

Nature of Labour Welfare Laws in India with special reference to Tea industry of Assam

Onam Jindal

Research Scholar
Department of Business Administration
Assam University
Silchar-788011
Assam, India

Dr Ranjit Singh

Associate Professor
Department of Management Studies
Indian Institute of Information Technology
Allahabad-211012
Uttar Pradesh, India

Bhartrihari Pandiya

Research Scholar
Department of Management Studies
Indian Institute of Information Technology
Allahabad-211012
Uttar Pradesh, India

Chandrakant Upadhyaya

Research Scholar
Department of Management Studies
Indian Institute of Information Technology
Allahabad-211012
Uttar Pradesh, India

Abstract

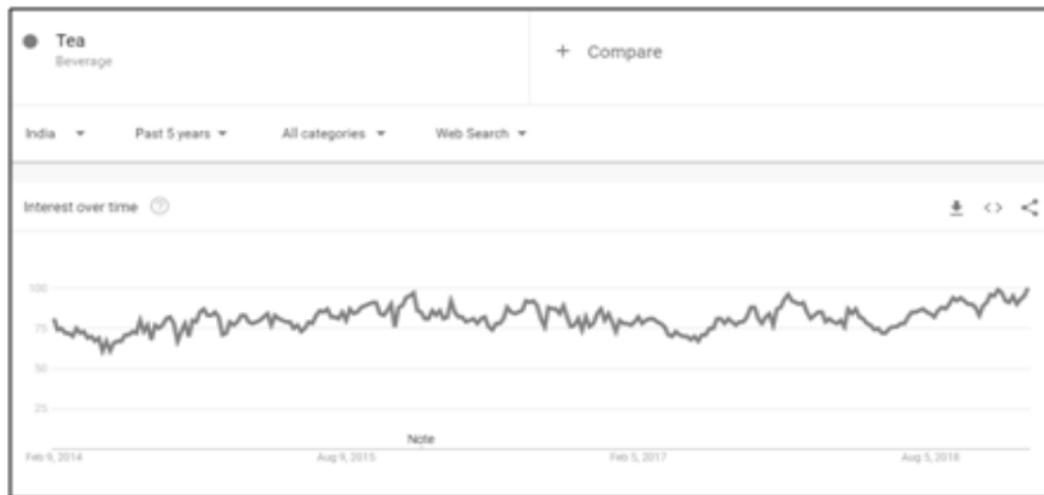
In India the history of commodity derivatives market has a long history, though a structured and exchange traded derivative trading is not more than a decade long. The derivatives market is established for the main purpose of hedging the price risk. Since the inception of derivatives, the concern of how much to hedge technically called the hedge ratio is widely debated and discussed. In present paper, we have empirically estimated the hedge ratio using three different methodologies viz. OLS, ECM and WAVELET Approach for ten agricultural commodities traded on NCDEX platform. The results witnessed reveal that wavelet hedge ratio is comparatively larger than OLS and ECM, and as we go on increasing the hedging horizon hedge ratio increases.

Keywords:

Derivatives, Price risk, Hedging horizon

Introduction

Tea is the cash crop in the state of Assam. It also has a cultural thread which connects the country. Speaking of volume, India is the largest producer and also the largest consumer of tea in the whole world. India produces around 27% of the world's total tea production which is 13% of the world trade in this commodity. The bulk of tea production which is around 75-80 % comes from Assam and West Bengal. But, due to the sluggish growth of tea production and gradual decline in domestic consumption, India's long dominance in the world market is taking a toll (Mitra, 1991). The impact is also visible in the world market scenario as the share of India has decreased drastically in spite of the expanding world market. The decreasing price of tea in both domestic and global arena is adding to the constant threat. This is also evident in Figure 1 as it shows the slow growth of tea as a beverage in spite of world growth. The graph depicts the stagnant condition of the tea industry in India for the last 5 years. The grave problem is due to the labour problems and change in climatic conditions to name a few. Elyse Petersen, CEO of Tealet- an online network of tea growers, retailers and wholesale buyers says that "An ethical tea company shouldn't keep all their ethics behind a label, instead, they should be sharing as much information as possible. A business owner that puts in the hard work to find ethical sources of tea will be proud to share every detail about the tea's origin."



Source: <https://trends.google.com/trends/explore?date=today%205-y&geo=IN&q=%2Fm%2F07clx>

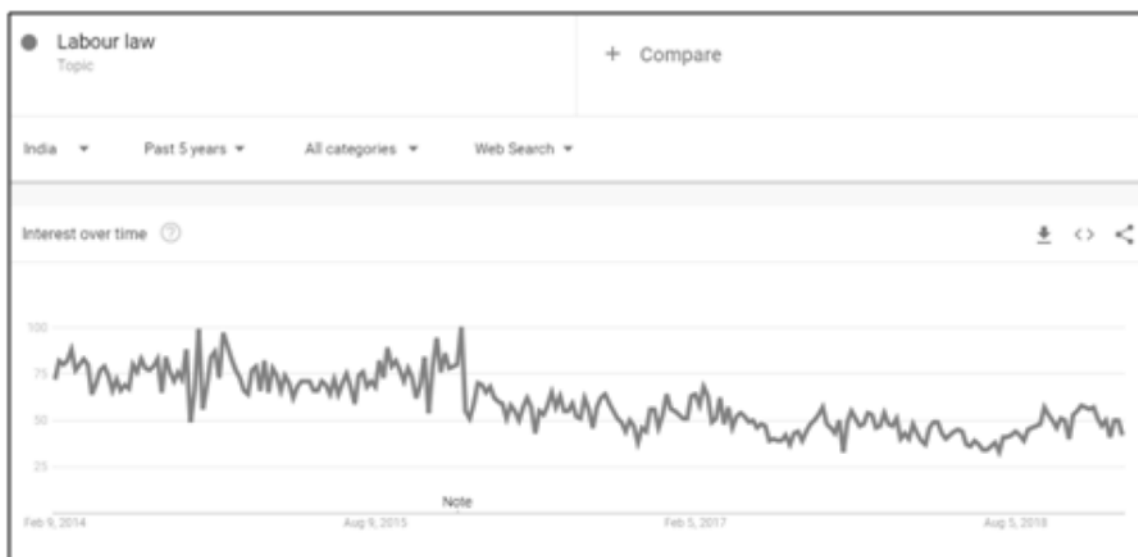
Figure 1: Google search trends regarding 'Tea Industry' in India last five years

Industrial relation regarding labour law

The business has its own laws but to protect the human resource some laws are required. The business laws ensure that there is an ethical business proceeding. Labour welfare focuses on refining the standard of living, security, knowledge advancement, affectivity among employees, in addition to the minute set requisites (Deodhar, 2007).

The biggest social issue that is troubling the sustainability in the tea industry is that of labor. The effort of tea production from the origin is quite labour intensive and exhausting. The tea tribe community which has traditionally done this labor work are in a very harsh conditions in some tea gardens. The labour in the tea market is not taken care of properly in many tea gardens

and they lack the ethical values which should be mandatory. Labour welfare should be provided in each tea garden. The term labour welfare is a very wide term. It includes in itself a very broad range of amenities pertaining to the areas of economics, morality, ethics, legal, education, medical amenities, etc. As the global economy is getting more integrated, more components are included in this definition thus making the term labour welfare a very comprehensive and dynamic one. Though the facilities offered may vary, the basic aim of the definition is to safeguard the interests of the employees and to provide them with basic facilities as per the terms of employment.” The trend of labour law is going down as it is evident from the Figure 1.2. It portrays the condition of labour law for the past 5 years in India.



Source: <https://trends.google.com/trends/explore?date=today%205-y&geo=IN&q=%2Fm%2F04qq5>

Figure 2: Google search trends regarding 'Labour law' in India last five years

Welfare, a progressive tool, was once well approved in 1931 (Gani, 1991). Essential aspects of labour welfare could also be discovered as the endeavor, which is generally undertaken inside the boundary or neighborhood of the commercial unit for the benefit and wellness of the labourers and their household (Mariappan, 2011). According to the Oxford Dictionary Labour Welfare can be defined as "efforts to make worth living for workers."

Labour welfare has a direct relation with growth. It helps boost the rate of national economic growth. It helps in improving the workers standard of living by providing access to essential amenities and prevention of labour oppression. It leads to favourable industrial between the employers and the labour unions thus assisting in resolving industrial disputes.

In India, the labour welfare schemes originated only after slavery was officially abolished in 1833. This led to the British importing Indian labour to support their manpower demands. This eventually led to the enactment of certain legislations protecting the interests of the labour community (Hasan, 1972).

In view of this, the Apprentices Act was implemented in 1850 with the sole motive to inculcate in the poor and needy children and orphans the art to learn craftsmanship thereby providing them means of sustenance. Other important acts that followed included the Fatal Accidents Act, 1853 wherein compensation was provided to the grieved families who lost their sole family provider in the event of "actionable wrong". The Merchant Shipping Act, 1859 was enacted with its main focus on the creation of employment and not on labour welfare.

International Labour Tribunal was the result of the First World War as well as the Second World War. Importance of labour welfare was acknowledged globally then. The Government of India amended the Factories Act. The effects of the Second World War saw the necessity of reforms needed in labour welfare as a result of India's increased production in all the sectors and thus several reforms uplifting the welfare conditions of the labourers were implemented (Joseph, 2009).

The post-Independence era after 1947 saw the Government of India devise strategies to boost the growth of the industrial sector. They acknowledge the direct correlation between labour welfare initiatives and the corresponding positive industrial growth trajectory. This led to further labour reforms and the amendment of the Factories Act, 1948 and the enactment of the Annual Five Year Action Plans that contained provisions pertaining to labour welfare (Planning Commission Report, 2010). Each five years plans have been focusing on the aspect of the welfare

of labours as well. There have been several acts and schemes launched in India for labour welfare. Some of them are general in nature and some are specific to certain industry such as mining industries, plantations industries, tea industries, construction industries etc. In this paper, the labour welfare schemes applicable to tea industry with special reference to Assam are dealt with.

The Tea industry in the Indian state of Assam dates back to roughly 170 years. It plays a very important role in the economy of the state and also of the nation as a whole. The tea industry in Assam is a huge employer as it provides an average daily employment to more than half a million individuals in the state. The total cultivable area under tea in Assam accounts for more than half of the total area under tea in the country. Assam produces more than 50% of the tea production in the country. Irrespective of the pros associated with tea production in Assam, there are numerous problems that have plagued the growth of it. Most of it is associated with poor welfare schemes such as inadequate housing, poor pay, poor infrastructure and limited social mobility. A number of tea gardens have been shut down due to other factors such as lack of storage, unfavorable climatic behaviors, pest issues and the market forces of pricing and demand and supply of tea.

The tea labourers employed in the tea plantations of Assam are believed to be amongst the most backward and exploited working class labour group. Instances of a rift between the workers and management are common and the workers are not provided even the basic amenities to work in the tea gardens.

Objective of the study

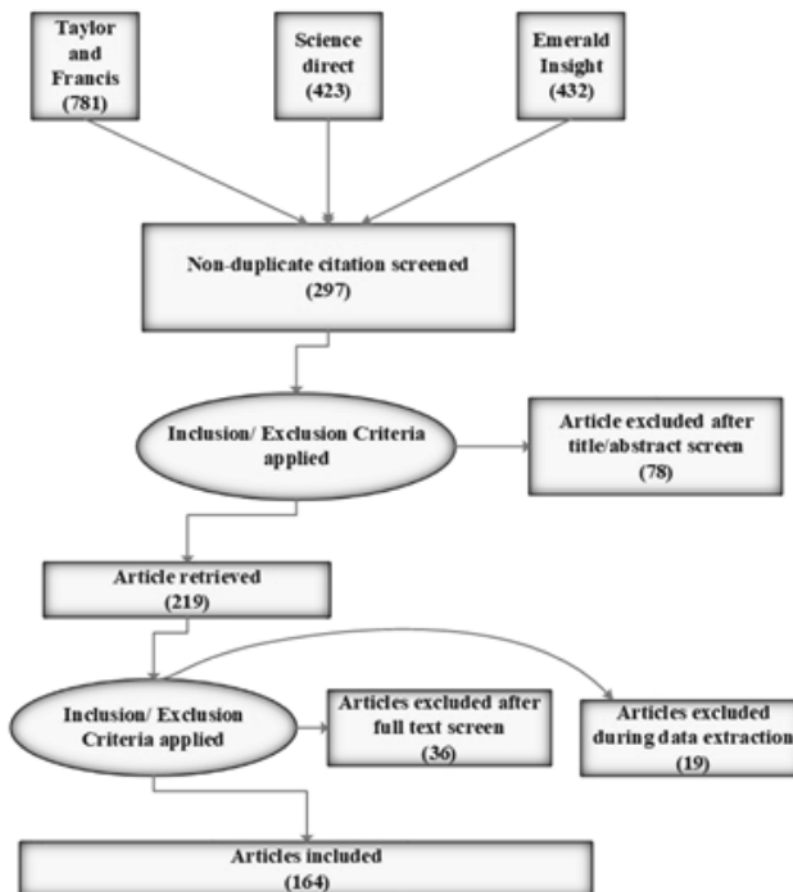
The objective of the present paper is to study in detail about the nature of various labour welfare schemes as available to the labourers of tea estates in India with special reference to Assam under various acts.

Research Methodology

The process of literature review and the methodology adopted have been discussed in this section. A thorough and comprehensive literature review was undertaken in the area of employer branding. The systematic and comprehensive literature review is based on the procedures given by (Dubey et al. 2017) and (Tranfield et al. 2003). The databases searched for literature review in this study are Web of Science, Science Direct and Emerald Insight. These databases are considered to be the best quality and quantity wise for academic journals and conference proceedings. Keywords such as "Tea Industry" and "Welfare Benefits" were used to fetch the results. The search for the keywords was done independently on Web of

Science and other databases using 'and' operator in the three reputed databases. The search syntax is shown in Table 1. The first stage search resulted in 781 journal articles when searched with the keywords “Tea Industry” and “Labour laws” along with “industrial relation” and “welfare benefits” in Taylor and Francis database on (August 23, 2018). In the Science Direct database, the result obtained was 423 with the keywords “decision making” and “participative structures” and “working conditions” and “tea industry” in India”. The same search was conducted in the huge database of Emerald Insight which yielded above 1000 responses. So, a second level search was initiated by adding keywords “working conditions” and “tea industry” and “labour laws” and finally 432 responses were yielded. Then, non duplicate citations were screened in “Mendeley” reference manager for all the databases combined. This resulted in 297 non duplicate citations. The next step was to apply inclusion/exclusion criteria as at this point of the evaluation. The initial inclusion criterion was that the articles must be totally written in English language, and the

keywords searched must be present in the title, subtitles and abstract of the articles and thus 78 were excluded. The studies must examine welfare benefits in the tea industry irrespective of any region in their theoretical or empirical studies. This led to the exclusion of meta-analyses, unpublished research comments, dissertations, master's theses and language publications not in English language along with studies that are not evaluating the above discussed issues. These articles have been reviewed to understand the work done in these areas. The research papers from all geographies were also studies to understand the dimensions in that industry. The results can be copied in their respective databases and crosses checked to provide the results, but as these databases are dynamic and actively updated, the results may vary in the number of documents (Gupta, Altay & Lou, 2017). So, these research papers were studied for identification of the welfare benefits which are provided in the tea industry and to what extent the laws are followed.



Source: Compiled by authors
Figure 3: Prisma Model

Table 1 : Search syntaxes on various digital database sources

Data Source	Search Syntaxes	Number of results obtained
Taylor and Francis	Title Search= "Tea Industry" AND "labour laws" AND "industrial relation" AND "decision" AND "welfare benefits" AND "India"	781
Science Direct	Title Search= "decision making" AND "policies and practices" AND "participative structures" AND "working conditions" AND "tea industry and India"	423
Emerald Insight	Title Search="Employer Branding" AND Title Search "Talent" and Title Search= "Asia" and Title Search="Generation Y"	432

Source: Compiled by authors' from various sources

The present study is descriptive in nature. The study relies on secondary sources of data which are collected from various journals, articles, newspapers, periodicals, reports, websites, Indian Constitutions, statutes, five year plans, etc. In this study, various provisions of labour welfare from Indian constitution, various judicial pronouncements of hon'ble Supreme Court of India, several notifications of Central government, several provisions created in the different five years plans are taken into consideration. Moreover, various acts enacted by the parliament of India and state legislature were also consulted and analyzed to ascertain the nature of labour welfare schemes in India.

Labour Rights under Indian Constitution

The Indian constitution through various articles focuses on the effective implementation and functioning of various labour statutes. The importance of labour self-respect and the protection of the interest of workers are preserved in Chapter III and Chapter IV of the Indian Constitution. This is in alignment with the Fundamental Rights and Directive Principles of State Policy of the constitution.

Welfare, among the labourers, is an important constituent in the Indian Constitution. It states that both the Union and the State Governments are competent to frame legislations on the matters pertaining to labour welfare and its administration.

There are various labour rights given to the workers through the Indian Constitution. Directly and indirectly, various articles protect labour rights; for example, Article 14 of the constitution of India protects labour rights by having right to equality.

In the case of *Randhir Singh vs. Union of India*, the Hon'ble Supreme Court held that it is the goal of the constitution to

ensure equality before law and therefore, the principle of 'equal pay for equal work', though not expressly declared by our constitution as a fundamental right, was declared as one of the fundamental rights as given under Article 14, 16 and 39(c). Thus, if there is any unequal scale of pay based on irrational classification, this right is enforceable.

Articles 21, 23, 24, 38, 39, 39-A, 41, 42, 43, 43-A and 47 of Indian Constitution provides an idea of the various conditions under which a labourer can be put for work. It is the duty of the government at both central level and state level to work towards labour welfare in congruence with the political and economic circumstances of the nation.

In the Directive principles of state policy, it is given that it is the duty of the State to encourage social welfare. It emphasizes upon securing all types of justice, i.e., social, economic and political and it should include all types of institutions. It focuses on providing security with respect to right to work, public assistance and education. It also provides for healthy and humane conditions of workspace and for maternity relief. It goes on for protection by appropriate legislation or economic actions to all the human resources living wage, conditions of work which ensures a decent standard of life. The directive principles of state policy give special importance to the promotion of cottage industries on an individual or cooperative basis in rural areas along with raising public health, standard of living and nutrition.

The Indian Constitution in Article 23 and 24 prohibits human trafficking and begging and other types of forced labour. It permits the employment of only those children who are of 14 years and above in factories and hazardous employment respectively.

The Indian Constitution in Article 39 place an imposition on the state to ensure adequate health provisions for labourers and to see that the tender age of the children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

The articles, though not directly but indirectly, protects the rights of a labourer. However, it is required to be implemented practically and the actions must be sought in case of avoidance of the principles.

Labour Welfare Policies and Five-Year Plans

The basic three requirements for a living are food, clothing and shelter. Granting of housing facility, support for the Bhoodan movement, labour cooperatives, minimum wages, etc. were put forward in the first plan for the welfare of agricultural workers.

The second plan focused on the socialist pattern of society. Industrial housing was given due importance in the second plan.

The Third Five Year Plan's main emphasis was to increase the effectiveness of workers at work. As a part of the reoriented policy, cooperative activity was identified as a labour welfare measures.

The Fourth Five-Year Plan has given due emphasis to the training of craftsmen, employment services and labour welfare (Report of the Second National Commission on Labour, Vol. 1 (Part 1), 2002).

The Sixth Plan focused on the implications of various rules and policy for the labours welfare and the worker in the organized sector. Seventh plan stressed upon the wage policy and the unorganized labour in all sectors.

The Eighth Plan also concentrated towards a better life in the unorganised sector. It focused on the quantitative as well as qualitative development of the status of labour (Report of the Second National Commission on Labour, Vol.1 (Part 1)).

The Ninth plan aimed towards creating employment among the people of agricultural and rural areas, which would reduce poverty, empowering women and disadvantaged groups, and educating children (Planning Commission, 1997).

The Tenth plan continued with the approach of poverty reduction, providing employment and education of children. Gender gaps and reduction in wage rate was also taken care in this plan and it was expected to reduce inequalities (The Times of India, 2002).

Reduction of gender inequality, environment

sustainability, higher education for the age group of 18-23 years, poverty reduction, clean drinking water and increase in agricultural growth was the main motive of the Eleventh five-year plan (Etienne, 2009).

The last plan that is the Twelfth plan aimed to achieve "faster, sustainable and more inclusive growth". This plan laid emphasis on taking care of the unorganised sector (Report of the Second National Commission on Labour, Vol.1 (Part 1)).

Labour Welfare by Government

For the welfare of the workers, the Government of India accumulates funds. These funds are used toward medical, housing and drinking water facilities and more. Welfare Organization under the Ministry of Labour directly looks into most of the activities whereas state government takes care of the credits and aids.

The Central Government is also keen on the social security of employees. In order to encourage welfare among the working class Central Government has taken up measure such as developing provident funds, Employees' State Insurance Scheme, pension and gratuity under various industrial housing schemes and laws (Tyagi, 2004).

In nearly all the States and Union Territories in India, Welfare Centers have been established to promote welfare activities for the workers and in a number of States, welfare funds have been constituted under the Acts. In these centers, facilities are provided for games, recreation library, etc.

The Governments at the Centre and in various States have taken an active part in labour welfare activities. However, much remains to be desired. The number of welfare centers in every State is too small, in relation to the vast size of country and the number of workers. More activities are also desired in the field of education and in child and maternity welfare centers. Medical facilities can be left to the Employees' State Insurance Corporation and Welfare Centers can expand other activities.

One great defect in running these welfare centers is that workers have little share in the management hierarchy and this is one of the important causes that these centers have not achieved great popularity and success. The importance and utility of such welfare centers are undoubtedly very great, because, in a country where the workers are still unable to look after their own interest, Government provides some welfare activities and also undertakes legislation to force the employers to undertake such activities (Saxena, 2005).

Labour Welfare Work by Municipalities

There are certain municipalities taking care of the welfare of workers. The Bombay Municipal Corporation has set up a Special Welfare Department through which it organizes 15 welfare centers (Tyagi, 2004). The Madras Municipal Corporation has set-up centers for adult education through night schools, crèche facility and canteen facility in the company's workshop. A nursery school is conducted where poor children get free mid-day meals in addition to milk. Co-operative Credit Societies are also run by the Madras Municipal Corporation. The Municipal Corporation of Calcutta has also provided somewhat similar facilities to the workers. The municipalities of Ajmer, Delhi and Kanpur have also made provisions of welfare facilities of the workers. All municipalities and corporations provide provident fund benefits. Many have made provision for retirement of gratuities as well (Tyagi, 2004).

Welfare Work by Employers

Dr. B.R. Seth observed that "The vast majority of industrialist in India still regard welfare work as a barren liability rather than a wise investment". In the beginning of 20th century, people were unreceptive to implement services for the employees, only a few came forward with the decision to inculcate these services. In 1915, medical services were initiated by appointing doctors and nurses by the Calico Mills in Ahmadabad. The industrial health department, Bombay, was actually a medical unit started by the TATAs in one of their mill in the year 1918. Further in 1920, housing and few others was begun by Lala Shri Ram of Delhi Cloth Mills, Delhi. The British India Corporation in Kanpur, Tata Steel Company in Jamshedpur, the Binny Mills in Madras, Empress Mills in Nagpur and Birla Mills in Delhi had introduced Labour Welfare Programs which was mentioned in the Report of Royal Commission on Labour in India in 1931 (Seth, 1942).

The various studies conducted in this field indicate that there has been growing realization on the part of the utility

of welfare work. Welfare work, at present, is not left onto the hands of the employer for employee's welfare. It is the legislation because of which the welfare activities are actually taking place. Already, canteens, crèches, rest shelters, pit-head baths in mines, etc., have been made mandatory under statutory obligations. The Government at the Central and State level is actively entering the field of labour welfare by providing welfare centers in industrial areas. Even so, there is still scope for individual employers, or their associations, for providing amenities and services for workers' welfare. Many enlightened employers, on their own initiative, have been doing their bit in the direction of workers' welfare, in different industries.

It has been noticed that the voluntary welfare work undertaken by employers, in many cases, has been done grudgingly and in a patronizing spirit. There has been very little real spirit of service, and things have usually come from them in ill-grace. Many workers look on the welfare work undertaken by the employers with suspicion. The fear has been expressed that unless the workers are on their guard, "welfare" may be substituted in effect for part of the wages. Such vindictive use of welfare activities must necessarily have unfortunate consequences in the long run (Saxena, 2005).

Labour Welfare Legislations

There are several labour welfare legislations passed by the parliament of India as well as various state legislatures. Some of them are such as the Factories Act, 1948; the Minimum Wages Act, 1948; The Equal Remuneration Act, 1976; the Payment of Wages Act, 1936; the Industrial Disputes Act, 1947; the Workmen Compensation Act, 1923; the Payment of Gratuity Act, 1972; etc. and many more. Four points have been focused of various acts. The natures of these acts are given under the following paragraphs:

Applicability of the Act

Table 1: Applicability of the Act

Acts	Whole of India	India except Jammu & Kashmir	Only Assam
Factories Act, 1948	Yes	-	-
Plantation Labour Act, 1951	-	Yes	-
Maternity Benefit Act, 1961	-	Yes	-
Workmen's Compensation Act, 1923	Yes	-	-
Payment of Wages Act, 1936	Yes	-	-
Payment of Bonus Act, 1965	Yes	-	-
Equal Remuneration Act, 1976	Yes	-	-
Payment of Gratuity Act, 1972	-	Yes	-
Assam Tea Plantation Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955	-	-	Yes
Assam Tea Employees Welfare Fund Act, 1959	-	-	Yes

Source: Extracted from the various provisions

All the acts are applicable to whole of India except the Plantation Labour Act, 1951; The Maternity Benefit Act, 1961; The Payment of Gratuity Act, 1972, which excludes the state of Jammu and Kashmir. Article 370 of the constitution gives Jammu and Kashmir the right to enjoy different status then the rest of India. Therefore, various acts enacted before implementation of the Constitution of India are applicable to whole of India such as the Workmen's Compensation Act, 1923; the Factories Act, 1948; the Payment of Wages Act, 1936. The Bonus Act,

1965 and the Equal Remuneration Act, 1976 were enacted after the implementation of constitution but still is applicable in the state of Jammu and Kashmir with the due consent of the state government. Thus, it is evident that being located in the state of Assam, the labour welfare schemes under the different acts are also applicable to tea industry in Assam.

i. Focuses on organized or unorganized sector

Table 2: Focuses on organized or unorganized sector

Acts	Organized sector	Unorganized sector
Factories Act, 1948	Yes	No
Plantation Labour Act, 1951	-	Yes
Maternity Benefit Act, 1961	Yes	Yes
Workmen's Compensation Act, 1923	Yes	Yes
Payment of Wages Act, 1936	Yes	Yes
Payment of Bonus Act, 1965	Yes	Yes
Equal Remuneration Act, 1976	Yes	Yes
Payment of Gratuity Act, 1972	Yes	Yes
Assam Tea Plantation Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955	Yes	Yes
Assam Tea Employees Welfare Fund Act, 1959	Yes	Yes

Source: Extracted from the various provisions

The works under factories are usually quiet organized as the raw work is already performed so it only focuses on the organized sector whereas the rest on the acts considers both organized and unorganized sector. Tea estates in Assam are under organized sector and unorganized sector both and hence it is clear that all the labour welfare schemes under different acts are applicable to the tea gardens and factories and all of them other than factories act are also applicable to

the unorganized tea gardens and factories. Since Factories Act is not applicable to unorganized sector, welfare provisions under Factories Act, 1948 are not implemented by the owners and cases of labour exploitation is often reported from these tea gardens.

Relief obtained from the Acts

Table 3: Relief from the Acts

Acts	Frequent Relief	Ones in Lifetime
Factories Act, 1948	Yes	-
Plantation Labour Act, 1951	Yes	-
Maternity Benefit Act, 1961	-	Yes (for two children)
Workmen's Compensation Act, 1923	Yes (Occasionally)	-
Payment of Wages Act, 1936	Yes (every time the wage is being paid)	-
Payment of Bonus Act, 1965	Yes (Yearly relief)	-
Equal Remuneration Act, 1976	Yes (every time the wage is being paid)	-
Payment of Gratuity Act, 1972	-	Yes
Assam Tea Plantation Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955	-	Yes
Assam Tea Employees Welfare Fund Act, 1959	Yes	

Source: Extracted from the various provisions

Some of the acts benefit labour every now and then whereas some provide very limited benefit. Retirement benefit, gratuity benefit, maternity benefit are occasionally like in case of retirement, gratuity is like a gift given to

employee on leaving only if he has served for continuous five years and maternity benefit is when a woman is expecting to give birth to a child. These provisions are equally applicable to tea estates as well.

i. Regular or Contract and Adhoc Workers

Table 4: Treatment of Regular, Contract and Adhoc Workers

Acts	Regular workers	Contract and Adhoc Workers
Factories Act, 1948	Treated differently	
Plantation Labour Act, 1951	Treated same	
Maternity Benefit Act, 1961	Treated same	
Workmen's Compensation Act, 1923	Treated same	
Payment of Wages Act, 1936	Treated same	
Payment of Bonus Act, 1965	Treated same	
Equal Remuneration Act, 1976	Treated differently	
Payment of Gratuity Act, 1972	It's difficult for contract and adhoc workers to complete five years of continuous service	
Assam Tea Plantation Provident Fund and Pension Fund and Deposit Linked Insurance Fund Scheme Act, 1955	Treated same	
Assam Tea Employees Welfare Fund Act, 1959	Treated same	

Source: Extracted from the various provisions

Contract and adhoc labours are treated differently in some of the acts such as Factories act, 1948, Equal remuneration act, 1976, Payment of Gratuity act, 1972 etc whereas in other acts all kinds of labourers are treated similarly. These acts and schemes are applicable to tea industry as well.

There are certain schemes and acts specifically designed for the labour welfare of tea industry especially in the state of Assam which is given in following paragraph.

Welfare Bodies Related to Assam

A. Tea Board of India

For the upliftment and continuing development and growth of tea industry Central Tea Board Act, 1949 was enforced. The Tea Act 1953 had replaced both the act i.e. Indian Tea Control Act, 1938 and the Central Tea Board Act, 1949. Thus the new act got its power from 1st April, 1954. Objectives of Tea Board are listed below:

- Tea is the main concern thus its manufacturing and promotion should be given due importance. Employees need to share a decent bond, have good knowledge and aims that enough research and development is done when it comes to assembly and advertisement of tea;
- The Tea board has the power to look into the matters

related the fabrication of tea leaves, publicizing about tea, import and export of tea; value to be fixed for the tea; and the contracts to be taken or not by planters and manufactures;

- The settlement of the clashes in relation to tea industry;
- Expanding of activities related to agriculture.

B. The Directorate for Welfare of Tea and Ex-Tea Garden Tribes, Assam

The workers in the tea gardens of Assam come all the way from West Bengal, Bihar, Orissa, Andhra Pradesh and Madhya Pradesh. The Government regards them as Other Backward Classes (OBC). There is a minimum of thousand tea gardens in Assam; productivity of tea contributes to the economy of India. Thus, the tea and ex tea garden tribe constitutes large population in the State with low literacy rate. The Directorate for Welfare of Tea and Ex-Tea Garden Tribes, Assam is doing the following activities:

- Socio-economic progress;
- Employment of tea tribes;
- Providing education at stages like the primary stage and the secondary stage and also higher stage and further.

- iv. Makes sure that development departments are delivering necessary features for a living.
- v. Monitoring development works at those zones occupied by the tea and ex-tea tribes.
- vi. Educating women about the formation of women Self Help Groups;
- vii. Providing Eco-friendly working environment;
- viii. Ensuring a perfect channel between Government departments and other various organizations that will help to solve the matters of the tea garden tribes at the earliest.

Judicial Response towards Various Labour Acts

It is established fact that Judiciary is the third organ of the Government in any democracy, ensuring the basic rights of the people. It aims to provide justice to the labours. The Supreme Court in protecting poor and the weakest of the weak, unorganized labour is very appreciating. Justice, labour welfare, minimum wages, freedom from bondage and dignity, social security, health and children are the issues incorporated. The following are some of the judicial pronouncements of Hon'ble Supreme Court of India in respect of labour welfare:

Table 5: Judicial Response towards Various Labour Acts

<i>Case</i>	<i>Issue</i>	<i>Judgement</i>
Crown Aluminium Works vs. Their Workmen (1958)	Employment of labour on wages which is insufficient for a good living.	A employer has to provide a minimum wage to his employees to conduct his enterprise (Labour Law Journal, 1958)
Peoples Union for Democratic Rights vs. Union of India (1982)	Issue of Fundamental right to equality, life and liberty; human trafficking and forced labour; employment of child labour.	The court observed that persons incapable of asking help from the Court due to poverty helplessness of disability or social and economic backwardness can be represented by any other person or organization. Minimum age needed to employ a child in construction work in 14 years. Equal pay for equal work need to be followed as per Article 14. Human dignity to workman must be ensured as per Article 21. Minimum wage must be paid as per minimum wages act and article 23, at construction work (Labour Law Journal, 1982).
Sanjit Roy vs. State of Rajasthan (1983)	Payment of minimum wages to the persons employed in Famine Relief Work.	The minimum wage criterion is to be followed in all situations even at scarce situation as they are totally dependent on this wage for living (All India Reporter, 1983).
Salal Hydro Electric Project vs. State of J&K (1983)	Implementation of labour welfare laws on the basis of letter to the then Chief Justice written by some person	All the rule and regulation made for the welfare of labour is required to be followed.
Bandhu Mukti Morcha vs. Union of India (1984)	Eradication of Bonded labour system	Bonded labour system was abolished to prevent abuse of the feeble section.
Neeraja Chaudhary Vs. Union of India (1984)	Rehabilitation of bonded labour	Spirit of Article 21 and 23 of the Constitution says that any kind of bonded labourers must be identified and released. After their release, they must be suitably rehabilitated so that they cannot be the bonded labour again otherwise the whole spirit of making India a bonded labour free country will be defeated (All India Reporter, 1984).
M.C. Mehta vs. State of Tamil Nadu (1991)	Employment of children in hazardous employment	Children can be involved in the packaging process if <small>It is done away from the manufacturing and all India Reporter, 1991.</small>
Steel Authority of India Ltd. vs. National Union Water Front Workers and Others (2001)	Absorption of Contract labour.	Contract workers have no right of automatic absorption, however, they will get preference in the employment when permanent workers are to be employed (Singhvi, 2001), (Labour Law Reporter, 2001).

Pramod Kumar Samal and Others vs. National Aluminium Company Ltd. and Others (2002)	Treatment of regular and ad-hoc employees.	Regular and contractual employees must be treated same when it comes to payment of wages (Labour Law Journal, 2002).
Calcutta Electric Supply Corporation vs. Subhash Chandra Bose (1992)	Civil and political rights of daily wagers.	Social, economic and cultural rights of tillers of the soil, wage earners, labourers, wood cutters, rickshaw pullers, scavengers and hut dwellers are not merely their cosmetic rights rather they are the means and relevant to realize the basic aspirations of meaningful right to life. The Court has taken a holistic view regarding health and labour welfare (All India Reporter, 1992).
Consumer Education and Research Centre vs. Union of India (1995)	Right to health as a part of right to livelihood and life under Article 21 read with Article 39 (e), 41, 43, 48-A of the Constitution.	Medical facilities are a must as it directly related to the health of the worker. The Apex court has declared right to health as part of right to livelihood and life (All India Reporter, 1995).
Saraspur Mills Co. Ltd. vs. RamanlalChimanlal (1973)	Right of workers employed by the contractor which is rendering its services to a company.	The Hon'ble Apex Court held that workers employed in a canteen even if run by a cooperative" societies were 'workers' as the occupier of the factory. Canteen is compulsory to be maintained under Section 46 of the Factories Act, 1948 (Supreme Court Reporter, 1973).
Indian Petrochemicals Corporation Ltd. and another vs. ShramicSena and Others (1999)	Rights of employee with respect to (i) recruitment (i!) seniority (iii) promotion (iv) retirement benefits, etc.	An instrumentality of the State has an obligation to conform to the requirements of Articles 14 and 16 of the Constitution; (ii) In spite of the same, the services of the workmen are being regularized by the Supreme Court not as a matter of right of workmen but with a view to eradicate unfair labour practices and bring equity to undo social injustice (Supreme Court Case, 1999).

Source: Collected from various Journals and Report

Thus, it is evident that Hon'ble Supreme court of India, from time to time, has enforced the various labour welfare schemes and laws. It is protecting the various rights given under several provisions of the constitution of India and the same rights given to the workers is defined and re-defined by the court from time to time.

Conclusion

The primary objective is to understand in detail the nature of distinct acts and schemes concerning the labour welfare in India with a special reference to tea industry of Assam, India. All welfare measures aim to furnish a greater lifestyle and dealing with conditions pertaining to labourers negative working stipulations influencing labour in a pathetic situation. The more than a few acts and schemes goals to dispose of gender discrimination and paying equal remuneration for the work performed for what they deserve. Economic assistance, educational help and training are supplied to motivate the wards of the workers. Labourers get compensated for what they deserve and wages are paid for what they do. Directly or indirectly

all acts and schemes propose toward the welfare of labours' and providing them a greater society to live.

Article 370 of the constitution gives Jammu and Kashmir the right to enjoy different status then the rest of India. Therefore, various acts enacted before implementation of the Constitution of India are applicable to whole of India whereas the acts after the implementation of Constitution are not applicable in the state of Jammu and Kashmir without the due consent of the state government.

The labour welfare has been aimed toward increasing productivity and affectivity of staff as a satisfied labour will be more punctual and dedicated (Schultz, George, & Coleman, 2003). Labour is a subject, taken care by government both by the state and central level, in the Indian Constitution. Uniformity in payment for same kind of work is the goal of the constitution but is not the fundamental right because of unequal scales of pay based on irrational classification. The constitution does not allow child labour, forced labour and trafficking of human being. Five year plans also aims towards better life of the labours by

fulfilling their day-to-day needs. No discrimination must be made in that for the same work same wage is to be paid. All the acts are framed in such a way that it leads to the well-being and upliftment of the labourers.

The idea and observation on Labour welfare is very energetic, lively and strong (Ali, 2002). Labour welfare is inquisitive and time bound with numerous advantages and facilities given to the labourers through organizational aid (Sivarethnamohan, 2005). Labour welfare focuses on refining the standard of living, security, knowledge advancement, affectivity among employees, in addition to the minute set requisites (Deodhar, 2007).

In India, the mechanism of offering welfare tactics to labourers incorporates statutory and voluntary measures (Panekar & Deodhar, 1999). The statutory framework and collective agreements between events prescribe the minimum ambitions to be accomplished for welfare measures and routine (Bhattacharya, 2003). It is, therefore, strongly observed that all employers of tea plantation industry of the state should implement all the above-mentioned Welfare and Social Security Schemes in full. However it has been observed from field study that certain measures of Welfare Schemes has been undertaken by employers even though it can be said that there is sufficient scope to enhance and augment the Welfare Schemes in tea gardens for the greater interest of employers as well as workers. As all these schemes are welfare oriented to the toiling masses, which has got direct relation to maintain and increase the efficiency of workers.

References

- Ali, E. (2002). Labour Welfare (2nd ed.). Everest Publishing House.
- Bhattacharya, V. (2003). Some Aspects of Social Security Measures in India (3rd ed.) Delhi: Metropoliton Book Co.
- Deodhar, P. (2007). Labour Welfare, Trade Unionism and Industrial Relations (1sted.). New Delhi: Himalaya Publishing House.
- Dubey, R., Gunasekaran, A., Childe, S. J., Papadopoulos, T., & Fosso Wamba, S. (2017). World class sustainable supply chain management: Critical review and further research directions. *The International Journal of Logistics Management*, 28(2), 332-362.
- Etienne, G. (2009, August 31). Mainstream Weekly. Retrieved March 25, 2018, from Mainstream Weekly: www.mainstreamweekly.net/article1600.html
- Gani, A. (1991). Personal Challenges by 200 AD. *Indian Management*, 30(1), 37.
- Gupta, S., Altay, N. and Luo, Z., (2017). Big data in humanitarian supply chain management: a review and further research directions. *Annals of Operations Research*, 1-21.
- Hasan, Z. (1972). The principle of profit maximisation reconsidered. *Indian Economic Journal*, 20(1), 62.
- Jetli, N. (2006). India: Manpower, Employment Policy and Labour Welfare (1st ed.). Delhi: New Century Publication.
- Joseph, B., Injodey, J., & Varghese, R. (2009). Labour welfare in India. *Journal of Workplace Behavioral Health*, 24(1-2), 221-242.
- Kumar, A. (2003). Labour Welfare and Social Security (2nd ed.). New Delhi: Deep and Deep Publication.
- Mamoria, C., & Mamoria, S. (1990). Labour Welfare, Social Security and Industrial Peace in India (2nd ed.). New Delhi: Kitab Mahal Distributors.
- Mariappan, K. (2011). Employment Policy and Labour Welfare in India (2nd ed.) New Delhi: New Century Publications.
- Mitra, N. (1991). Indian Tea Industry: Problems and Policies. *Economic and Political Weekly*, M153-M156.
- Panekar, S., & Deodhar, S. (1999). Labour Welfare, Trade Unionism and Industrial Relations (2nd ed.). Delhi: Himalaya Publishing House.
- Planning Commission. (1997). Retrieved March 25, 2018, from Planning Commission: planningcommission.nic.in/plans/planrel/fiveyr/9th/vol1/v1c1-2.htm
- Rawat, B. (2001). Labour Welfarism in India: Problems and Prospects (1st ed.) Jaipur: RBSA Publishers.
- Report of the Second National Commission on Labour, Vol.1 (Part 1). 2002.
- Saxena, R. (2005). Labour Problems and Social Welfare (1st ed.). Meerut: K. Nath and Company education Publishing and Printers.
- Schultz, P., George, & Coleman. (2003). Labour Problems: Cases and Readings (1sted.). New York: Mc Graw Hill Book Company NC.

- Seth, B. (1942, June). Labour Welfare Work- U.P. Labour Bulletin.
- Sharma, A. M. (2001). Aspects of Labour Welfare and Social Security (1st ed.) Mumbai: Himalayan Publication.
- Sivarethinamohan, R. (2005). Industrial Relations and Labour Welfare (3rd ed.). New Delhi: PHI Learning Pvt. Ltd.
- Tranfield, D., Denyer, D., & Smart, P. (2003). Towards a methodology for developing evidence informed management knowledge by means of systematic review. *British journal of management*, 14(3), 207-222.
- Tyagi, O.S. "Rural livelihood: Issues of continuous presence", 2004 www.isidelhi.org/rdu.htm
- The Times of India. (2002, December 21). The Times of India. Retrieved March 25, 2018, from The Times of India: <https://timesofindia.com/business/india-business/Highlights-of-the-10th-Five-Year-Plan/articleshow/319676>
- (1980). Chapter -III, Section 11 to 20, The Factories Act 1948.
- (1980). Section 18(1), The Factories Act, 1948.
- (1980). Section 18(3), The Factories Act, 1948.
- (1980). Chapter -IV, Section 21 to 41, The Factories Act, 1948.
- (1980). Section 23, The Factories Act, 1948.
- (1980). Chapter-V, Section 42to 48, The Factories Act, 1948.
- (1980). Section 50(b), The Factories Act, 1948.
- (1951). Section 32, Plantation Labour Act.
- Section 11(1), Plantation Labour Act, 1951.
- (1951). Section 12, Plantation Labour Act.
- Section 8, Plantation Labour Act. 1951.
- (1951). Section 18, Plantation Labour Act.
- (1951). Section 15(a), Plantation Labour Act.
- Labour Law Journal. (1958). 1, 1.
- Labour Law Journal. (1982). 2, 454.
- (1983). All India Reporter. Supreme Court.
- Neeraja Chaudhary v. State of M.P., p. 1099 (Supreme Court 1984).
- All India Reporter. (1991). Supreme Court.
- Singhvi, S. (2001). A Raw Deal for Contract Labour. In *Labour File Dec.*
- Labour Law Reporter. (2001). III, 349.
- Labour Law Journal. (2002). Labour Law Journal, III, 657.
- All India Reporter. (1992). Supreme Court.
- All India Reporter. (1995). Supreme Court.
- Supreme Court Reporter. (1973). 3, 967.
- Supreme Court Case. (1999). 6, p. 439