

National Level Conference on Protection of Child Rights in Tea Plantations of India, with a particular reference to the implementation of the Plantation Labour Act, 1951

A national level conference was organized by Centre for Child Rights, National Law University, Assam in collaboration with Department of Labour and Employment, Government of Assam and UNICEF, Office for Assam and Ethical Tea Partnership (ETP) at Assam Administrative Staff College, Guwahati on 14th and 15th November 2015.

More than 150 delegates from the states of Assam, West Bengal and Tripura participated in the two day national conference. The Conference was attended by the following important delegates, besides others.

1. Ms. Ajanta Neog, Hon'ble Minister, Planning Development, Judicial, Legislative, Law and Public Works (Roads, Buildings, National Highway), Government of Assam, as Chief Guest;
2. Shri Mr. V.K. Pipersenia, IAS Chief Secretary to Govt. of Assam, Chief Guest of Valedictory Session;
3. Prof. (Dr.) Mool Chand Sharma, Former Member, Law Commission of India, New Delhi, as Keynote Speaker;
4. Prof. (Dr.) Vijender Kumar, Vice Chancellor, National Law university, Assam;
5. Ms. Runumi Gogoi, Chairperson, Assam State Commission for Protection of Child Rights;
6. Dr. Tushar Rane, Chief of Field Office, UNICEF, Office for Assam;
7. Mr. Debasish Choudhury, Deputy Director General, Ministry of Labour and Employment, Govt. of India as Guest of Honour;
8. Dr. Himanshu Pandey, Registrar, National Law University, Assam;
9. Ms. Laya Madhuri, IAS, OSD to the Chief Minister, Women and Child Welfare Cell, CM Secretariat as Special Guest of Honour;
10. Ms. Henriette Ahrens, Deputy Representative- Programme, UNICEF India;
11. Mr Vedprakash Gautam, Child Protection Specialist, UNICEF, Office for Assam;
12. Mr. Joachim Theis, Chief of Child Protection, UNICEF India;
13. Shri Thaneswar Malakar, IAS Mission Director, Assam Sarba Siksha Abhijan, Guwahati;
14. Dr. P. Ashok Babu, IAS Mission Director, NRHM Assam;
15. Dr. Tulika Goswami Mahanta, Associate Professor, Department of Community Medicine, Assam Medical College, Dibrugarh & Nodal Officer, Child Health Initiative, NRHM Maternal and Child Health Cell, District Training Centre, Assam medical College, Dibrugarh;
16. Ms. Diya Sharma, Programme Manager for India Ethical Tea Partnership (ETP) Mumbai;
17. Ms. Annemarie Leniger Ostfriesische Tee Gesellschaft (OTG) Germany;
18. Mr. Sandip Ghosh Secretary ABITA, Guwahati;
19. Mr. S. K. Das, TCS-SSG Labour Commissioner and Additional Secretary, Tripura;
20. Dr. Sangeeta Roy (Maitra), W.B.E.S, Assistant Professor of Law, Hooghly Mohsin College (W.B.);

21. Tea Management Associations and Tea Producing companies;
22. NGOs, Trade Unions and Student Unions working with tea communities in the grassroots;
23. Officials from Labour Department, social welfare and state child protection society;
24. Officials from Education department/ Sarva Siksha Abhiyan;
25. Officials from ICPS/ Child Protection services;
26. Representatives from tea buyers, certification companies and organizations promoting fairtrade.

There were 4 technical sessions across 2 days of the national conference, followed by group work besides Inaugural and Valedictory sessions.

Technical Session I: Overview of the status of implementation of Plantation Labour Act 1951 across the tea growing states of India.

Technical Session II: Structural issues and challenges that impact protection of child rights in tea plantations of India: sharing of perspectives and experience by key actors of the Tea Industry.

Technical Session III: Issues and challenges in ensuring the right to survival and good health of children and their mothers in Tea Plantations of India.

Technical Session IV: Issues and challenges in ensuring children's right to education, with a particular focus on the implementation of the Right to Free and Compulsory Education Act, 2009 in tea plantations of India.

The following recommendations came out from each of the four technical sessions and group work:

I. Recommendation with regard to the Plantation Labour Act, 1951 and Assam Plantation Labour Rules, 1956:

1. The word 'ordinarily employed' used in the Assam Plantation Labour Rules, 1956 (henceforth APL Rules, 1956) should be omitted where ever they appear. This will help in providing facilities to the children of casual employees also.
2. Definition of wages under section 2(i) PLA, 1951 should have the same meaning as under Payment of Wages Act, 1936.
3. Rule 36 of APL Rules, 1956 is required to be suitably amended particularly relating to appointment of qualified medical practitioner, r/w section 2(h) of the PLA.
4. Section 14 should be amended in conformity with RTE Act.
5. Rule 55 (education) of APL Rules, 1956 should be amended to bring it in conformity with RTE.
6. State RTE rules need to be amended to include tea garden managed schools.
7. APL rules require to be amended to implement the RTE provisions as notified under state RTE rules.
8. PLA should have provision for having separate toilets for boys and girls in tea garden schools as well as providing safe drinking water in tea garden schools.

II. Health, Nutrition and Creche:

1. For compulsory rural service after completion of MBBS, doctors can be sent to tea gardens.
2. NHM needs to be universalized in all tea plantations.
3. Appointment of lady doctors is required in tea gardens.
4. Management should sensitize the workers about necessity of good health.
5. Sufficient supply of medicine and availability of ambulances should be ensured.
6. Health facilities provided under PLA should be extended to school children for regular health check-up and monitoring status of health issues of children in convergence with RBSK of Health dept.
7. ARSH counsellors should collaborate with tea garden schools and hospitals in order to provide periodical counselling services to children and adolescents.
8. Managements have urged that distribution of food grains must remain with the managements. Govt. of Assam must provide quality assurance and robust grievance redressal procedure.
9. Coordination between ASHA and garden management/hospitals is required.
10. Trade unions need to conduct awareness raising programmes on responsibilities of husbands for pregnant and lactating mothers.
11. For Hypertension management, we need to initiate change on non-salted tea through awareness generation and coordinated exercise of block health workers.
12. Supplementary nutrition programme for pregnant and lactating mothers is required and the management should supervise and coordinate it.
13. Building awareness to bring about behaviour change on existing nutrition and lifestyle malpractices- Invite global leaders like GAIN to give recommendation on food fortification to combat issues related to mal nutrition
14. Youth groups should be formed and strengthened to lead community wellbeing and protection issues.
15. Section 12 of PLA, 1951 is silent about the pre-school education.
16. Age group of children in creche should be (0-5+) years instead of (0-6) years.
17. Improve the crèche facility, trained caretaker in crèches as per Rule 46 APL Rules, 1956. Convergence of tea garden creches and ICDS is needed.
18. The particular rule is silent about the timing of crèche hours. Change in the timing of Creches and ICDS centres to be made to coincide with the daily work schedule of mothers.
19. Selection of attendants and training of Creche workers should be through Government of Assam.

III. Education:

1. Notification of Labour department which empowered certain officials to carry out supervision and monitoring of the management run schools in tea garden areas should be implemented in its true spirit.
2. Inclusive education for all children including children with special needs is required.
3. There is a need to cover children from 6-14 years under PLA and not under 6-12.
4. Upper primary schools should be established in tea gardens.
5. There should be a tea garden management representative in SMC's of tea garden schools.
6. Infrastructure in tea garden managed schools (for both permanent and casual labourers' children).
7. Multi lingual approach should be initiated as far as practicable.
8. Re-defining school timings in tea garden areas (includes all kinds of schools).
9. Land should be allocated for schools.
10. Tea management should to ensure implementation of education system in accordance with RTE.
11. Awareness programs for guardians on RTE by SSA should be undertaken.
12. Improvement in transport for children from residence to school.
13. Remedial schools for drop-outs is necessary.
14. Life skills and accredited livelihood skill training for Adolescents 15-18 years-Specific livelihood skill building programme tailored to tea estates.
15. Early childhood and primary education synchronized with Government infrastructure and schemes (ICDS and RTE).
16. Youth and Children committees should be entrusted with the responsibility of giving a voice to children about their own education and curriculum.
17. Initiatives for revival of tea welfare boards need to be taken so that they can be made a part of the monitoring system to ensure the mandate of RTE Act.
18. Provincialization of tea garden schools is also necessary.

IV. Sanitation and Water:

1. Standard toilet student ratio should be maintained in tea garden schools.
2. Provision of clean drinking water through deep tube wells.
3. Use of shallow tube wells should be discontinued.
4. Awareness raising against open defecation.
5. Hand wash and other hygienic practices.

(Dr Vijay Pratap Tiwari)

Associate Professor of Law

Head, Centre for Child Rights, NLU, Assam and
Convenor, National Conference on Protection of
Child Rights in Tea Plantations of India,

with a particular reference to the implementation
of the Plantation Labour Act, 1951