

Report On Hunger In Tea Plantations In North Bengal

January, 2004.

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Introduction

Newspapers have for almost over a year now been writing about the crisis in the tea industry all over India. Reports in the past few months have especially focused on the plight of tea plantation workers.

As hunger emerged as a major problem they were facing, a study team with the Advisor to the Supreme Court in Writ Petition 196/2001 decided to take a closer look at the situation. The purpose of the present study was therefore to understand whether these reports of hunger and starvation were true . It was specifically aimed at seeing whether the Supreme Court's interim orders in Writ Petition 196/2001 on the Right to Food and Right to Work are being implemented by the Government to prevent misery to people . The intention was also to understand what was the best intervention in this situation.¹

Schedule and Persons Met

Dates of Visit to Jalpaiguri District : -

12th December 2003 to 14th December 2003

27th December 2003 to 31st December 2003

Plantations visited: -

Kathalguri
Kalchini
Raimatong
Mujnai
Dheklapara
Ramjhora

Persons whom we interviewed : -

See **Annexure 1**

In addition , the team also did the following

- Recording deaths in the past five years in 204 families in 4 labour lines of Dheklapara Tea Estate (TE) and Ramjhora TE;
- Measuring height , weight and age of 144 children below 8 years in 204 families in those 4 labour lines;

¹ I would like to thank Sukumar Gaine and Chittaranjan Chatterjee ,Convenors, Right to Food And Work West Bengal Network, and Seema Gupta of NFIW for the tremendous help and inputs they gave for this study. The study team would also like to thank Jean Dreze and Balaram for helping with the design of the study and with advise throughout and Reetika Khara of Delhi School of Economics for the section on nutritional status of children.

- Verbal autopsy of two deaths that had taken place in the past three months in Ramjhora TE, along with detailed case studies of the families in which deaths had taken place;
- Recording the change in diet of 6 families in Ramjhora TE.

The Crisis

For the past few years, the tea industry in West Bengal has been in a state of crisis. The owners, have abandoned tea plantations, causing much misery to workers and their families. Workers were dependent on their employers not just for wages. They used to receive a number of other facilities, such as subsidised rations, free quarters, drinking water and electricity. The management used to also provide workers and their families with health care at the tea plantation's hospital. Transport for their school and college-going children was also provided by the plantation management.

As tea plantations are in very interior areas with their workers living on the plantation itself, the abandonment of the plantation by the owners and managers has meant hardship for the workers in many ways. Electricity has been cut off and as the water supply was electricity dependent, this has meant that workers receive no drinking water. As labour lines are far away from any other habitation and therefore any other source of drinking water, workers and their families have in some cases been forced to depend on river water that is unfit for drinking purposes. Children in school and college have been forced to stop their education due to the general situation of unemployment in their families and the more particular problem that the plantation's tractor is no longer available to take them to their schools and colleges.

While the above are comparatively minor problems, a more major problem has been the starvation and malnutrition that has ensued from the stopping of work and the non-availability of alternative employment. Living in the middle of nowhere with no work other than that available in the tea plantations, workers and their families have been suffering from malnutrition, anaemia and other nutrition related problems. Combined with the lack of medical treatment, the results have been drastic. Workers and members of their families have been dying like flies.

Estimates of number affected

According to the Uttar Banga Sambad (7.12.03), the Labour Minister had announced in the Bidhan Sabha that 22 plantations were closed. A list of such plantations that has been gathered from the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations and has been supplemented by local NGOs and trade unions is given in Table 1 below.

According to a report provided by the District Magistrate, there are 183 tea plantations in Jalpaiguri district. 22 of these have been closed or abandoned or are sick. The earliest

date of closure is February 2002 (Kohinoor Tea Estate), so that many gardens have been closed for 1-2 years .

While the District Magistrate in his report and discussion claimed that 4 plantations have been reopened or are on the verge of reopening, there was news in the papers of a tea estate being deserted by the management on the 30th of December, 2003. This means that the crisis is ongoing and far from over.

The total number of permanent workers in these 22 gardens is 20847 and the total affected population is 94347 people(from District Magistrate's report). Besides this, there are a number of people who used to work as "bigha" or temporary labour in the plantations . They have also been thrown out of work, and their families are suffering.

The above are the figures for Jalpaiguri district. If one were to take other tea producing districts, especially Darjeeling, the crisis would be even bigger.

Table 1 :- Closed Plantations in North Bengal

<i>Name of Tea Plantation</i>	<i>Location</i>
1. Rahimabad Tea Plantation	Hathipota PS, Jalpaiguri District
2. Ramjhora Tea Plantation	Birpara PS, Jalpaiguri District
3. Dheklapara Tea Plantation	Birpara PS, Jalpaiguri District
4. Katalguri Tea Plantation	Banarhat PS, Jalpaiguri District
5. Pathorjhora Tea Plantation	Maljhora PS, Jalpaiguri District
6. Dima Tea Plantation	Kalchini PS, Jalpaiguri District
7. Kalchini Tea Plantation	Kalchini PS, Jalpaiguri District
8. Raimatong Tea Plantation	Kalchini PS, Jalpaiguri District
9. Srinathpur Tea Plantation	Alipur PS, Jalpaiguri District
10. Chamurchi Tea Plantation	Banarhat PS, Jalpaiguri District
11. Carron Tea Plantation	Nagarakata PS, Jalpaiguri District
12. Mujnai Tea Plantation	Madarihat PS, Jalpaiguri District
13. Sepoydhoorah Tea Plantation	Darjeeling District
14. Simulbarie Tea Plantation	Darjeeling District
15. Sayedabad Tea Plantation	Darjeeling District
16. Samsing Tea Plantation	Makeli PS, Jalpaiguri district
17. Kohinoor Tea Plantation	Hathikota PS, Jalpaiguri District
18. Dhawljhora Tea Plantation	Madarihat block, Jalpaiguri district
19. Jogesh Chandra Tea Plantation	Kranti block , Jalpaiguri district
20. Chongkong Tea Plantation	Darjeeling District
21. Rungnet Tea Plantation	Darjeeling District

The extent of the problem can also be gathered from other newspaper reports that show agreement amongst most political leaders about the fact that starvation deaths are taking place in the plantations. The Agriculture Minister, Kamal Guha (who belongs to the Forward Bloc , one of the partners in the ruling coalition) stated that "320 workers have died of starvation in the last one year. Besides 50,000 workers of 14 tea plantations are

passing their days in distress having been denied food, electricity, medicines and other amenities for months together.” Khitish Goswami (a leader from the RSP, another partner in the ruling Left Front) placed the deaths at 450 according to a survey done by their union. CITU State Secretary Chittabrata Majumdar (owing allegiance to CPI(M), the largest party in the ruling coalition) also said that tea plantation workers did not have food or medicine for many months and no other means of livelihood, so they “must have died due to malnutrition and lack of medical care.” (The Telegraph 23.11.03)

According to the main opposition party, the Trinamul Congress, 22 plantations are closed and 40000 workers have been affected. 496 people have died, according to the Trinamul Congress’s statement in the Bidhan Sabha. In Kathalguri, one tea plantation, 51 persons have died since 12 July in 4 months. (Ananda Bazar Patrika 7.12.03).

Other news items show that Dheklapara TE has been closed since 21 August 2002. 69 people have died so far. 605 workers are there in the plantation. (Ananda Bazar Patrika 5.12.03 and Uttar Banga Sambad 5.12.03)

According to the Kurseong SDO (Darjeeling district) 12 families of Jogmaya TE are on the verge of starvation. (The Telegraph 29.11.03).

Surprisingly, in spite of this wide spread agreement on the extent of the problem and its very tragic consequences, the Labour Minister on 6th December 2003 denied in the Bidhan Sabha that any of the deaths are due to starvation. According to him, none of the medical reports showed cause of death as starvation. (Ananda Bazar Patrika 7.12.03).

The Central Government has shown a similar reaction. Arun Jaitly, Minister of Commerce declared in the Rajya Sabha on 19th December, 2003 that no deaths due to starvation were taking place in the closed tea plantations.

Evidence on Deaths

Each tea plantation has a hospital and a health assistant who records the deaths that take place in the plantation. For four plantations, we were able to get records of the deaths in the past 6 years. We have taken the year 2002 as the year of the crisis as it was during the middle or end of this year that most plantations closed down, with wages and rations being irregular for most plantations even before closure.

Table 2 :- Deaths According To Plantation Hospital Records

Year	<i>Mujnai</i>	<i>Raimatong</i>	<i>Dheklapara</i>	<i>Ramjhora</i>	Total
1998	29	53	24	24	130
1999	26	41	25	16	108
2000	11	30	32	22	95
2001	7	43	19	23	92
2002	41	63	24	41	169
2003	54	73	31	54	212
Average number of deaths per year (before the crisis)	18	42	25	21	106
Average number of deaths per year (after closure)	48	68	28	48	191
Percentage increase in deaths	62	39	9	55	44

We found however that not all health staff in the plantations had been systematic and regular in noting down deaths. Similarly, people had not always informed the plantation hospital about deaths . Therefore, we did a door to door survey of 204 families in 4 labour lines of Dheklapara TE and Ramjhora TE. We found that 90 families reported having deaths in the last 5 years. The figures that we gathered are given below :-

Table 3: - Deaths from House to House survey

Year of death	male	female	Total
1999	5	11	16
2000	2	9	11
2001	7	6	13
2002	27	17	44
2003	20	27	47
Total	61	70	131
Average number of deaths per year before the crisis	5	9	13
Average number of deaths per year after the crisis	24	22	46
Percentage change	404%	154%	241%

The figures show a much greater change in the number of deaths than the death registers in the hospitals show. The age wide distribution of these deaths is as follows :-

Table 4 :- Age wise figures on deaths from house to house survey

Year of death	Below 6 years	6-18 years	18-55 years	Above 55 years	Total
1999	5	2	6	3	16
2000	2	1	7	1	11
2001	2	1	4	6	13
2002	6	6	23	9	44
2003	10	3	13	21	47
Total	25	13	53	40	131
Average number of deaths per year before the crisis	3	1	6	3	13
Average number of deaths per year After the crisis	8	5	18	15	46
Percentage change	167%	238%	218%	350%	241%

Other reports also confirm this frightening increase in deaths. According to a report by the Centre for Education and Communication (July 2003), where they have examined the number of deaths reported month by month in 4 tea plantations from March 2002 to February 2003, the number of deaths increased phenomenally from July 2002 onwards, after the plantations closed down. The report shows that 240 deaths have taken place in one year in just 4 plantations. Similarly the Joint Forum of Voluntary Organisations that has been organising much needed relief for the affected plantations give the number of deaths after closure as 610 for 9 gardens.

Evidence on hunger

While the immediate cause of death in most cases has been varied, the underlying cause of deaths, most of the people we met agreed, was malnutrition and starvation combined with the total collapse in the health facilities that were available to tea plantation workers earlier at the plantation.

A survey of 6 families in Ramjhora TE showed that families that were consuming 1200 to 2900 calories per person per day before closure were now surviving on as little as 200 calories per person per day. It should be noted that a level of consumption of 850 calories per day is considered the minimum for survival. Tables of the consumption by these families before closure and on the day of the survey are given overleaf.

Table 5 :-Food eaten before closure

<i>Name of the head of the famiy</i>						
	Mukta Munda	Lakshman Lohar	Pasona Munda	Rupan Oraon	Late Jainu Gosain	Panchu Singh
Family size before closure	3 adults, 3 children	2 adults , 3 children	2 adults, 2 children	3 adults	3 adults, 4 children	4 adults, 3 children
Food grains	1 Kg of atta, 1 kg of rice per day	6 kgs of rice per fortnight, 8 kgs of atta per fortnight	10 kgs of rice ,5 kgs of Atta per week	4 kgs of rice ,9 kgs of Atta per week	16 kgs of rice and 10 kgs of atta per fortnight	20 kgs of rice and 7.5 kgs of atta per fortnight
Pulses (moong and masur)	1 to 0.5 kgs per week	250 gms per week	500 gms per week	250 gms per week	500 gms per week	500 gms per week
Potatoes	5 kgs per week	0.5 to 1kg per week		1 kg per week		5 kgs per week
Other vegetables	3 kgs per week	0.5 to 1kg per week	2 kgs per week	5 kgs per week	6 kgs per week	3 kgs per week
Meat or fish	500 gms once a week	250 gms once ina fortnight	1 kg per week	1 kg per week	500 gms of fish once a week and 500 gms of meat once a week	500 gms of fish and 250 gms of meat in a week
Eggs	6 eggs once a week	6 eggs once in a fortnight	6 eggs once in a week		6 eggs once in a week	6 eggs once a week
Cooking oil	500 gms per week	100-250 gms fortnightly	500 gms per week	500 gms per week	250 gms per week and 250 gms of ghee in a week	500 gms per week
Milk	250 gms per day	500 gms per week	250 gms per day	250 gms per day	250 gms per day	
Fruit	500 gms once a week	100-150 gms once in a fortnight	500 gms once a week	250 gms once a week	500 gms in a week	750 gms in a week
Famine food	500 gms weekly	Nil	occassionally	occassionally	occassionally	nil
Snack items	1 item (singara, mishti, jalebi,biscuits, chanachur) per person every day at tea time	2 pieces (buns , bread) occassionally	not mentioned	Muri and tea in the evening	not mentioned	not mentioned
Calorific value of food per person per day before closure	1800 calories	1147 calories	2817 calories	2484calories	1479 calories	2763 calories

Food eaten on survey date (from 30.12.03 evening to 31.12.03 evening)						
	Mukta Munda	Lakshman Lohar	Pasona Munda	Rupan Oraon	Late Jainu Gosain	Panchu Singh
Present family size	3 adults, 2 children	2 adults , 1 child	1 adult, 2 children	3 adults	2 adults, 4 children	4 adults, 3 children
Deaths in family	Rajani Munda 11 years 10 months old on 6.10.2003	Mukesh Lohar, 5 years old in September, 2003; Upesh Lohar 3 years old on	Sita Munda, 20 years old, died on 29.10.03	nil	Jainu Gosain , 30 years old , died on 26.10.03	nil
30th Night	500 gms of rice	500 gms of rice	200 gms of rice	nil	nil	100 gms of boiled rice for the children
31st Morning	500 gms of atta, tea with salt	Nil	nil	nil	300 gms of rice with wild leaves etcetra that had been collected	nil
31st afternoon	Nil	Nil	200 gms of rice with Dhenki saag c collected from the fields	200 gms of rice with 300 gms of wild leaves collected and 100 gms of potatoes	nil	250 gms of rice with 350 gms of tea leaves and other vegetables
31st evening	Nil	Nil	nil	nil	nil	nil
31st night	depends on father bringing back money after selling wood	Nothing available.	depends on relief being distributed by an NGO that evening	depends on relief being distributed by an NGO that evening	Nothing available.	nothing available
Calorific value of food per person per day on day of survey	876 calories	696 calories	732 calories	286 calories	279 calories	203 calories

All families we met reported a huge rise in the consumption of tea flowers, wild leaves, wild tubers and bamboo shoots. We were told that there were no snakes or rats left in the plantation as all of these had been caught and eaten by the hungry workers and their families.

In addition, we were informed that in Raimatong TE, a Government health team led by the Assistant Chief Medical Officer of Health (ACMOH), Dr. Manish Som had examined 336 persons at the plantation on 18th November 2003. Dr Som had declared that all of them were suffering from severe malnutrition and consequently reduced immunity. We also received a copy of at least one death certificate given by the Jalpaiguri Sadar Hospital . The certificate, given on the death of Bipta Lohar, aged 40 years , of Kathalguri TE and dated 20.11.03 gives the cause of death as “Cardio-respiratory failure in a case of severe anaemia with malnutrition”.

Similarly , we took copies of prescriptions made by the Medical Officer with a Government team visiting Ramjhora TE . These prescriptions were made during the second half of the medical camp being organised by this Government team at Ramjhora for the workers and their families there.

Number mentioning malnutrition	22
Number mentioning poor general condition	21
Number mentioning anaemia	9
Number with no mention of the above three	6
Total number of prescriptions	58

Another fact that points towards hunger being the cause of deaths is the high incidence of malnutrition related diseases like night blindness due to Vitamin A deficiency. In the Kathalguri TE Ithabhata line alone we were told that in a population of less than 500 people, 39 children were suffering from night blindness. This seems to be a widespread problem in all the closed plantations and there is danger, unless corrective measures are taken immediately that a whole generation is going to grow up into blindness.

Evidence on Hunger and Nutritional Status Of children

The study team also conducted a survey on 144 children in two plantations to understand the nutritional status of children in the closed tea plantations. The table below based on this survey indicates that 62 per cent of girls are undernourished based on standard weight-for-age (W-f-A) criteria, and 50 per cent are undernourished on the H-f-A height-for-age criterion (“stunting”). Similarly, 68 and 76 per cent boys are undernourished based on the W-f-A and H-f-A criteria respectively.

The corresponding figures for West Bengal as a whole are given in the adjoining columns (b) and (d). These indicate that undernutrition levels in the tea gardens are much higher than in West Bengal as a whole. On the H-f-A criterion, twice as many boys on tea gardens are undernourished as compared to all boys in West Bengal.

Table 6 :- Proportion (%) of undernourished children in 2 plantations

	Weight -for-age		Height-for-age	
	(a) On tea gardens ^a	(a) On West Bengal ^b	(a) On tea gardens ^a	(a) On West Bengal ^b
Girls	62	52.3	50	47.0
Boys	68	45.5	76	36.6
Combined	65	48.7	63	41.5

^a Proportion of children with weight-for-age and height-for-age below the 5th percentile of the international reference population published by the National Center for Health Statistics.

^b Based on National Family Health Survey data for 1998-99.

Case studies of deaths due to hunger

Case studies of particular families bring out even more clearly the connection between hunger and the deaths taking place.

Case 1

Upesh Lohar was born on 8th August, 2000. He was 3 years and two months old when he died on 22nd October, 2003. Upesh's family consisted of his father, Lakshman Lohar, his mother Chandramoni Lohar, his elder sister, Suman, who is 8 years old, his elder brother Mukesh, who was 5 years old and died a month before Upesh.

Lakshman was a permanent worker in Ramjhora TE. He has been ailing for a long time and showed us an injury on his foot which he has got in the past six months and which had rendered him incapable of doing work for 5 weeks.

During the plucking season, Lakshman received work for 1 month irregularly in Ramjhora. He earned Rs. 350-400 at that time. He could not go for plucking work in other gardens because of his injury. In other months, he and Chandramoni used to go to the riverbed to collect stones. They received Rs. 40 for a "pau" (pile) of stones, which took them 2 person days to collect. They used to get this amount 3-4 days in a week. They have stopped this work three months ago because their elder son, Mukesh, was ill and Chandramoni had to stay with him at the hospital. Also both of them have been too ill to work at times.

During the time the SGRY works were going on in the plantation, Lakshman was still suffering from his foot injury, so he gave his work to his elder brother, who in turn gave them Rs.62 and 20 kgs of rice. Lakshman has also received Rs.60 as Special GR (cash) from the Panchayat member. Their daughter goes to the primary school but could not receive the rice that was distributed under the MDMS as she was ill then. The ICDS centre is just opposite to their house and Upesh and Mukesh, the two boys who have died used to go there. The ICDS centre however closed down on 29th May, 2003 and was closed when the children died in September and October.

As relief from voluntary organizations, the family has received 4 kgs of rice, 250 gms of milk powder, 250 gms of pulses, 20 biscuits, and 1 blanket from the Missionaries of Charity. The day before the study, an NGO gave 250 gms of rice to their daughter. Chandramoni told us that she also used to beg occasionally for food, but was unable to give a figure for how much she had got from this source, as it was both infrequent and of very small quantity.

The earnings for the family over the last six months were therefore as follows: -

<i>Unesh Lohar's Family : Maximum Earnings in the last six months</i>	
Ramjhora TE plucking work	400
Stone collection	480
Received from SGSY	262
Special GR cash	60
Total	1202
Per month per person, taking 5 persons for 3 months and 3 persons for 3 months	50.10

The impact of this very low level of earnings on the family is apparent from the fact that they have already lost two of the smaller children . Chandramoni has also been unwell, and just a day or two before our visit, their daughter was extremely sick. She was saved with the help of the Ramjhora TE Hospital Nurse with great difficulty, after taking her to Birpara hospital.

Chandramoni says that her two sons who have died, she herself and her only surviving daughter suffered from the same illness- cough, fever and diarrhea. While she had admitted her elder son to the hospital and had tried to get him treated, she was too ill herself to stay with her younger son in the hospital, so she could not take him to the Birpara hospital. He was ill for a month and he died at home. Her sons became very thin and emaciated before they died. As there was no food in the house she often gave them water to fill their stomachs. She said “my sons were very good and quiet. They never cried or fussed even when they were hungry”

On the day we visited the family they had no food for the night. They also had no blankets or warm clothes. After appealing to him, the Panchayat member who was accompanying us gave the family Rs.10 to buy some *atta* for the night meal.

Case 2

Rajani Munda was 11 years and 10 months old when she died on the Ramjhora TE on 6th October, 2003. Rajani's family consisted of her father, her mother Mukta Munda, her elder sister Nagi Munda (18 years old) and her two younger brothers, who are 3 and 5 years old.

Her mother was a permanent worker in Ramjhora TE. The plantation has however been closed since August 2002. Before closure, the family was fairly well off as both the parents used to earn, with the father taking up work as a temporary worker in the plantation and taking other odd jobs nearby.

Mukta has been ill for about 6-8 months and has therefore not been able to work. The earning members of the family for the past six months have been Rajani's elder sister Nagi and her father. We took an account of the family's earnings in the last six months. During the plucking season, her father worked as a temporary worker in nearby gardens. He got work for about 2-3 days in a week at Rs. 45 per day. In the last six months he received this work for about 3 months. His income was therefore about Rs.1080-1620 from this source.

When there was no plucking work he has been cutting wood in the tea plantation and selling it in Birpara. He receives Rs. 40-50 for a bundle of wood, but is able to do this only once or twice week due to problems of transportation. He has done this work for the past three months. His income from this source was therefore between Rs. 480 and Rs.1200

Nagi worked as a plucker in Ramjhora TE during the season in her mother's place. She earned about Rs.400. At this time she also worked in other gardens nearby as a temporary worker for about the same period as her father. She also earned about Rs 1080-1620.

The father and daughter also worked for 5 days on two SGRY works in the plantation. They earned Rs.68 and 55 kgs of rice or Rs.408, taking BPL rates for the rice, and Rs. 618 if we take rice at Rs.10 per kg.

The earnings for the family over the last six months were therefore as follows: -

<i>Rajani Munda's Family : Maximum Earnings in the last six months</i>	
"Bigha" work temporary work in other gardens (2 persons)	3240
Ramjhora TE plucking work	400
Sale of wood	1200
SGSY earnings	618
Total	5458
Per month per person, taking 6 persons for 3 months and 5 persons for 3 months	165.40

This level is well below the Planning Commission estimates (1999 – 2000, for West Bengal) of Rural poverty line as Rs. 350.17 per capita per month.

According to Rajani's mother and elder sister, Rajani fell ill in mid May. She first got a bout of diarrhea for a week. Dr. RS Mirdha of the Birpara Government Hospital, who saw her in his "private clinic", treated her (which is probably illegal as he receives a non-practicing allowance). She was all right for about a fortnight, after which she began getting blood dysentery. They again took her to Dr. Mirdha. The blood dysentery stopped after 3 weeks.

By this time Rajani had become very weak. One day in August, she fell off the cot and hurt her head. After that according to her mother and sister she found it difficult to recognise people. She could eat very little and would have only water and milk. They also had very little food to give to her and no money for her treatment. Rajani became very thin, but her feet swelled up and she died on 6th October.

The Role Of the Management

We give below the history of how some of the plantations that we covered closed down. This would be typical of plantations in the area.

Dheklapara TE was established in 1911. It covers about 500 acres and has 602 permanent workers. During the peak season, the management would also employ 20-25 persons per shift for 2-3 shifts per day for plucking work. The peak season would last for 5-6 months every year from April onwards.

Shri Subrato Ghosh who owns the Airview Hotel in Siliguri bought the garden in 2000 from the previous owners. The workers from the plantation who spoke to us² felt that one of the reasons for the closure of the garden was that Subrato Ghosh had no experience in the tea business. He had also employed an incompetent manager (an ex-manager of a hotel) with no skills for managing a tea estate. They claimed that there had been no strike or labour trouble for a long time in the garden, nor had the garden been running in losses before Subrato Ghosh came.

The workers also informed us that a systematic stripping of the estate had taken place before the garden was closed. The engine of the tea estate's tractor, the Kirloskar generator, the jeep, and 10 tonnes of iron were all taken away over a period of six months. The workers were not paid their wages for 3 months before closure. Their subsidised rations (given by the management at 0.40p per kg) were stopped for 11 fortnights or 5 and a half months before the management deserted the garden on 21st August, 2002.

Later, the workers discovered that the management had deducted their provident fund dues regularly, but these had not been deposited from 1997 onwards. After much effort, the Provident Fund

² Dharampal Balmiki, hospital sweeper, Kana Tanti, fitter and presently Convenor of the plantation level workers' committee, Jagadish Munda, hospital staff member and Panchayat Samity member from the RSP and Rajaram Tanti, son of a hospital staff member.

Commissioner lodged an FIR against the owner. We heard that the owner had been arrested but had been left after depositing a small amount of Rs. 7 lakhs though the dues ran into many crores.

Another plantation, Ramjhora TE, covers 604.32 hectares of land of which almost 200 hectares is lying unused while, 405 hectares has tea bushes. The garden employs 1103 permanent workers. Till 1991-92, the garden produced 9 lakhs kgs of tea. After 1993-94, it was taken over by the Hanuman Tea Company. Since then tea production has declined. The management left overnight leaving behind 500 kgs of processed tea and 10-15000 kgs of green leaf in the factory. The Ramjhora management owed the labour and staff wages worth Rs.20.48 lakhs, rations worth Rs.6.87 lakhs and had not deposited dues of Rs.68.30 lakhs with the Provident Fund Commissioner when the garden closed down.

The Buxar Doars Company, which owns the Raimatong and Kalchini plantations, we were told had been going away for the last two years during the lean season, when they were required to invest money in the garden. However, they would come back during the plucking season to work the plantations and reap whatever profits they could get. This company had also not deposited the workers' provident fund instalments for many years.

Defaulting on Provident Fund(PF) dues seems to be common to other closed gardens, especially non-deposit of PF instalments that have been deducted from the worker. It was even common for plantations owned by well known and large companies like Duncans Agro Industries. In addition, the tea plantations are also on Government land and they have been leased to the owners. 60 gardens in Jalpaiguri district have defaulted in payment of Rs.61.76 lakhs to the Government in Jalpaiguri district alone. The Government does not seem to have taken effective steps to recover wages, PF dues or even its own land revenue.

We were informed by Suresh Talukdar a respected trade union leader from the RSP (that is part of the ruling Left Front) that it was possible for the District Magistrate to cancel the lease of the owner and take back the plantation land. He felt this should be done especially for plantations like Dheklapara, Ramjhora and Mujnai where the owners were showing no initiative in reopening the garden. The trade union leaders we met also felt that much stronger steps for recovery of PF arrears were also possible.

The Supreme Court's Orders On Right To Food And Work

We also examined the application of the Supreme Court's orders on the Right to Food and Work in Writ Petition 196/2001. According to the interim orders in this case, the State and Central Government are required to properly identify all families that are effected by scarcity and to provide them foodgrains or the cash to purchase food. The foodgrains and cash are to be provided through specific schemes of the Central Government viz. Targeted Public Distribution System, Antodaya Anna Yojana, Annapurna Scheme, Integrated Child Development Scheme, Midday Meal Scheme and the programmes under the National Social Assistance Scheme. In addition, the Supreme Court has also ordered that in situations of unemployment and distress the able bodied are to be provided work through the implementation of the Sampoorna Grameen Rozgar Yojana and are to be paid in cash and foodgrains. For the situation of hunger and starvation that exists in the closed tea plantations of North Bengal, proper implementation of these orders would therefore go a long way in relieving people's misery. Our observations on the implementation of the Supreme Court's orders are given below.

Below Poverty Line

✱ In our discussions and case studies, we found that families have had incomes as low as Rs.50 per head per month for the last 6 months. This level is far below the Planning Commission's 1999-2000

poverty line in West Bengal of Rs.350.19 per month per head for rural areas. It is also below the norm of Rs.274.35 that the West Bengal Government used in October 2002 for its survey of Below Poverty Line (BPL) families. In fact, when the survey was done in October 2003, 10 tea plantations in Jalpaiguri district were already locked out . In spite of this, none of the tea plantation workers or their families are listed as (BPL), though they have been unemployed and starving for the last 2-3 years.

✧ Some unions on the other hand contend that the workers are below poverty line even when the plantations are running and they are “fully employed”. The Jharkhand Cha Bagan Shramik Union provided us with a paper in which they show that the workers, in cash and kind , receive a monthly income ranging from Rs. 1509.21 to Rs. 1723.32 . This is in the best case scenario of a worker working on every single working day of the year. If we assume that each family has only five members, this is just about at the Planning Commission level of Rs.350.19 per capita per month. As all workers are bound to miss some working days every year, it can safely be assumed that the actual earnings of almost families are below this level and therefore, about 90% of families would emerge as being under the poverty line.

✧ As none of the families have been listed as BPL, in spite of starvation and hunger and malnutrition related deaths, most of the schemes identified by the Supreme Court to ensure Right to Food are not applicable to tea plantation workers. Thus, there are no ration shops from where they can get subsidised grain under TPDS and Antodaya Anna Yojana or free grain under Annapurna Yojana. In addition, the National Social Assistance Programme does not provide any relief to them.

✧ The above brings into question the entire methodology by which BPL status is being determined. As being on the BPL is essential to receive most entitlements under the Right to Food, such families are also being deprived of the Right to Food.

Temporary Extension of PDS

✧ In normal operating plantations, the garden management provides each permanent worker with a family ration card and provides him or her with a fixed amount of foodgrains @0.40p per kg. The management purchases these foodgrains from the FCI. In order to overcome the problem of the workers not being under the BPL and therefore not being covered by the Public Distribution System (PDS), the Jalpaiguri District Magistrate, after discussion with the FCI, Food Department, Unions and Management, sent a proposal for a continuation of this system to the State Government on 7th November, 2003. His contention was that foodgrains for these families are already available with the FCI, and therefore no additional allocation of foodgrains was involved. His suggestion was the family ration cards provided by the plantation management be treated as temporary BPL ration cards and that the workers be tagged to the concerned ration dealers directly. He suggested that the State Government provide subsidized food grains to the families against these cards. The State Government has not taken any decision on this suggestion so far.

Sampoorna Grameen Rozgar Yojana(SGRY)

As per the Supreme Court’s orders, the Government is to provide work for wages and food grains under the SGRY in distress situations such as the one that is prevailing in the tea plantations. Figures from the performance reports sent by the Government of West Bengal to the Advisor show that in 2002-03, Jalpaiguri district had utilised the funds in the following manner :-

Table 7 :- Performance of SGRY In Jalpaiguri District in 2002-03

Item	SGRY I (through Panchayats)	SGRY II (through district and blocks)	Total
Total Funds Received	1797.05	3018.78	4815.83
Funds Utilised	1030.49	1986.92	3017.41
Percentage of funds utilised	57%	66%	63%
Foodgrains available*	13.60613	38.55959	52.17
Foodgrains utilised by district	5.89193	22.965	28.86
Percentage of food grains utilised	43%	60%	55%

* Opening balance plus release by Central Government

Note :- Figures for foodgrains are given in metric tonnes and funds in Rs. lakhs

(From :- Monthly Progress Report under SGRY-I & SGRY-II during 2002-03 upto the month of March 2003, P & RD Deptt ,Govt. Of West Bengal)

In other words , inspite of the distress situation that has been prevailing in many plantations for over a year now, the Government of West Bengal did not utilise its funds under this scheme completely in the district of Jalpaiguri. 37% of the cash component of the SGRY scheme and 45 % of the grains lay unutilised even though people were at that time in a crisis and on the verge of starvation.

The performance in the present financial year has also not been much better. Firstly according to the monthly progress reports provided by the P & RD Department, the utilisation of funds available for the cash component under SGRY was as follows :-

Table 8 :- Monthly Utilisation Of SGRY Funds in 2003-2004

Month	% of Expenditure On Availability Of Fund	
	SGRY I (through Panchayats)	SGRY II (through district and blocks)
April 2003	17.68	15.12
May 2003	18.47	36.70
June 2003	20.96	24.93
July 2003	26.42	28.75
August 2003	41.00	43.35
September 2003	42.06	44.38
October 2003	51.00	51.98
November 2003	51.88	54.89

(From :- Monthly Progress Report under SGRY-I & SGRY-II during 2002-03 upto the month of November 2003, P & RD Deptt ,Govt. Of West Bengal)

This means that inspite of the ongoing crisis , the district administration has never really fully utilised the funds at its disposal to create work for the unemployed and hungry tea plantation workers.

The situation at the end of October 2003 was as follows :-

Table 9 :- Performance of SGRY in Jalpaiguri District in 2003-04 (upto November 2003)

Item	SGRY I (through Panchayats)	SGRY II (through district and blocks)	Total
Total Funds Received	1411.31	2409.22	3820.53
Funds Utilised	732.23	1322.32	2054.55
Percentage of funds utilised	52%	55%	54%
Foodgrains available*	8657.43	29781.99	38439.42
Foodgrains utilised by district	7118.25	14998.95	22117
Percentage of food grains utilised	82%	50%	57%

* Opening balance plus release by Central Government

Note :- Figures for foodgrains are given in metric tonnes and funds in Rs. lakhs

(From :- Performance Report under SGRY-I & SGRY-II during 2003-04 upto the month of November'03 , P & RD Deptt ,Govt. Of West Bengal)

Thus even till 1st December 2003, the district administration had sufficient resources, both in terms of cash (Rs. 1765.98 lakhs) and food grains (16322.22 metric tonnes) to provide the plantation workers with work under SGRY against cash and food grains.

According to the District Magistrate' report, at least 10 gardens were locked out by October 2002. However, SGRY works in these gardens were started only at the end of October 2003 i.e. a year to a year and a half after closure. Also, the average number of working days for which work has been created in 16 closed gardens by 29.12.03 was only 6 days per worker and the average amount that was transferred to the worker's families came to only Rs.88 per person. This amount is paltry and was far from sufficient to help the families survive.

Integrated Child Development Scheme(ICDS) and Mid Day Meal Scheme(MDMS)

As neither of these schemes requires beneficiaries to be on the BPL list, and as women and children are especially vulnerable in a situation of distress, we examined the functioning of these schemes in some detail. We found the following problems: -

No cooked meals under MDMS

The State Government inspite of repeated orders from the Supreme Court has not yet started cooked meals in all primary schools. In Jalpaiguri district, 200 schools only are providing cooked meals. In his letter dated 11th December 2003, the Nodal Officer In Kolkata mentions that the Jalpaiguri district administration is "planning to introduce cooked meals in all the primary schools falling within the said tea garden areas". The District Magistrate Jalpaiguri on the other hand has written on 24th December 2003 to the Principal Secretary School Education for "necessary approval and sanction for implementing cooked Midday meal Schemes in 21 schools in the closed tea garden areas." Till the 31st of December 2003 there were no signs of cooked meals being started.

Incomplete coverage of children

According to the Nodal Officer who wrote to the Advisor on 11th December, 2003, "all children in the age group six month to six years are already covered under the ICDS" in the closed gardens. However, we found this was not true in the plantations, as is clear from the examples below :-

✱ In Dheklapara TE, there is only one ICDS centre for the entire garden. Even this has been started in the last month or so. As Dheklapara has a population of 2234 persons, it probably had 200 or more children in this age group. According to the District Magistrate's office, the ICDS centre covers only 141 children. It can not cater to the division of the garden, which is quite some distance away from the main garden.

✱ In Ramjhora TE, we met the two ICDS workers. According to them, the centres are not able to reach out to all the labour lines in the garden and they are not able to cover all the children in the plantation.

✱ In Mujnai TE, there are 997 workers and 3748 people. There are 697 workers in the main plantation and 300 workers in the division, which is quite a distance away. The District office gave a table dated 26.12.03 that says there are 2 ICDS centres in the plantation. However, we were informed on 14.12.03 that there is only one ICDS centre in the main plantation and no ICDS centre in the division. The husband of the ICDS worker informed us that food was given regularly to children at the centre, but the pressure on the centre is considerable. It is doubtful whether this centre is able to cater to all the children in the main part of the plantation, while the children in the division are receiving no services at all.

✱ In Raimatong TE, the pharmacist of the plantation hospital informed us that there are 4 ICDS centres, but not all habitations are within reach of the centres. The supply of food at the centres is regular according to the pharmacist of the plantation.

✱ In Dheklapara, the Headmaster reported regular distribution of rice, though we had no time to check with the actual beneficiaries. He has given 24 kgs of rice for the entire year. Here also we found distribution was not regular in every month. For example, children received 9 kgs of rice in August for the months of March, May and July. Also, the school had given a requisition for 232 children from September 2003 onwards in order to include children from the Shishu Shiksha Kendra, but were still receiving rice for 197 children in December 2003. The District officials however gave us a statement that shows there are 231 children enrolled in the Dheklapara TE primary school.

Low Outreach to Pregnant and Lactating Mothers and Adolescent Girls

The report given from the District Magistrate's office shows low coverage of pregnant and lactating mothers in gardens that have been closed for a long time and where the problem is severe e.g. only 10 mothers in Kathalguri, 17 in Ramjhora and 13 in Mujnai. The ICDS Aganwari workers in Ramjhora informed us that they were not being able to reach out to all pregnant and lactating mothers. They also said that they had identified 72 adolescent girls under ICDS Centre No. 88 and 143 girls under Centre No. 87 who were below 35 kgs of weight and therefore eligible for a special nutrition programme. They had also sent their names to their higher authorities in July, but foodgrains had not been sanctioned for these girls as yet.

Irregular supply

✱ In Mujnai, there is a Government Shishu Shiksha Kendra, where children have received 9 kgs of dry rice in the past one year. This is much below the rule of 30 kgs in a year

✱ In three other plantations (Kathalguri, Kalchini and Raimatong) we received reports of children not going to primary school at all or of receiving 5-6 kgs in the past one year, generally in two instalments.

✱ In Ramjhora, the Headmaster of the primary school informed us that children had been given 12 kgs of rice in the past one year – 6 kgs of rice in January 2003 and another 6 kgs in December 2003.

✱ In Kalchini TE, the workers knew of 3 ICDS centres to cater to this huge number of children. *Khichidi* is served irregularly in these centres, generally 2-3 times in a week.

Insufficient Food

There is also the problem in the ICDS of insufficient quantity of food being given due to budgetary problems. The District officials informed us that the ICDS has a budget of 0.80p per child per day. The administration calls for tenders, and supplies food according to the supply it gets through the tenders. It is therefore not able to maintain the required standards. Thus, it would require 60-70 gms of rice and 20-25 gms of pulses to provide each child with the stipulated 400 calories and 9-12 grams of proteins. However, they are able to get only 40-45 gms of rice and 15-20 gms of pulses in the allotted amount of 0.80p.

Irregular, insufficient supply and non-coverage leading to deaths?

In Ramjhora, on checking the records of the ICDS Centres for the year 2003 we found that no food had been distributed in the ICDS centres for the following periods

- ▲ 26th December 2002 to 7th January 2003 - 11 days
- ▲ 17th March 2003 to 16th May 2003 - 60 days
- ▲ 29th May 2003 to 30th November 2003 - 183 days

Thus for 254 days out of 365 days, or for 70% of the year the ICDS centres did not provide food to children and pregnant and lactating mothers.

One of the ICDS centres (No.87) reported that 3 of their beneficiaries had died – Bobita Munda, a lactating mother and Mukesh Lohar (5 years old) and Upesh Lohar (3 years old), who lived just opposite the centre. All three died in September and October, when the feeding at the centre had been closed for some months. It could easily be concluded that the stoppage of this food contributed to their deaths due to hunger.

Similarly, Rajani Munda an 11 year old girl who died in Ramjhora went to the primary school .She would have been eligible for the mid day meal scheme . According to the ICDS worker, her name was also part of the list that she had sent for the expansion of the feeding programme of under weight adolescent girls. Here again we could assume that the Government's tardiness in the implementation of these programmes played a part in this death.

Coverage under Expanded Antodaya Anna Yojana

The Nodal Officer in his letter dated 11th December, 2003 says that "as many families as possible from this area will be covered under the enhanced Antodaya Anna Yojana." However, during the meeting with the District Magistrate and his officials, there seemed no such plan in the offing. We were informed that this might be a problem because choosing of new beneficiaries may lead to local tensions and also because Gram Sansad meetings , where beneficiaries had to be approved were already over in November and December 2003.

Unemployment Allowance

According to newspaper reports, the State Government is paying Rs.500 per month as unemployment allowance to workers in some tea plantations. We however, did not meet any such workers in the 6 plantations that we visited. Later, union leaders and the District Magistrate told us that the processing for this had not been completed.

Directions Sought

In view of the situation described above and our first report, we would request the following steps to be taken by the Supreme Court to alleviate the sufferings of the workers and their families in closed tea gardens: -

1. **Payment of Compensation:** - The crisis in the tea plantations is almost 2 years old. It is well known that people there are hungry and dying. The State Government has had the resources in the form of the 9 Central Government Schemes covered under the present Writ Petition. It was also duty bound by the Supreme Court's orders under the present petition to ensure that everyone received food and no one died of hunger. In spite of all this, it continues to be slow in its response. It has in some cases not ensured proper implementation even of existing schemes let alone provide additional resources. As a result, almost a thousand people have already died of hunger and neglect in these gardens. The State Government should therefore be asked to pay adequate compensation to each of the families where deaths have occurred. Until and unless such punitive measures are taken the State Government shall continue to neglect its responsibilities towards ordinary citizens.
2. **Emergency like steps:** - Considering the huge magnitude of the problem and the extent of deprivation, the State and Central Government should treat the situation as one of extreme emergency and should take steps that they would take in any humanitarian disaster. This sense of urgency is still missing in the Government's efforts though they have now begun to take some small steps.
3. **Extension of PDS temporarily:** - As none of the workers are in the BPL category, the facilities available under the PDS do not apply to them. On the other hand it is very necessary that large quantities of subsidized or free foodgrains be made available to them in order to prevent further deaths and hunger. The Jalpaiguri District Magistrate's proposal sent on 7th November 2003 to the State Government should therefore be put immediately into effect. Family ration cards provided by the management that are already available with each permanent worker should be treated as temporary BPL ration cards and subsidized food

grains should be provided to them against this by the State Government. We would further suggest that families that are identified as old and infirm or disabled in other ways should be given free food grains under the Antodaya Anna Yojana, and that all other families should be provided with food grains at Antodaya Anna Yojana rates. As and when the work situation improves (through more SGRY works for example) and when the gardens reopen, the State Government could switch to BPL rates or stop this facility altogether, when the management starts giving subsidized rations.

4. **Expansion of SGRY:** - According to its November 2003 report, the State Government has spent 54% of cash and 57% of foodgrains under the SGRY in Jalpaiguri district. Almost half of the funds for 2003-4 therefore remain unspent. The State Government should be asked to generate atleast 15-20 days of work per worker every month in the plantations. In case additional funds are required, the Central Government should be asked to make special provision. It should also be ensured that these funds are used for creation of community assets like afforestation, community kitchen gardens, repairing of roads etcetra, and not for upkeep of the plantation owner's assets.
5. **Cooked Meals Under MDMS:** - The State Government should cover all 21 schools in closed gardens with cooked meals under MDMS immediately.
6. **Total Coverage under the ICDS:** - Many children, adolescent girls and pregnant and lactating mothers are still outside the ambit of the ICDS centers. The State Government should ensure full coverage in the closed plantations.
7. **Dealing with defaulters:** - The owners of the tea gardens have defaulted on payment of wages and rations to workers, leaving each plantation with a backlog of many months. They have not deposited even the workers' money with the Provident Fund Commissioner let alone their own dues. They have also defaulted in payment of land revenue to the State Government. On the other hand the owners still have assets both in the closed garden and in other businesses that can be used to recover these dues. The State Government should therefore be asked to take legal steps necessary to recover these dues. Receives should be appointed for reluctant owners, and their assets should be sold off to pay amonus due to the workers as wages, provident fund etcetra.

Annexure 1

Persons whom we met: -

- Lakshman Rabi Das, worker of Kathalguri Tea Estate (TE)
- 4 other women workers of Kathalguri TE
- Shibshankar Dutta, Pharmacist, Raimatong TE
- Gyan Maya Chhetri, Head Nurse, Rahimatong TE
- Bandhain Oraon , worker from Kalchini TE
- Pompa Mijar, worker from Kalchini TE
- Lakshmi Majhi, worker from Kalchini TE
- Nagya Oraon, worker from Kalchini TE
- Phagu Baraik, worker from Kalchini TE
- Kalpana Maldehari, worker of Mujnai TE
- Sabita Maldehari, worker from Mujnai TE
- Ashis Biswas, Health Assistant, Mujnai TE
- Ajoy Bhattacharya, Head Clerk, Mujnai TE
- Dharampal Balmiki, hospital sweeper, Dheklapara TE
- Kana Tanti , fitter and presently Convenor of the plantation level workers' committee, Dheklapara TE
- Jagadish Munda , hospital staff member and Panchayat Samity member from the RSP , Dheklapara TE
- Rajaram Tanti , son of a hospital staff member, Dheklapara TE
- Headmaster, Dheklapara Primary School, Dheklapara TE
- Two primary school teachers from Dheklapara Primary School, Dheklapara TE
- Jhuma De, Nurse, Ramjhora TE
- Samir Das, Pharmacist, Ramjhora TE
- Birsa Oraon, Panchayat member, Ramjhora TE
- Nagi Munda, plantation worker, Ramjhora TE
- Chandramoni Lohar, plantation worker, Ramjhora TE
- Netai Halder, Headmaster, Ramjhora Primary School, Ramjhora TE
- Sabita, ICDS Centre worker, Center 88 Ramjhora TE
- Ketaki, ICDS Centre worker, Centre 87 Ramjhora TE
- Animesh Bose , Himalayan Nature and Adventure Foundation, Siliguri
- Nabendu Guha, Himalayan Nature and Adventure Foundation, Siliguri (also regional in charge of ETV)
- Bacchu Pandey, Jalpaiguri Welfare Organisation, Jalpaiguri
- Sanjay Chakraborti, Jalpaiguri Welfare Organisation, Jalpaiguri
- Indrajit Dey, Birpara Welfare Organisation, Jalpaiguri
- Partha Pratim Bose, Mahila Jagaran Manch, Banarhat
- Piya Mukherjee (check), Mahila Jagaran Manch, Banarhat and researcher from School of Women Studies, California University
- Abhijit Majumdar, CPI (ML) Liberation, Siliguri
- Bhaskar Nandi, CPI(ML) PCC, Jalpaiguri
- Ram Kumar Lama , RSP, Kalchini
- Suresh Talukdar, UTUC, Birpara
- Kumari Kujju, MLA, Madarihat constituency
- A. Subbaiah , District Magistrate, Jalpaiguri district, along with other officers of the district administration.