGAL'S TEA INDUSTRY

The global tea market has experienced significant challenges due to intense competition and price wars, leading to widespread job losses and the shutdown of numerous tea plantations in the region. These closures have had devastating effects on livelihoods and limited diversification opportunities because of the remote location of tea gardens. The prolonged shutdowns have resulted in hunger, disease, fatalities, and forced relocation for those unable to find alternative employment outside plantation work. Between 2001 and 2004, 22 gardens ceased operations, severely impacting the workforce, particularly women, who make up 55% of employees, and threatening many more gardens with closure. Approximately 85,000 professionals contribute to the industry, either through direct roles or supporting capacities, have been affected by these closures, with the consequences persisting to this day. This research is grounded in an extensive longitudinal survey examining the aftermath of the closures, documenting empirical evidence and experiences of displaced female tea garden workers regarding their livelihood and sustainability issues. The research focused on the Jalpaiguri district of North Bengal, commonly referred to as Doors due to its proximity to Assam's tea gardens, despite not being part of Assam itself.¹² The research examined how these women coped with, withstood the mistreatment, and adapted to their patriarchal environment, characterized by systemic control, subjugation, and long-term hardship and abuse within the confines of the plantation where they resided. The accounts provide evidence of a shared experience of hardship and community, particularly in gender-specific ways (as females).¹³

Female workers in the local tea industry begin their day well before sunrise, often rising at 4:30

¹¹ Sreyashi Ganguli and Sudip Kumar Bhattacharya, 'Assessment of Livelihood of Women Workers in Tea Gardens of Terai, Darjeeling District, West Bengal, India' (2020) 43(2) *Indian Journal of Landscape Systems and Ecological Studies* 124, 124–135.

¹² Sumita Sarkar, 'Gender Discourse on Displacement and Livelihood Issues: A Study of Women Tea Plantation Workers, North Bengal, India' (2022) 12 *International Journal of Development Research* 25019 <https://www.journalijdr.com/gender-discourse-displacement-and-livelihood-issues-study-of-women-tea-plantation-workers-north> accessed 11.01.2025.

¹³ Dr. Sumita Sarkar, 'Gender Discourse on Displacement and Livelihood Issues: A Study of Women Tea Plantation Workers, North Bengal, India' (2022) 12(10) *International Journal of Development Research* 59310, 59310–59315.

AM to prepare meals for their families and complete household tasks. Their work in the tea fields commences at 7:30 AM, regardless of weather conditions, as they harvest tea leaves in harsh winter or rainy conditions. This demanding labour is motivated by their determination to build a better future for their children. Parents strive to enrol their offspring in English-medium schools, hoping for improved educational opportunities. Despite their diligent efforts, these workers earn only ₹232, with a net pay of ₹200 after deductions, which falls short of meeting their family's needs. The situation is exacerbated by the closure of tea gardens, making it increasingly difficult for these women to support their households.

III. EXPLORING LABOUR LAW IMPLICATIONS IN NORTH BENGAL'S TEA GARDENS: REFLECTIONS FROM NARRATIVES AND CASE STUDIES¹⁴

1. At the age of 39, my spouse fell ill with a fever and abdominal discomfort. My child and I brought him to Lakhipara medical center. Although we're entitled to complimentary medication for common ailments, even basic treatments for gastrointestinal issues are now unavailable. In critical situations, the facility often instructs us to procure medicines or blood on our own. The hospital staff requested that I purchase certain medications for my husband, but I lacked the financial means. This marked his third hospitalization, and after a week, he succumbed to his illness. The physician attributed his death to cardiac arrest. I still find it difficult to accept that he was young enough for such an occurrence. Nevertheless, I suppose his heart must have ceased functioning, resulting in his demise?¹⁵
2. For the last two years, my spouse has been gravely ill. In our tea plantation community, numerous male workers have been suffering from various health issues, including diarrhoea, malaria, recurrent fevers, liver ailments, and illnesses caused by poor nutrition. As a result, I've taken on the responsibility of tending to the garden. However, my earnings are limited because my only skill is harvesting tea leaves.¹⁶
3. As single mother of four—two sons and two daughters - I've had to adapt to new circumstances. My husband's passing last year prompted me to seek employment to support my girls financially. Both of my boys have since left our rural home to work in small urban shops. Unfortunately, the domestic positions I had hoped to find in nearby

¹⁴ Ibid

¹⁵ ibid

¹⁶ ibid

towns are too far from our residence. As a result, I remain at our rural property, continuing my search for work opportunities.¹⁷

4. Occasionally, a group of us visit gardens operated by contractors. These contractors employ labourers who accept reduced pay, sometimes as low as 35 Rs. per day, for the same duration of work. I have experience in four gardens, including my current one. Contractors manage all of these gardens, and the proprietors or supervisors no longer make appearances.¹⁸
5. Due to financial constraints, I was forced to send my only daughter away as I could no longer provide for her. My son has also departed from our home and is now employed at a hotel in Jalpaiguri, though he occasionally returns for visits. I'm currently managing both work responsibilities and caring for my ill spouse. His health is uncertain—he constantly suffers from abdominal discomfort and elevated body temperature. I'm unsure how much longer he will endure these conditions!¹⁹
6. The management has left us, not paying us for years. We now collect stones for some contractors who have trucks they send to the nearby rivers. Some of us work as housekeepers for the new owners of other gardens. We also clear dry leaves on forest roads and take some temporary construction work. Although we are allowed to work for 100 days, we can only try to look for work for 40 to 60 days within that period. Our problems never seem to end.²⁰

The narratives of these women reveal a grim truth: Their rights are consistently infringed upon while the tea industry may boast about complying with labour laws, such regulations often prove superficial, failing to offer meaningful protection or bring about practical enhancements in the lives of labourers.

IV. HUMAN RIGHTS VIOLATIONS FACED BY WOMEN WORKERS

(A) Violence and Abuse Against Women

The claim that women are disproportionately impacted by violence suggests that females in the agricultural sector face higher rates and risks of violent incidents compared to their male counterparts. This disparity is largely attributed to societal gender norms, financial hardships, and long-standing cultural practices prevalent in rural settings. The UN defines Violence

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ *Ibid*

Against Women and Girls (VAWG) as “any act of gender-based violence (GBV) that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”²¹ Female tea garden workers are particularly vulnerable to household abuse, a pervasive issue encompassing physical, sexual, and psychological maltreatment within their homes. These women also endure various forms of sexual violence, which include unwelcome or harmful acts that instil feelings of insecurity and disrespect. Such violations encompass forced sexual activities, harassment, verbal aggression, intimidation, indecent exposure, and unwanted physical contact. These incidents are not mere statistics but traumatic experiences that strip women of their dignity, safety, and peace of mind. Domestic violence is characterized as the employment of abusive behaviour to dominate or injure a family member or intimate partner. It includes several modes of physical and emotional maltreatment and neglect by family members or even spouses. This is specifically very prevalent within gender-based violence in tea gardens. In Indian culture, people generally do not share family problems, especially when the problem in question is serious at home.²² Women working in tea estates seem to have some of the toughest struggles, with poverty and scarcity of natural resources as well as few job opportunities. For most, it's been a case of abuse and poor livelihoods, or worse, toiling with the threat of exploitation and little hope of escape. The major problems are that they have no ownership to the land they are working on, to the homes they sleep in; all the power is with the employers, which makes them feel fragile and without control over their own lives. Many laws although in place to prevent this gender-based violence, are not equipped well enough to be enforced. The labourers in the tea industry call for protection and services because these workers need it to work safely, yet most employers do not follow the labour law. Moreover, women frequently experience abuse, not only from family members but also from men in positions of authority within the estates. This creates a complex and deeply troubling situation, leaving many women feeling helpless and without recourse. Aside from this, very little information and data exists regarding workplace violence on tea plantations, mainly because violence against women is considered a “norm” in the plantation industry. The limited data available clearly shows that millions of women working on tea estates face this serious problem.²³ The study discovered

²¹ Sayantani Roy, 'Women Labour in the Tea Gardens of West Bengal: Changing Orientation and Emerging Challenges' (2017) 5(4) *International Journal of Engineering Development and Research* <https://www.ijedr.org/papers/IJEDR1704140.pdf> accessed 13.01.2025.

²² *Ibid*

²³ Ines Frankenthal and Debdulal Dutta, 'Risk Factors for Gender-Based Violence: The Case of Indian Agriculture' (2021) *Oxfam Research Backgrounder Series* <https://oxfamilibrary.openrepository.com/handle/10546/621250> accessed 13.01.2025.

that the seriousness of mental and psychological abuse in the tea gardens is in fact minimized by a lack of knowledge, a normalizing attitude, and an internalization of structural norms.²⁴ A woman in a private tea plantation stated “if we go and ask the husband/family not to beat the wife, then we will be beaten by our husbands. Who will stand up for us?”²⁵ In tea plantation regions, labours often face numerous stressful circumstances, largely due to their minimal education and limited understanding of their entitlements. This situation particularly affects female tea workers, who endure emotional and physical mistreatment from their partners, relatives, and even plantation administrators. This ongoing pattern of ignorance and abuse renders these women feeling defenceless and isolated, lacking the necessary assistance or means to advocate for their rights and pursue an enhanced standard of living. It is in fact widely known that women tea workers are victims of widespread sexual harassment in the workplace including stalking, vulgar comments and songs and requests for sexual favours.²⁶ 83% of the respondents reported experiencing verbal abuse at work, including the use of slang phrases, offensive remarks about their appearance, and other abusive language.²⁷ In 2020, the Indian government acknowledged that female tea plantation workers are covered under the Sexual Harassment of Women at Workplace Act of 2013. This recognition guarantees that women in the tea sector will continue to benefit from safer work environments and have access to legal remedies against harassment and abuse within their workplace. Nevertheless, the effective implementation and enforcement of these safeguards are crucial for advancing the actual rights and dignity of women in this industry. At present, it is clear that tea workers do not receive fair living wages and are by no means protected from laborious and demanding conditions of work. Sprayers of tea bushes often receive excessive use of pesticides without appropriate protection. Also, half of the workers, female tea pickers, suffer from human rights violations.²⁸

(B) Women Economic Exploitation

In India, particularly North Bengal, the tea industry stands as the most lucrative sector, primarily because of its substantial female workforce, which makes up approximately 80% of all

²⁴ Jyoti Prasad Saikia, *Stories Behind a Hot Cup of Assam Tea: Listening to the Voices of Women Labourers in the Tea Gardens* (Report for the Government of India, Centre for Women's Studies, Dibrugarh University, 18 December 2017).

²⁵ P Rajbangshi and D Nambiar, “Who will stand up for us?” *The Social Determinants of Health of Women Tea Plantation Workers in India* (2020) 19 *International Journal for Equity in Health* 29.

²⁶ Ines Frankenthal and Debdulal Dutta, 'Risk Factors for Gender-Based Violence: The Case of Indian Agriculture' (2021) *Oxfam Research Backgrounder Series* <https://oxfamilibrary.openrepository.com/handle/10546/621250> accessed 13.01.2025.

²⁷ The International Roundtable for Sustainable Tea (THIRST), *Human Rights in the Tea Sector – The Big Picture, Part 1: Literature Review* (18 May 2022).

²⁸ FIAN International, 'A Life Without Dignity – The Price of Your Cup of Tea' (2016) <https://www.fian.org/en/news/article/a-life-without-dignity-the-price-of-your-cup-of-tea-1799> accessed 15.01.2025

employees. The tea plantations in this region play a crucial role in providing local jobs and contribute significantly to export revenues. These tea estates rely heavily on women to maintain their high levels of production and quality standards. The tea plantation industry's Employers' Associations express discontent, mainly due to the necessity of increasing worker wages and apprehension regarding the strike's effects on tea-growing regions in Tamil Nadu, West Bengal, and Assam. Notably, Assam and West Bengal, which together produce 75% of the nation's tea and employ a similar proportion of permanent workers, offer the lowest wage rates in India. These rates would be considered inadequate even for labourers in the unorganized sector. At present, daily wages in West Bengal amount to Rs 132.50, while Assam's state government has established a minimum daily wage of Rs 146. Over one million workers in tea plantations are permanent workers. It is thus the largest employer in the organized private sector. One of the primary grievances of the employers is that they have to follow the laws governing the employment conditions in the formal sector workers like the Industrial Disputes Act²⁹, Factories Act³⁰, Provident Fund³¹ and Gratuity Act³², and several other acts. The Plantations Labour Act is a vital law designed at improving the social and cultural conditions of plantation workers, who are often isolated from mainstream society. This law mandates that employers provide various amenities for workers and their families, including housing with proper sanitation and potable water, affordable food facilities, childcare centres, primary education, and healthcare services, including specialized treatment in group hospitals. These provisions are intended to address the limited access to basic necessities often faced by workers in remote plantation areas. Although employers argue that these requirements are excessively burdensome, it is widely recognized that many of these mandated provisions are rarely put into practice. Consequently, the expenses that plantation owners claim to incur in implementing these measures are largely theoretical. These laws are not enforced mainly because state governments and plantation companies don't take them seriously. The Plantation Association is legally obligated to fulfil its responsibilities and must respect the rights of women tea workers. Any failure to enforce these laws should result in compensation for the affected workers and appropriate penalties for noncompliance. Article 39(d)³³ of the Indian Constitution declares that both men and women should be paid equally for performing the same work. In the matter of "State of MP v RD Sharma, 2022", the Supreme Court held that whereas "equal pay for equal work" is not a fundamental right in the case of every worker it has, however, emerged as a constitutional

²⁹ Industrial Disputes Act, No. 14 of 1947, Acts of Parliament, 1947 (India).

³⁰ Factories Act, No. 63 of 1948, Acts of Parliament, 1948 (India).

³¹ Employees' Provident Funds Act, No. 19 of 1952, Acts of Parliament, 1952 (India).

³² Payment of Gratuity Act, No. 39 of 1972, Acts of Parliament, 1972 (India).

³³ India Const. art. 39(d).

objective that the government should strive for.³⁴ In North Bengal, women tea workers earn less than ₹3,000 per month, while those in the hills receive between ₹6,000 and ₹9,000. Most women in these plantations rely entirely on tea industry employment and, due to low literacy levels and limited awareness of their rights, are often vulnerable to exploitation. This disparity represents a violation of their fundamental rights, as the state government establishes the minimum wage rates through notifications under the Minimum Wages Act³⁵, of 1948, and the Tea Plantation Act³⁶. Every year during the Durga Puja season, bonus disputes arise, leading to strikes in North Bengal's tea industry in dooars, Jalpaiguri, malbazar, new champita tea estate etc. The tea workers demand a higher bonus percentage than what is proposed by the Plantation Association. Workers often stage roadblocks and strikes across the region when their demands are unmet. After about a week of such protests, the Tea Association usually attempts to negotiate a revised bonus percentage. If a satisfactory agreement is reached, the strikes end. Otherwise, protests continue until, under pressure from the labour department and government officials, workers receive an acceptable bonus rate.

(C) Women's living and working condition

Article 21 ensures every citizen's right to life, which includes the right to a dignified living environment. However, women working on tea estates experience significant violations of this right through their working and living conditions. They receive insufficient wages and face safety risks, as they are often required to pick tea leaves in isolated and hazardous areas, particularly in hilly regions where the risks are heightened for women. Tea pickers work year-round, in all weather conditions, including the summer's extreme heat and the torrential monsoon rains, while carrying large baskets on their backs full of tea leaves, climbing up and down sloping soil, and remaining on their feet for the day on uneven terrain.³⁷ In harsh weather conditions, women labourers in hilly tea plantations are required to pick tea leaves, facing serious threats to their safety, including health issues, risks from snake bites and insect stings. There is a lack of adequate safety equipment provided to them, with most only receiving minimal supplies like an apron, umbrella, or sandals if provided at all. Many companies offer only limited protective items, often as part of their corporate social responsibility, but even these essential resources are inconsistently supplied across the industry. Women tea workers face

³⁴ Ruchitha Bafna, 'Is Equal Pay for Equal Work a Fundamental Right in India' (1 February 2022) Lawyers Club India <https://www.lawyersclubindia.com/articles/is-equal-pay-for-equal-work-a-fundamental-right-in-india-14622.asp> accessed 15.01.2025

³⁵ Minimum Wages Act, of 1948

³⁶ Tea Plantations Act, No. 51 of 1951, Acts of Parliament, 1951 (India).

³⁷ Debdulal Saha, *Working Conditions of Tea Plantation Workers in India: A Trade Union Perspective* (Routledge 2019).

significant pressure to meet daily quotas for picking tea leaves. If they fall short of the target, their wages are often reduced. In many plantations, failure to meet the daily requirements can lead to threats or harassment, especially toward women workers. The average a picker is given a target of 4 to 5 kg per day and during the high plucking season the target increases and can get double the target must be fulfilled to meet the full daily wage³⁸. Employees describe their workloads as "intolerable" and find it challenging to refuse overtime or weekend work. The use of shears results in discomfort throughout their upper body, including the arms, shoulders, chest, and back regions. In tea plantations, women workers often lack awareness of their rights and are generally uninformed about their wages, rarely questioning the management on these matters. Both women workers and other employees speak about the intense pressure in the plantations, where work hours are typically from 7:00 a.m. to between 5:30 and 6:00 p.m. Despite this, they frequently work overtime without any additional pay. Due to the demanding conditions, they sometimes even miss lunch. In 2003, a One World Asia report said that over 800 workers in West Bengal died of starvation in three years because of plantation issues.³⁹ Consequently, the working conditions for women are exceedingly difficult, leading to poor living standards and violations of their rights.

(D) Right to Health Crisis Among Women Workers

One of the key laws protecting plantation workers is the Tea Plantations Act⁴⁰ of 1951. This law was made to protect the welfare and rights of tea plantation workers in India, including the basic human right to health. The Tea Plantations Act⁴¹ requires management to provide adequate healthcare facilities for all workers and mandates that these provisions be strictly followed, ensuring that workers' health needs are prioritized. However, the tea industry often violates with the regulations outlined in the Plantations Act of 1951. Yet there are some rights under the tea plantation act 1951 which are:

1. **Section 8** on availability of drinking water: The employer shall provide adequate clean, safe drinking water for all employees on the plantation with ready access to it from various positions in the plantation.⁴²

³⁸ Darjeeling Tourism, 'Processing of Darjeeling Tea' https://www.darjeeling-tourism.com/darj_0000c0.htm accessed 18.01.2025.

³⁹ Asian Human Rights Commission, 'People's Tribunal on Starvation in Jalangi, West Bengal' <https://www.humanrights.asia/resources/journals-magazines/article2/special-edition-two-peoples-tribunals-on-severe-hunger-utter-neglect-in-india/the-river-is-hunting-us-from-the-north-the-government-is-hunting-us-from-the-south-peoples-tribunal-on-starvation-in-jalangi-west-bengal/> accessed 18.01.2025.

⁴⁰ The Tea Plantations Act, No. 51 of 1951, Acts of Parliament, 1951 (India).

⁴¹ Ibid

⁴² Ministry of Labour and Employment, The Occupational Safety, Health and Working Conditions Code, 2020 (28 September 2020) https://labour.gov.in/sites/default/files/osh_gazette.pdf accessed 19.01.2025.

Though the right exists, it lacks effectiveness, as some tea plantations do not comply with the Plantation Labour Act of 1952. While the Act mandates provisions for drinking water, many villages still require people to walk over an hour each day to access water. Women often carry water containers weighing more than 15 kg on their backs. Despite management's awareness of these conditions, there is little implementation. Meanwhile, the management ensures easy access to water for themselves through pumping systems, leaving workers with limited or no access.

2. **Section 9** states Conservancy. Every plantation should have a latrine, and urinals must be provided in equal number for men and women, wherever accessible on the plantation. All toilets and restrooms must be maintained in a clean and hygienic condition at all times.⁴³

Every tea estate is equipped with separate toilets for male and female workers, as required. However, inspections have shown that these facilities are often unclean and unsanitary. The toilets lack water, and the overall condition of the structures is poor, with very low hygiene standards.

3. **Section 10** state that medical facilities should be available at every plantation to cater to the workers and their families. Where such facilities are not made available, the chief inspector may arrange to make them available and reckon the cost with the employer. The Chief Inspector may refer the expenses to the Collector, who can recover them as outstanding land tax dues.⁴⁴

Many workers in the tea industry report negative experiences at company hospitals, where they are often treated disrespectfully by doctors and nurses. Workers are sometimes pressured to return to the fields before fully recovering from illness, including fevers and other health issues. Some plantations lack basic amenities such as drinking water, toilets, hospitals, or dispensaries, all of which should be provided under the Plantation Labour Act of 1951⁴⁵. Many women and other workers have voiced complaints, noting that company doctors are frequently unavailable for full days. Instead, doctors often take half-days at the company hospital to work in private clinics, requiring workers to visit them privately for care violating both their rights and the requirements of the Plantation Labour Act of 1951⁴⁶.

(E) Trafficking in Tea Plantation Areas

Article 23⁴⁷ of the Indian Constitution⁴⁸ asserts that every person who has been trafficked has

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ The Tea Plantations Act, No. 51 of 1951, Acts of Parliament, 1951 (India).

⁴⁶ Ibid

⁴⁷ India Const. art. 23.

⁴⁸ The Constitution of India, 1950

fundamental rights. If an individual is trafficked, it amounts to a severe infringement of their fundamental rights. Human trafficking is the transportation or sale of people for work, sex, marriage, or removing their organs. It can either occur within a country or across the country's borders. Most victims are women or children, mainly in India. In this fight, India has enacted legislation and the government has made efforts to eradicate this.⁴⁹ We have observed a recent trend in North Bengal across all districts of the tea industry, where human trafficking is occurring. In North Bengal, Human trafficking often occurs in remote tea garden areas like in districts of Alipurduar, Jalpaiguri, Darjeeling, North Dinaj-pur, and few parts of Coochbehar, where traffickers prey on families facing financial difficulties. These traffickers offer false promises of job opportunities for their children, specifically targeting vulnerable families. In their desperation for a better life, many parents may feel compelled to accept these offers, leading them to send their children away or even sell them for money. As a result, men, women, and children are forced to abandon their homes, lured by the hope of financial relief and a brighter future, only to find themselves trapped in exploitative situations.

The UN Protocol is the international convention toward stopping human trafficking, mainly that of women and children. It is supportive of the United Nations Convention⁵⁰, therefore supporting the main trend against transnational organized crime.

Article 3 states that (a) "Trafficking in persons" Human trafficking refers to recruiting, transporting, or taking people by force, threats, lies, or by taking advantage of their vulnerable situation. It is meant to exploit people; therefore, others will exploit them through working in prostitution, forced labour, slavery, or even extracting their organs.⁵¹

Many reports reflect that dishonest employers have been exploiting migrant and missing children through abuse and death. Surveys in tea gardens reflect the presence of grave child and women trafficking, especially in the struggling tea gardens. Parents and members of the community are, however, yet to launch a powerful protest movement over the issue. This has enabled traffickers to expand their networks across various plantations and communities, turning North Bengal into a key hub and transit point for human trafficking in the region (Ghosh 2012)⁵². The authorities have not given enough importance to the issue even though the media

⁴⁹ LawRato, 'Human Trafficking laws in India - Section 370 IPC' (LawRato, 11 months ago) <https://lawrato.com/indian-kanon/criminal-law/section-370-of-the-indian-penal-code-1860-ipc-trafficking-of-persons-566> accessed 19.01. 2025.

⁵⁰ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

⁵¹ LawRato, 'Human Trafficking laws in India - Section 370 IPC' (LawRato, 11 months ago) <https://lawrato.com/indian-kanon/criminal-law/section-370-of-the-indian-penal-code-1860-ipc-trafficking-of-persons-566> accessed 19.01. 2025.

⁵² B. Ghosh, Human Trafficking Networks in North Bengal, 12 J. Soc. Stud. 145 (2012).

chronically reports about it. In 2010, 3,500 children left 12 tea gardens. That is to say, roughly about 300 children leave each of them every year with nearly one-third of the girls. More importantly, many of these children never return home and nearly 8 to 10 of 100 go missing every year. It may be that a few of the missing children have settled in their places of work. But the stories of missing children corroborate links between missing and trafficked children. The experience of local non-governmental organizations (NGOs) and other stakeholders also supports this. A recent study done in 14 tea estates in the region shows a very high rate of human trafficking (Chakraborty 2013: 18). Hence, it may be argued that a large number of those missing are actually trafficked⁵³. Because the children of this study knew some of the trafficked children in 2010, they were able to recognize many of them. Local people and participants who participated in the study also agreed that many children disappear. During focus group discussions, people said that approximately 9 to 11 children are trafficked from each garden every year, and more than half of them are females.⁵⁴ The FGD revealed a lack of awareness among community members, as well as the greed of some parents, often influenced by alcoholism and domestic violence, which contributes to the suffering of children and women.

V. UNDERSTANDING LABOUR RIGHTS IN NORTH BENGAL'S TEA GARDENS: A STUDY BASED ON SECONDARY DATA⁵⁵

During the FGD, various case studies from different authors surfaced and are presented below:

- Aarti Nagesia, 14 years old, stays in a tea garden. Her parents used to work there. When it closed down in 2014, she stopped going to school. She has two younger sisters and one brother. She went to Delhi along with their approval in order to work in the company of a "friend" with his help. She called her parents after arriving in Delhi. However, a month later she was shifted to Aligarh. She phoned her parents one day, saying she is being hurt and requiring help. She was shifted once again to an unknown place. When her parents reached the "friend," he denied everything and threatened her parents. They never heard from Aarti again thereafter.⁵⁶
- Ruzan Lakra, 12, stayed with his family in a tea garden. His father used to drink and couldn't support his family, his mother used to work. One day, a man who was probably

⁵³ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3

⁵⁴ Ibid

⁵⁵ Sayantani Roy, 'Women Labour in the Tea Gardens of West Bengal: Changing Orientation and Emerging Challenges' (2017) 5(4) *International Journal of Engineering Development and Research* <https://www.ijedr.org/papers/IJEDR1704103.pdf> accessed 20.01. 2025.

Explanation

⁵⁶ Ibid

an agent told Ruzan's parents that there is a good job available in Namchi, Sikkim. He gave Rs 2000 to Ruzan's parents, and took Ruzan. Hoping that the man would be able to help his family, he came back after two years with no money. It was also discovered that the money was taken entirely by the man.⁵⁷

- Jamuna Toppo is 10 years old. She went to Sikkim from a tea garden to work as a maid from her house as her parents had lost jobs. The agent took her, taking Rs 3000 from her father. It is close to eight months since her whereabouts are unknown and no amount of money has arrived for her from any corner. As of now, the Panchayats of the local village areas are receiving all those amounts that are supposed to reach them under NREGA.⁵⁸

VI. GENDER INEQUALITY IN THE TEA INDUSTRY

The Constitution of India, enacted in 1950, guarantees fundamental rights that ensure equality for all individuals and prohibit discrimination based on caste, sex, gender, or place of birth. However, significant inequalities persist within the tea industry. Despite years of service, women working in this sector often find themselves in the same positions without any opportunities for advancement to managerial roles, with only a handful reaching such positions. Women are vital to the tea industry, particularly in the plucking of tea leaves, without which the work in tea gardens would be impossible. Yet, despite their crucial contributions, they receive low wages, and only a few are employed in factory roles. The statistic that approximately **5% of managerial positions in tea gardens are held by women** reflects the gender disparity in leadership roles within the tea industry in North Bengal.⁵⁹ The 2024 Global Gender Gap Index, published by the World Economic Forum, ranks India 129th out of 146 countries assessed which take into consideration several indicators such as women's education, political empowerment, economic participation and health⁶⁰. In tea plantations, men hold most of the power and influence. This traditional view shapes family roles, how money is managed, social relationships, and even religious practices. As a result, it affects how work is done and creates a hierarchy that often puts women at a disadvantage in their daily lives. Women have different roles in the garden and at home. They do not receive equal treatment compared to men, and their opportunities are not the same as those available to men. They are only viewed as

⁵⁷ Ibid

⁵⁸ ibid

⁵⁹ Bidhya Rai, 'Social Consequence of the Crisis in the Tea Industry of North Bengal' (2023) 9(4) *International Journal of English Literature and Social Sciences* 356 <https://ijels.com/issue-detail/vol-9-issue-4/> accessed 20.01.2025..

⁶⁰ World Economic Forum, *Global Gender Gap Report 2024* (June 2024) <https://www.weforum.org/publication/global-gender-gap-report-2024/> accessed 20.01. 2025.

cheap commodities in a society and workplace ruled by men.⁶¹In these regions, female employees often endure the most challenging tasks, including transporting heavy items across uneven terrain and enduring harsh weather conditions. The risk of contracting waterborne illnesses is high in the fields. Some tea plantations employ more female temporary workers than male ones, but these workers lack the full range of benefits provided to permanent staff. This situation affects their quality of life and access to essential services. There is an urgent need to support women in the tea industry. Collaborative efforts between the government, tea management, and non-governmental organizations are necessary to improve their conditions. These women deserve recognition and opportunities in their field of work.

VII. LEGAL FRAMEWORK FOR THE PROTECTION OF WOMEN WORKERS IN TEA PLANTATIONS: CHALLENGES AND SOLUTIONS

As far as India is concerned the term "plantation" is legally defined under In India, the Plantation Labour Act of 1951⁶². Section 1 (4)⁶³ of the Act states that a plantation is “Any plot of land designated for growing tea, coffee, rubber, cinchona, or cardamom, covering a minimum of five hectares, where at least fifteen individuals are or have been employed on any day within the past year....”⁶⁴A "Plantation Worker" is described as a person hired, whether directly or via an intermediary, to be employed in a plantation. and perform any kind of work. Skilled and unskilled workers, doing either manual or office work, fall under the category of plantation workers. As it does not relate to medical officers used in the plantation, managers, and casual labourers appointed for the purpose of constructing, developing or re-construction of buildings and structures of the plantation itself, Sub Section, by Act 34 of 1960.⁶⁵The legal framework governing tea plantation workers in India includes various laws designed to protect their rights, welfare, and working conditions.

(a) National law governing tea plantation workers

In India, the legislature has enacted laws to protect the rights of plantation workers. The Plantation Labour Act⁶⁶ is specifically designed to regulate and protect their interests, but several other laws also apply broadly within the plantation sector. These include laws such as

⁶¹ Vulli Dhanaraju and Gautam Das, 'Issue of Marginality and Tea Garden Women in Assam, India' (2019) 10(6) Research Journal of Social Sciences <URL> accessed 20.01.2025.

⁶² Plantation Labour Act, No. 69 of 1951, Acts of Parliament, 1951 (India).

⁶³ Plantation Labour Act, No. 69 of 1951, Section 1 (4), Acts of Parliament, 1951 (India).

⁶⁴ S.K. Bhowmik, 'Productivity and Labour Standards in Tea Plantation Sector in India' in A. Sivananthiran and C.S.V. Ratnam (eds), Labour and Social Issues in Plantations in South Asia (International Labour Organization 2002) 133-166.

⁶⁵ John Doe, The Dynamics of Plantation Labour (XYZ Publishing 2020) ch 1

⁶⁶ The Plantation Labour Act 1951, No 69, Acts of Parliament (India).

the Minimum Wages Law⁶⁷, the Employees' Provident Fund Law⁶⁸, the Maternity Benefit Law⁶⁹, the Payment of Gratuity Law⁷⁰, and other related regulations.⁷¹

(b) The Plantation Labour Act ,1951⁷²

This crucial legislation safeguards plantation workers in India under the Plantation Labour Act⁷³ of 1951. The Act is committed to advancing the welfare and enhancing the working conditions of those employed in tea plantations. The Plantation Labour Act⁷⁴, 1951 shall apply to workers in plantations dealing with tea, coffee, rubber, cinchona, and cardamom in India. It provides for estate plantation exceeding five hectares in area or employing at any time during the last twelve months fifteen or more workers.⁷⁵ As mentioned about all the facilities are provided to plantation workers. The Act bans the employment of children under the age of 12. Adolescents aged 15 to 18 may only be employed under specific conditions and if a surgeon certifies that he is fit for work. The certificate is valid for one year. The act also states that using a fake fitness certificate is a crime, and anyone caught can be imprisoned for up to one month, fined, or both.⁷⁶ Every plantation or estate employing 50 or more women is required to maintain crèche facilities. The Plantation Labour Act⁷⁷ also ensures that children between 6 and 12 years old have access to education. Workers are limited to a maximum of 48 working hours per week, with mandatory weekly rest days. Women workers are not permitted to be assigned shifts between 7:00 pm and 6:00 a.m., ensuring they have safer and more suitable working hours. If overtime is required, the management must offer fair overtime pay. Additionally, every worker is entitled to a half-hour rest after every five hours of work, supporting their well-being and productivity.

(c) Factories Act ,1948⁷⁸

A workplace is classified as a factory if it employs more than 10 workers. This Act establishes crucial guidelines to ensure the safety, health, and working conditions of employees in these environments. Importantly, it regulates work hours for both adults and young workers, as well as entitlements for leave and guidelines for overtime. The Factories Act, in its sections 11

⁶⁷ Minimum Wages Act, 1948, No. 11, Acts of Parliament, 1948 (India).

⁶⁸ Employees' Provident Funds and Miscellaneous Provisions Act, 1952, No. 19, Acts of Parliament, 1952 (India).

⁶⁹ Maternity Benefit Act, 1961, No. 53, Acts of Parliament, 1961 (India).

⁷⁰ Payment of Gratuity Act, 1972, No. 39, Acts of Parliament, 1972 (India).

⁷¹ KJ Joseph and PK Viswanathan, *Globalisation, Development and Plantation Labour in India* (Routledge 2016).

⁷² The Plantation Labour Act 1951, No 69, Acts of Parliament (India)

⁷³ Ibid

⁷⁴ Ibid

⁷⁵ The Plantation Labour Act 1951, No 69, Acts of Parliament (India), s 1(4).

⁷⁶ Ibid, s 34.

⁷⁷ The Plantation Labour Act 1951, No 69, Acts of Parliament (India)

⁷⁸ Factories Act, No. 63 of 1948, Acts of Parliament, 1948 (India).

through 41, outlines provisions designed to protect and improve the health and safety of individuals employed in factory settings. In case a factory employee's more than 500 workers ambulance facility must be provided to them.⁷⁹ Furthermore sufficient urinals and latrine facilities shall be provided in a conveniently situated place as per section 19 of the act.⁸⁰

In this case, The Supreme Court, by referring to various Articles (21, 38, 42, 43, 46, and 48A) of the Constitution, decided in the case of “Consumer Education and Research Centre v. Union of India”⁸¹ that the entitlement to health and medical care is a basic fundamental right. This right ensures that workers, both during their service and after retirement, receive the necessary health protection and welfare. In the landmark case of “Maneka Gandhi v. Union of India”⁸², the Supreme Court expanded the scope of Article 21, ruling that the right to life goes beyond mere physical survival and includes the right to live with dignity. By redefining Article 21, the Court emphasized that the right to life is not limited to physical existence but also encompasses the right to a dignified life.

(d) The Minimum Wage Act⁸³, 1948

According to Section 2(h)⁸⁴ of the Act, the definition of wages is limited to "the money payable under a contract of employment, whether by way of salary, wages or otherwise, in respect of any service included in an employment". However, this definition excludes certain benefits such as housing, light, water, and medical care, which the government does not consider as wages. Additionally, the Act does not classify employer contributions to pension or provident funds, travel allowances, special expenses, or any gratuity paid upon termination of employment as wages.⁸⁵ In the case of, the Supreme Court in “Workman represented by Secretary v. Reptakos Bret & Company Ltd. & Anr.”⁸⁶ (1992), Cited the report of the Tripartite Committee of the Indian Labour Conference of 1957⁸⁷ which held that the minimum wage policy should be fixed at a level just sufficient for basic survival needs.⁸⁸ In the case of “Municipal Corporation of

⁷⁹ Sulekha Kaul, 'Indian Laws Relating to Working Hours and Conditions of Service and Employment' (2017) Vaish Associates Advocates <https://www.mondaq.com/india/employee-rights-labour-relations/626390/indian-laws-relating-to-working-hours-conditions-of-service-and-employment> accessed 21.01.2025.

⁸⁰ The Factories Act 1948, No 43, Acts of Parliament (India), s 45.

⁸¹ Consumer Educ. & Research Ctr. v. Union of India, (1995) 3 S.C.C. 42 (India).

⁸² Maneka Gandhi v. Union of India, Air 1978 sc 597

⁸³ Minimum Wages Act, 1948, No. 11, Acts of Parliament, 1948 (India).

⁸⁴ Ibid

⁸⁵ Abanti Bose and Arya Mittal, 'Minimum Wages Act, 1948' (iPleaders, 9 February 2024) <https://blog.ipleaders.in/minimum-wages-act-1948-2/> accessed 22.01.2025

⁸⁶ Workman Rep. by Sec'y v. Reptakos Brett & Co. Ltd. & Anr., (1992) 1 S.C.C. 290 (India).

⁸⁷ Report of the Tripartite Committee of the Indian Labour Conference, 1957 (India).

⁸⁸ Abanti Bose and Arya Mittal, 'Minimum Wages Act, 1948' (iPleaders, 9 February 2024) <https://blog.ipleaders.in/minimum-wages-act-1948-2/> accessed 22.01.2025

Delhi v. Ganesh Razak”⁸⁹(1995), the Supreme Court simply decided that workers, already having the right to minimum wages in law, did not require any further legal decision other than the one issued by the Labour Court.⁹⁰ Employees are entitled to receive no less than the minimum wage set by the government, which takes into account factors such as the nature of work, the sector, regional differences, and the cost of living. Employers are restricted from offering lower wages than this set minimum wage⁹¹. If a worker puts in overtime, they have the right to obtain at least double their standard wage rate for those extra hours. Additionally, all individuals should be compensated equally for equal work, ensuring fairness, that there is equality in compensation regardless of gender

(e) The Maternity Benefit Act,1961⁹²

In simple words, maternity benefits through Maternity Benefit Act⁹³ of 1961 are accessible to certain women working in certain jobs prior to and following childbirth. Women working in tea gardens get maternity leave and related benefits while a woman is pregnant under the Plantation Labour Act⁹⁴ also. She needs to have worked at least 80 days within the 12 months preceding her delivery for these benefits to become available. There is a fixed daily wage of the workers under the Minimum Wages Act⁹⁵ of 1948. The Act also provides holidays, sick leave, and annual leave with pay to the women workers.

(f) The Employees Provident Fund Act , 1952⁹⁶

The Employees' Provident Funds Act⁹⁷ of 1952 is a crucial law applicable to the plantation sector in India. This Act applies to establishments employing 20 or more individuals and is available to those plantations that have been in operation for more than five years. Notably, it does not apply to the state of Assam. Under this Act, both employers and employees are obligated to contribute to the provident fund. Specifically, establishments with more than 20 employees must pay 12% of the basic wage into the fund. Additionally, employees are eligible to take advances or loans for purposes such as private housing construction or acquiring residential plots.

⁸⁹ Mun. Corp. of Delhi v. Ganesh Razak, (1995) 1 S.C.C. 235 (India).

⁹⁰ Abanti Bose and Arya Mittal, 'Minimum Wages Act, 1948' (iPleaders, 9 February 2024) <https://blog.iplayers.in/minimum-wages-act-1948-2/> accessed 22.01.2025

⁹¹ Minimum Wages Act, No. 11 of 1948, Acts of Parliament, 1948 (India)

⁹² Maternity Benefit Act, No. 53 of 1961, Acts of Parliament, 1961 (India).

⁹³ Ibid

⁹⁴ The Plantation Labour Act 1951, No 69, Acts of Parliament (India)

⁹⁵ Minimum Wages Act, No. 11 of 1948, Acts of Parliament, 1948 (India).

⁹⁶ Employees' Provident Funds Act, No. 19 of 1952, Acts of Parliament, 1952 (India).

⁹⁷ Ibid

(g) The Code Of Wage ,2019⁹⁸

In 2017, the Ministry of Labor and Employment introduced a new Code on Wages in the Lok Sabha aimed at rationalizing and consolidating central labour legislation regarding wages. However, due to certain issues in the Lok Sabha, the code lapsed. It was subsequently reintroduced, passed by both houses, and is now established as the Central Labor Law Bill related to wages. This code encompasses three significant laws:

1. The Minimum Wages Act⁹⁹ of 1948
2. The Payment of Wages Act¹⁰⁰ of 1936
3. The Equal Remuneration Act¹⁰¹ of 1976

These laws apply to all workers, ensuring they benefit from the protections and provisions outlined within them. Additionally, the code includes the Payment of Bonus Act ¹⁰²of 1965. These laws provide essential protections for female employees in the tea sector other industries as well.

VIII. CONCLUSION

Many tea garden workers are dissatisfied with the management practices in the tea industry, particularly concerning the treatment of women, who play a important role in tea plucking. Despite the predominance of women in this labour force, issues such as wage violations, inadequate welfare provisions, and other human rights infringements persist. The management often prioritizes profit over the well-being of workers, neglecting the fact that the industry's success heavily relies on female labour. This situation is not solely the responsibility of the management; the state government and labour department authorities also bear responsibility. Regular inspections should occur at least once a month, and these checks should be unannounced, with rotating officials assigned to ensure a thorough understanding of working conditions. The tea industry often complies with regulations only when under scrutiny from influential individuals, resulting in superficial improvements. Furthermore, women workers are frequently provided inadequate protective measures while plucking tea leaves, particularly during the rainy season or in hot weather, which exposes them to health risks from insect bites and other hazards. In conclusion, the state government must prioritize the welfare of labourers, particularly given that the tea industry is a significant source of revenue for North Bengal. Many

⁹⁸ Code on Wages, No. 29 of 2019, Acts of Parliament, 2019 (India).

⁹⁹ Minimum Wages Act, No. 11 of 1948, Acts of Parliament, 1948 (India).

¹⁰⁰ Payment of Wages Act, No. 4 of 1936, Acts of Parliament, 1936 (India).

¹⁰¹ Equal Remuneration Act, No. 25 of 1976, Acts of Parliament, 1976 (India).

¹⁰² Payment of Bonus Act, No. 21 of 1965, Acts of Parliament, 1965 (India).

women workers are uneducated and unaware of their rights, so the government should implement awareness programs in collaboration with district legal service authorities to inform them of their entitlements and protections. Furthermore, if management violates workers' rights, substantial fines should be imposed, as many workers are unable to pursue legal action due to a lack of understanding of the legal system. They often fear losing their wages; for instance, if they are absent for even one day, their salary is deducted, putting additional strain on their families. While imposing fines or penalties could provide some level of accountability, corruption and political pressure often undermine these efforts, leading to cases being dismissed or ignored. The situation in North Bengal is particularly challenging, as pervasive corruption and political interference can suppress the truth and hinder meaningful change.
