

A MITTAL PUBLICATION

PLANTATION WORKERS IN INDIA

ISSUES AND CHALLENGES

— Edited by —

AMIT BHOWMICK

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PLANTATION WORKERS IN TAMIL NADU: An Overview

J.MARIA PREMA

Introduction

Plantation industry in Tamilnadu has a significant role in providing major employment sources to the people including tribal living in hill areas. Of the total cultivated area in Tamilnadu, plantation crops are cultivated in about 77,469 hectares. The Tea industry in India employs more than 1.5 million workers. Tea is a labour intensive crop whereas, coffee is a seasonal crop and different activities associated during its growth period do not require a permanent labour force.

Coffee was a predominant crop in South India before tea replaced it. It was one of the earliest crops around which the plantation system of agriculture revolved. Much before coffee was cultivated as a commercial crop by the European enterprise, Indians, mainly South Indians were familiar with the crop. Nilgiris is the largest tea growing region in Tamil Nadu and South India as well. Around 69.5 percent of the district's total cultivable area of 77,469 hectares is under tea. At the national level, the district ranks sixth in terms of area under tea cultivation. Unlike Assam

and Darjeeling (where tea is a seasonal crop), tea is grown all the year around in Nilgiris. It is one of the main tea growing regions in India.

Plantation worker means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work. This can be skilled, unskilled, manual or clerical, but does not include- a medical officer employed in a plantation, employed in the plantations primarily in a managerial capacity or any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings according to *Sub Section by Act 34 of 1960*. Plantation economy, a colonial legacy was an important form of exploitation of resources in the colonies of imperial powers. In British India, among other plantation areas in the country, the Nilgiris was one such region where the Britishers introduced plantation crops. The agro- climatic conditions are highly favourable for plantation crops.

Small Tea Growers

It has been pointed out earlier that small tea growers play a vital role in tea cultivation of Nilgiris. The Nilgiris is known for its largest presence of small growers, an important feature of tea industry in Nilgiris. The cultivation in small sector is unique to this district. The government brought in quota system in order to regulate exports as it felt that unrestricted supply of tea caused fall in tea price. The small growers were also entitled to this. Since most of them were not in a position to manufacture their tea, they sold their tea leaves and export quota to the large plantations. They were mutually dependent. But things began to change after 1961, when quota system was withdrawn and the restrictions on the area were lifted.

There was no restriction on the area for tea cultivation, the large tea estate holders did not have to depend on the small growers. The small growers position began to deteriorate. They were economically weak and were not in a position to follow modern techniques in tea cultivation. Until early 1960's, these small land holders supplied their green leaf to the Private Bought Tea Factories. In order to help the small growers the State Government took efforts to set up co-operative tea factories.

The first industrial co-operative factory at Kundah commenced its production in 1962. These co-operative factories ensured

better prices for the small growers and also encouraged them to adopt better cultivation practices to increase the yield. Tea was promoted by the State because, it was a remunerative crop and it was also encouraged as it was considered as a good soil conservation measure. Moreover, it is relatively free from pest and disease and ensured a regular source of income to the planters. According to United Planters Association of South India (UPASI) report there are around 65,000 small growers in the Nilgiris district. Their holding varies from 25 cents to 20 acres. About 80 percent of the growers own land which is just 2.5 acres. These small tea gardens support around three lakh families and two lakh workers.

The small growers contribute to the production of 60 million kg of black tea while 25 million kg comes from the integrated factories of the large tea estates. Nilgiris accounts for one-tenth of the Indian tea output (in 1999), according to the Managing Director, Industrial Cooperative Tea Factories Federation Limited (INCOSERVE). Their contribution is quite significant in the production of black tea. Tea contributed to the economic prosperity of the region.

Impact of Globalization on Plantation sector

Globalization has a dominant feature of the world economy over the last decade, as more and more nations are becoming integrated into the global economy through trade and capital flows. The origin of Globalisation can be traced all the way back to the period of colonization in the 16th century. In fact some authors have said that if foreign trade and capital flows signify globalisation, the world we live in now has seen more globalisation between 1870- 1914 then we are experiencing today. During those days capital, trade, and labour were all free to move from one country to another. Many have observed that in the Globalisation that we see today, only capital is free; labour or human resources are not. The liberalization economy is said to have caused a demand and supply imbalance in tea trade. The arrival of tea from countries such as Sri Lanka, Kenya, Vietnam and Bangladesh have caused further set back to the domestic tea market in India.

The tea growers associations in the state have called upon the government and the trade unions to jointly evolve strategies to rescue the closed tea factories and to solve the crisis. They argue

that in the free import scenario, any further escalation in wages without corresponding increases in productivity would spell doom for the industry. The trade union leaders believe that slashing wages is a part of an attempt by the planters to use the crisis to exploit workers. Labour involvement and practice.

Tea is a labour intensive crop whereas, coffee is less labour intensive. Coffee is a seasonal crop and different activities associated during its growth period do not require a permanent labour force. More labour is required only during the month of March - April when coffee bears fruits. Need for labour is less when compared to tea cultivation. Unlike coffee, tea cultivation demands a continuous supply of labour and necessitates a permanent labour force in the estate". Plucking of tea leaves is an important activity which is done almost throughout the year.

In tea plantation plucking intervals are crucial. Plucking rounds fall at shorter intervals which are determined by the rate of tea enfoldment. Ideal plucking involves harvesting of two leaves and a bud. This is considered fine which makes the best quality tea. Plucking standard is an important aspect in determining the quality of processed leaf. During the colonial period, the planters were quite strict with the quality of leaves plucked, pointed out the informants in the larger tea estate. The annual labour requirement for tea cultivation is much higher than coffee, a seasonal crop. Total amount and frequency of labour demand vary with coffee and tea. In an established plantation, tea requires nearly 700 labour days/ha/year whereas coffee requires only 75 labour days/ha/year. The major activity that requires more labour in tea is plucking, which is followed by pruning and manuring. Among the three activities, plucking needs more labour and the demand is distributed throughout the year.

Migrant Labourers in Plantation

Introduction of commercial coffee and tea plantations during the colonial period, not only led to migration of Indian labourers to different countries from South Indian States, but also led to migration of people within one's own country to work in the plantation sector. When the tea plantations began to spread and started taking roots in Nilgiris, there were not many in the hills to help the planters to work in the plantations.

For the planters, it was not possible to recruit local labour. The native population, for example in Nilgiris, was small in number. They had their traditional occupation. It is pointed out that the local tribal population was not willing to attach itself to the plantations. As they were familiar with the area they only offered their services as guides or to find a route in the forest area. Migrant labourers came from districts like Trichy, Salem, Timmelveli, Pudukottai, Coimbatore and Chengelpet, Dharmapuri and also few from nearby Kerala and Karnataka States. Extreme poverty and lack of job opportunities, drought conditions must have driven the labourers from the plains to the plantations which were found in inhospitable terrain, according to a planter of another age.

Labour Absorption in Plantations

Plantations constitute the most labour enterprise in comparison with general agriculture and manufacturing industries. Among the plantation crops, tea is even more labour intensive, the rule of thumb being that it requires about three workers per hectare compared to about 1.5 in coffee and about 1 in rubber and coconut. The manufacturing dimension in tea is also of a much larger magnitude, with 60 per cent of the tea income being treated as agricultural in character and the balance 40 per cent as industrial in nature. A brief account of the agricultural and manufacturing dimensions of the plantation sector, with particular reference to aspects involving labour absorption in tea, is noted below. The objective of this discussion is to provide an insight into the various efficiency parameters that can be harnessed for improving the overall performance levels within the industry.

Wages

Wages mean all remuneration capable of being expressed in term of money, which would be payable to a person employed in respect of his employment or work done in such employment. It would be payable if the terms of the contract of Employment expressed or implied were fulfilled. As early as in the year 1860, Government of India passed the Employer's and Workmen's (Disputes) Act. This Act was an enabling measure and was designed to secure settlement of wage disputes by magistrates summarily. Along with this it also provided for penal sanctions for breaches of contract by workers. In the year 1929 the royal commission on Labour found that the Act had ceased to be used.

The Government therefore, replaced the Act in 1932. Coinciding with the adoption of the first ILO Convention (No.26) on the Minimum Wages, was the setting of the Royal Commission on Labour in India in 1929 to look into the issue. The Commission recommended minimum wages for Bidi making, wool cleaning, Mica Factories, shellac manufacturing and tanning and the statutory wage board for Tea Plantations. It should submitted its report in 1931. In the wake of these initiatives of the central Legislative Committee passed a resolution in 1938 urging the payment of 'sufficient wages' and fair treatment to workers employed in industries receiving protection or subsidy from the government. (John 1997).

Recommendations of Second Labour Commission

A national wage policy must bring within its purview problems of workers in the unorganised sectors who are not unionized. Therefore who have no bargaining strength. In fact the entire emphasis of Government wage policy should be on fixing minimum wages and implementing them for the workers in the unorganised sector. Fixing a national Minimum Wages for different jobs in the unorganised sector, revising these wages periodically, linking them to dearness allowance in order to prevent erosion in real wages and the assume much significance in this context. Government has to set up a proper machinery for fixing these wages and also ensuring that they are paid.

Male-Female Wages

There is now no longer any wage difference between men and women within the region. In India, West Bengal and the southern states started paying equal wages from 1976 but it was not until 1990 that women workers in Assam began to enjoy the same status as their male counterpart. Equal wages began to be paid in Sri Lanka in 1984 but it is reported that about 42 per cent of men still collect the wages of their spouse as well. (Sivaram, 2002).

Regional Wage Comparison

Wage comparison within the region is a difficult exercise, particularly in the face of diverse factors such as the state of the respective economies, levels of employment, bargaining power as between workers and employers, intervening role of the government, cost of living, rates of inflation, etc.

Welfare Measures and Related Issues

Welfare Administration

The Plantation Labour Act of 1951 undertakes a comprehensive coverage of the working and living conditions of workers in India. It is a central enactment but administered by the state governments through rules framed by them on the basis of a model provided by the union government. It regulates the hours of work, weekly days of rest, employment of women and children, annual and sickness leave, overtime work, etc.

The legislation also makes it obligatory for the employer to provide free of cost facilities such as housing, medical care, creche, canteen, education of children and protective clothing. A novel scheme is now in vogue in the state of Kerala whereby the devolution of planning process enables local administration with a greater share of backward communities to receive more funds for development activities. This move has stepped up the flow of state resources to plantation districts since estate workers come under this category. (ILO - Report, Geneva 1995).

Working Conditions and Labour Relations

Female Participation: Influenced by the relatively larger weight of tea that requires more women for harvesting the produce, South Asia has the largest participation of women workers. Country-wise, this is about 39 per cent of the workforce in Bangladesh, 49 per cent in India and 51 per cent in Sri Lanka. The high rate of female employment is because of:

- The traditional role of women in harvesting operations (notably tea plucking and rubber tapping).
- Institutional arrangements (such as creches for infant and child care).
- Resident labour which gives women more opportunities to work.
- Women are relatively easy to organise and manage, besides being less prone to strike, etc.

The independent economic status accorded to women workers in the tea industry is in refreshing contrast to the South Asian society that is otherwise male-dominated. Sociologists have observed that this feature enables a division of labour and cooperation between men and women, as also on the care of children, based on reciprocal relationships rather than on

gender domination and exploitation. This situation is markedly different from that prevailing in most rural households where women get little recognition simply because they do not get paid for the hard work put in by them.

Child labour: Child labour - both direct and indirect (helping parents) - is known to be in vogue in several plantation economies. This is notwithstanding legislation in most countries stipulating 14 years as the minimum age of employment. Within the region, there is little evidence in Sri Lanka and south India of direct recruitment of children below the age 14 on plantations. However, it is not uncommon to find children of various ages helping their parents and looking after siblings.

In Nepal, more than 10 per cent of the total labour force in tea plantations is composed of children of 8 to 15 years of age. A Tea Board of India review (*circa* 1987) referred to about 12 per cent of the workforce in Assam and 7.5 per cent in West Bengal being in the category of child and adolescent labor force. Subsequent data place the corresponding figures somewhat lower at 10 per cent and 6.5 per cent. Interestingly, a recent study suggests that the reportedly high figure of child labour, particularly in Assam, could be an overestimation "because a large section of child workers may not be children but adolescents or adults who are kept in the category of children in order to pay them lower wages".

Social Security and Labour Inspection: In Bangladesh, the operation of the Tea Plantation Labour Ordinance of 1962 enables the availability of medical care, occupational injury benefits and contributory provident fund benefits to plantation workers. The inspector of factories and establishments makes regular visits to plantations and initiates action against employers violating the legislation. However, the limited availability of staff hampers the inspection process.

In India, a plethora of legislation exists to protect the interests of plantation workers. Apart from the all-embracing Plantation Labour Act, several other enactments are applicable to plantations. These include the Industrial Disputes Act, Factories Act, Minimum Wages Act, Employees' Provident Fund Act, Industrial Employment Act, Maternity Benefits Act, Payment of Bonus Act, etc. Elaborate machinery also exists at the state level to implement these Acts and to arbitrate on disputes. The issue, therefore, is not that of inadequacy of legislation but the lack of proper and effective enforcement. That is what is needed.

All general social security legislation in Sri Lanka apply to plantation workers as well. Consequently, the Employee's Provident Fund and Employees' Trust Fund Schemes, Maternity Benefits Ordinance and Workmen's Compensation Ordinance are applicable to them. The Factory Ordinance provides for specific measures to ensure occupational safety. All pesticides are evaluated and registered with the Registrar of Pesticides and chemicals have to be labeled. Here again, the number of inspecting officers are insufficient to cope with the far-flung estates.

Social Security

Social security is a controversial and dynamic subject with various facts—philosophical, theoretical, humanitarian, financial, administrative, social, economic, political, statistical, actual, medical and legal. Friedlander defined social security as "a programme of protection provided by society against the contingencies of modern life - sickness, unemployment, old age, dependency, industrial accidents and invalidism against which the individual cannot be expected to protect himself and his family by his own ability or foresight".

It is not enough if an individual has foresight or assistance from members of his family and from his friends. These contingencies can impair of workers ability to support himself and his dependents decently and in a healthy manner. Therefore, supplementary comprehensive measures should be organized by society or by the state. All the industrial countries of the world have developed such supplementary comprehensive measures to promote the economic security and welfare of the individual worker and his family. These measures in general are called social security measures. The term 'social security' came into general use only after 1935, when the United States passed the Social Security Act. It was also mentioned in the Atlantic Charter of 1941. After this enactment, the concept of social security spread rapidly and was accepted throughout the world. Article 41 of the Constitution of India says "The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want".

The concept of social security has been incorporated in the early 'Vedas' which wish everyone happy, free from ill health,

enjoy a bright future and suffer no sorrow". It is, therefore a new name for an old aspiration. Today, it is based on the ideal of human dignity and social justice. The concept of social security varies from place to place and time to time. It has the following main characteristics. They are established by law or practice.

They provide some forms of cash payment to the individual to at least partly compensate for the loss of income. The benefits or services are provided in three major ways, viz., social insurance, social assistance and public services. In old days, economic security was accomplished through individual efforts. Gradually organized methods were developed to deal with economic insecurity due to contingencies. Since the beginning of industrial revolution upto 1880, three approaches were followed namely savings plans, private insurance and employment liability plan. In Europe to safeguard the interest of the workers, the responsibility was mainly accepted by the government, private charitable organization, the church and the workmen's associations, etc. The whole system was voluntary and insufficient. This led to the launching of social assistance and social insurance schemes.

Government Programmes

Jawahar Gram Samridhi Yojana (JGSY): JGSY was introduced in April 1999 by restructuring the Jawahar Rozgar Yojana and is being implemented as a centrally sponsored scheme on a cost sharing ratio of 75:25 between the Centre and States. The programme is implemented by Gram Panchayats and works which result in creation of durable productive community assets are taken up. The secondary objective, however, is generation of wage employment for the rural employment poor.

Swarnajayanti Gram Swarozgar Yojana (SGSY): SGSY was launched with effect from April 1, 1999 as a result of amalgamating certain erstwhile programmes viz Integrated Rural Development Programme (IRDP), Development of Women and Children in Rural Areas (DWCRA), Training of Rural Youth for Self Employment (TRYSEM), Million Wells Scheme (MWS) etc. into a single self employment programme. It aims at promoting micro-enterprises and helping the rural poor into Self Help Groups (SHG). This scheme covers all aspects of self-employment like organisation of rural poor into SHG and their capacity building, training, planning of activity clusters, infrastructure development, financial assistance through bank credit and subsidy and

marketing support etc. The scheme is being implemented as a Centrally Sponsored Scheme on a cost sharing ratio of 75:25 between the Centre and the States.

Employment Assurance Scheme (EAS): EAS was started on October 2, 1993 for implementation in 1778 identified backward Panchayat Samitis of 257 districts situated in drought prone areas, desert areas, tribal and hill areas in which the revamped public distribution system was in operation. It was subsequently expanded by 1997-98 to all the 5448 rural Panchayat Samitis of the country. It was restructured in 1999-2000 to make it a single wage employment programme and implemented as a Centrally Sponsored Scheme on a cost sharing ratio of 75:25.

Sampoorna Grameen Rozgar Yojana (SGRY): Launched w.e.f. September 2001, the scheme aims at providing wage employment in rural areas as also food security along with the creation of durable community, social and economic assets. The scheme is being implemented on a cost sharing ratio of 75:25 between the Centre and States. The ongoing Employment Assurance Scheme (EAS) and Jawahar Gram Samridhi Yojana (JGSY) would subsequently be fully integrated within the scheme with effect from April 1, 2002.

National Social Assistance Programme (NSAP): NSAP was introduced on 15 August, 1995 as a 100 per cent Centrally Sponsored Scheme for social assistance benefit to poor households affected by old age, death of primary bread earner and maternity care. The programme has three components i.e. National Old Age Pension Scheme (NOAPS), National Family Benefit Scheme (NFBS) and National Maternity Benefit Scheme (NMBS).

Pradhan Mantri Gramodya Yojana (PMGY): PMGY was introduced in 2000-01 with the objective of focusing on village level development in five critical areas i.e. health, primary education, drinking water, housing and rural roads, with the overall objective of improving the quality of life of people in the rural areas.

1. **Pradhan Mantri Gram Sadak Yojana (PMGSY):** PMGSY was launched on 25th December 2000 with the objective of providing road connectivity through good all weather roads to all rural habitations with a population of more than 1000 persons by the year 2003 and those with a

plantations life-long tend to give voluntary retirement and settle down in Coimbatore and Thiruppur. Tea estates are not attractive any more as a place for employment. There is shortage of labourers in the plantations. The Plantation Companies think it is not wise to recruit new labourers on permanent basis, as it would warrant payment of all kinds of social benefits as per the Plantation Labour Act, Industrial Dispute Act, Bonus Act and so on. One of the options left for the plantation companies was to go on for 'mechanization'.

But, technically, the topography of Nilgiris and the Anamalais, is said to be unsuitable for mechanization. This is one of the reasons why plantations are still employment abundant industries. Therefore, either they employ casual labourers from the plains, or make use of the local tribals who have not hitherto sought employment in the plantation sector. Generally, workers paid lower wages for increased workloads. They suffering hunger and malnutrition. They faced increasing job insecurity. Since the late 1990s atleast 60,000 workers have lost their jobs as tea prices has fallen and plantations have closed down. At least thousands of worker are threatened by further closures.

On the plantations that remain open, workers are suffering wage gets, tougher picking demands, increasing short term, insecure contracts and appalling living and working conditions. Pertaining to production and marketing, the multi national companies have dominant to our Indian industries. We cannot compete with them in order to production, fixation of prices. On the otherhand, the labour protection and safety measures are very limited in this liberalization policy. Moreover, liberalization and globalization policy which promotes and encourages only for capitalism and safer side of the owners. There is no norms and regulation about labour force and sustainability of labour and trade unionism. Only, their motive is drastical in capital market and redundancy profit for their business. So, this policy is never allowed to labour laws and other provisions of labour. Simply they measured about the terms of producing quantity of work done by labour, like contract basis.

Therefore, they are (plantation workers) unable to retain and continue to do work in plantations, where they are shifting to other type of work, like unskilled works in industrial areas. Automatically labour shortage is occurred in plantation. They approached to cheap labourer on the basis of migrant and vulnerable groups in Bihar, Madhya Pradesh, Tripura states through brokers. This can

be done through indirect broker system of labour (cheap labour) supply. But they don't have proper wage system and welfare measures. Due to encourage of contract basis labour system in plantation, the provisions of labour law is tough task and safety needs of labourer is not concentrate.

About permanent labour's working hour is too extend sometimes, because high productivity of estates. If coffee estate extra wage is given Rs.20 per extra 1.5 unit rather than actual working hour. Whereas, tea estate, extra wage is given Rs.2 per kg than actual working hours. This criteria is satisfy to the labourers but they are reporting that, during night hours they cannot access to such work (extra work).

Conclusion

According to trade union activities in plantation, there is no proper collective bargaining among unions and owners. Either, the owners (or) union leaders showed from the separate committee and this committee which will interact with labourers and estate management, regarding their needs, provisions welfare, and working hours (or) problems regarding work place. United Planters Association of South India Limited should concentrate and coordinate those activities and try to eliminate the activities of further more closure estates and shifting labourers from plantations to industrial areas. The scope of the preamble in the constitution, fundamental rights and directive principles of State Policy has been widely enlarged by the Supreme Court and various High Courts by way of judicial interpretations so much to guarantee right to livelihood under Fundamental Right to Life and Liberty. Both the developments in the area of constitutional interpretations and executive policy today recognize the minimum entitlements of the impoverished strata of Indian Society.

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